

**Enterprise Municipal Code
Title 17 – Zoning**

**Title 17
ZONING**

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**Chapter 17-04
GENERAL PROVISIONS**

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17-04-010 TITLE.

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This title shall be known as "the planning and zoning ordinance of Enterprise," and may be so cited and pleaded. (Ord. dated 5/14/82 §12-001)

17-04-020 PURPOSE.

This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Enterprise, Utah, including among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the agricultural and other industries, the utilization of solar energy and other local energy resources, and the protection of urban development. (Ord. dated 5/14/82 §12-002)

17-04-030 INTERPRETATION.

In interpreting and applying the provisions of this title, the requirements contained in this title are declared to be the minimum requirements for the purposes set forth (Ord. dated 5/14/82 §12-003)

17-04-035 DEFINITIONS.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure," the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupies, the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, or parcel. Words used in this title but not defined in this section shall have the meaning as defined in any other ordinance adopted by the local jurisdiction.

"Accessory use or building" means a use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building.

"Agent of owner" means any person who can show written proof that he is acting for the property owner and with the property owner's knowledge and permission.

"Agricultural industry or business" means an industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the planning commission.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture and gardening, commercial greenhouses; breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, or similar uses.

"Alley" means a public access-way less than twenty-six feet in width, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this title.

Alterations, Structural. "Structural alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

"Apartment house" means any building arranged, intended or designed to be used or occupied by three or more families living independently of each other.

"Architectural projection" means any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

"Automatic car wash" means a facility for automatic or self-service washing and cleaning of automobiles and trucks.

"Automobile paint shop" means a facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.

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"Automobile sales area" means an open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.

"Automobile service station" means a place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.

"Average percent of slope" means an expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land within an area or within a lot. A vertical rise of one hundred feet between two points, one hundred feet apart, measured on a horizontal plane is a one hundred percent slope.

"Basement" means a story whose floor is more than twelve inches below the average level of the adjoining ground, but where no more than one-half of its floor-to-ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purpose of side-yard determination.

"Basement house" means a residential structure without a full story structure above grade.

"Beginning of construction" means the pouring of concrete footings for a building or structure.

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

"Body and repair shop" means a facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders, and including rebuilding. The shop may include general repair, rebuilding or reconditioning of engines to all of the above mentioned vehicles. Such shop may also include incidental storage, care, washing or sale of automobiles.

"Building" means any structure having a roof supported by columns or walls and intended or used for the shelter, housing or enclosure of persons, animals or chattels.

Building, Accessory. "Accessory building" means a building which is subordinate to, and the use of which is incidental to, that of the main building or use on the same lot.

Building, Height of. "Height of building" means the vertical distance from the average finished grade surface to the highest point of the building roof or coping.

"Building inspector" means the official designated as the building inspector for the local jurisdiction by the governing body. The building inspector may also be the zoning administrator, if so designated.

"Camping" means a temporary establishment of living facilities such as tents or recreational coaches as regulated by this title.

"Carport" means a private garage not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all the regulations prescribed for a private garage.

"Cellar" means a room or rooms wholly under the surface of the ground, or having more than fifty percent of its floor to ceiling height under the average level of the adjoining ground.

"Child nursery" means an establishment for the care and/or the instruction of five or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.

"Church" means a building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble to worship.

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

"Conditional use" means a use of land for which a conditional use permit is required, pursuant to this title.

"Corral" means a space, other than a building, less than one acre in area, or less than one hundred feet in width, used for the confinement of animals or fowl.

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"Court" means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

Coverage, Building. **"Building coverage"** means the percent of the total site area covered by buildings.

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

"Dairy" means a commercial establishment for the manufacture, processing or packaging of dairy products, and their sale; for purposes of this definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.

"District" means a portion of the territory of the local jurisdiction, established as a zoning district by this title, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title; also includes "zone," and "zoning district."

"Driveway" means a private roadway, the use of which is limited to persons residing, or otherwise using or visiting the parcel on which the driveway is located.

"Dwelling" means any building or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, motel, hospital, or nursing home.

Dwelling, Farm or Ranch Housing. **"Farm or ranch housing dwelling"** means dwelling units constructed to provide housing for persons permanently working on a farm or ranch.

"Dwelling group" means a group of two or more detached buildings used as dwellings, located on a lot or parcel of land.

Dwelling, Multiple-Family. **"Multiple-family dwelling"** means a building arranged or designed to be occupied by more than two families, and having more than two dwelling units.

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

Dwelling, Two-Family. **"Two-family dwelling"** means a building arranged or designed to be occupied by two families, the structure having only two dwelling units, also described as a duplex.

"Dwelling unit" means one or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having one but not more than one kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

"Easement" means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on or above said lot or lots.

"Family" means an individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

"Family food production" means the keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises.

"Flood hazard" means a hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses.

"Floor area" means the area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

"Forest industry" means an industry which uses forest products, such as sawmill, pulp or paper plant, wood products plant, and similar uses.

Frontage, Block. **"Block frontage"** means all property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall

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determine only the boundary of the frontage on the side of the street which it intercepts or that common line between a lot and a public street.

Frontage, Lot. "**Lot frontage**" means the lineal measurement of the front lot line.

Garage, Private. "**Private garage**" means a detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles.

"Grade" means: For buildings adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining the street. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building. Any wall parallel to and not more than five feet from a street line is to be considered as adjoining the street.

"Governing body" means the elected legislative body of the local jurisdiction.

"Home occupation" means any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade, nor any employees. A home occupation shall not include sale of commodities except those produced on the premises. Home occupation shall include the use of the home by a physician, surgeon, dentist, lawyer, clergyman, engineer, barber, beautician, or other professional trade or profession. Home occupation shall include the care of not more than six children other than members of the family residing in the dwelling. In all cases where a home occupation is engaged in, there shall be no advertising of said occupation, no window displays, or signs except as hereinafter permitted, and no employees employed.

Home occupation *shall not* be interpreted to include the following: commercial stables; kennels; real estate offices other than an individual in his own home as outlined above; band instrument instruction in groups.

"Hospital" means an institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums and clinics.

"Hotel" means a building designed for or occupied as the more or less temporary abiding place of ten or more individuals who are, for compensation, lodged, with or without meals.

"Household pets" means animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this title. Household pets may include up to 10 (ten) chickens, provided they are confined to the owner's lot, but no roosters. Household pets may also include the keeping of not more than ten pairs of chinchillas, but not including the keeping of normally dangerous animals, such as lions or tigers.

"Inundation" means ponded water or water in motion of sufficient depth or velocity to damage property, due to the presence of the water or to the deposit of silt.

"Junk" means old and scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; dismantled, junked, or wrecked automobiles or parts thereof; and old or scrap ferrous or nonferrous metal materials.

"Junkyard" means the use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

"Kennel" means any premises where three or more dogs older than four months are kept, except that more than three of such dogs may be kept in the rural residential, agricultural and multiple use districts as accessory uses to a use allowed in the district.

"Local attorney" means the attorney employed by or officially representing the local jurisdiction.

"Local building inspector" means the building inspector employed by or officially representing the local jurisdiction.

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"Local engineer" means the engineer employed by or officially representing the local jurisdiction.

"Local health officer" means the health officer of department employed by or officially representing the local jurisdiction.

"Local jurisdiction" means Enterprise, Utah. **"Local planner"** means the planner employed by or officially representing the local jurisdiction.

"Lot" means a parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three or more smaller units.

Lot, Corner. "Corner lot" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees.

"Lot depth" means the horizontal distance between the front and the rear lot lines measured in the main direction of the side lot line.

Lot, Interior. "Interior lot" means a lot other than a corner lot.

"Manufactured home" means a structure built after June 16, 1976, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Mobile home" means a structure built prior to June 15, 1976, transportable in one or more sections, which is eight body feet or more in width and thirty-two body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Mobile home awning or cover" means a lightweight, overhead structure used in conjunction with a mobile home for the purpose of shading or weather protection of areas such as carports, patios, porches, windows and similar uses.

"Mobile home Park" means an approved residential development together with certain accessory buildings and uses providing for the enjoyment and benefit of the residents of the park, in which individual spaces are provided for the placement of a mobile home for a dwelling unit or sleeping purposes, whether or not a charge is made for such accommodations.

"Mobile home space" means a parcel of land within an approved mobile home park which is designed and intended for the accommodation of one mobile home.

"Mobile home subdivision" means a residential subdivision as shown in the records of the Washington County Recorder's office designated and approved in accordance with the subdivision ordinance of Enterprise City, together with certain accessory buildings and uses providing for the enjoyment and benefit of the residents of the subdivision in which individual ownership of a lot is permitted for the placement of one mobile home for a dwelling unit or sleeping purposes.

"Modular home" means a structure built in accordance with the standards set forth in the Uniform Building Code adopted and in effect at the time of construction which is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

"Motel" means a building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

"Nonconforming building or structure" means a building or a structure which does not conform to the regulations for height, coverage or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

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"Nonconforming use" means the use of a building or structure or land which does not conform to use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.

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

"Official map" means a map which has been adopted as the official map of the local jurisdiction, showing existing public streets, streets on plats of subdivisions which have been approved by the planning commission, and/or other street extensions, widening, narrowing, or vacations which have been accurately surveyed and definitely located.

"Off-street parking space" means the space required to park one passenger vehicle, which space shall meet the requirements of this title.

"Open space" means the area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of planned unit developments.

Open Space, Usable. "Usable open space" means any portion of a lot or building which meets all the following conditions:

The space shall be open to the sky or shall be open to view on at least two sides.

The space shall be readily accessible by foot traffic from the dwelling unit to which it is accessory.

If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the zoning administrator to assure reasonable safe usage by children and adults.

The space shall not be provided from any required front or side yard, parking area, or driveway space.

"Passive solar energy system" means a solar energy system that uses natural and architectural components to collect and store solar energy without using any external mechanical power.

Pedestrian-Way. See "Cross-walk."

"Planned district" means a zoning district, the boundaries of which are to be shown on the zoning map, but the regulations for which shall be determined by a general development plan to be adopted by the governing body as part of the zoning ordinance, after public hearing, as required for other zoning district.

"Plot plan" means a plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing building or buildings or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the planning commission.

"Recreational home" means a structure built in accordance with the standards set forth in the Uniform Building Code for which the building official has issued a building permit and inspected and approved the structure for occupancy. A recreational home shall not exceed a total of five hundred sixty square feet of space as measured inside the exterior walls. In the case where the structure is prefabricated outside the City limits of Enterprise City, the applicant for a building permit shall obtain a certificate of approval as allowed under Section 5006 of the Uniform Building Code indicating compliance with such code.

Recreational homes are restricted to location only in approved mobile home or recreational vehicle subdivisions as defined herein.

"Recreational vehicle" means a vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to: a travel trailer, a camping trailer, a truck camper, a motor home, a fifth wheel trailer and a van.

"Recreational vehicle awning" means a lightweight overhead structure used in conjunction with a recreational vehicle, for the purpose of shading or weather protection of areas such as carports, patios, porches and windows. Said awnings shall not be permitted to have attached siding, or be enclosed in any way.

"Recreational vehicle park" means an approved residential development, together with certain accessory buildings and uses providing for the enjoyment and benefit of patrons of the park, in which individual spaces

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are provided for the parking of a recreational vehicle for temporary portable housing and sleeping purposes, whether or not a charge is made for such accommodation.

"Recreational vehicle space" means a parcel of land within an approved recreational vehicle park which is designed and intended for the accommodation of one recreational vehicle.

"Recreational vehicle subdivision" means an approved residential development, together with certain accessory buildings and uses providing for the sale of individual lots in fee simple for the purpose of accommodating a recreational vehicle or home.

"Solar collector" means a device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy without using any external mechanical power.

"Solar energy" means radiant energy (direct, diffuse, and reflected) received from sun.

"Solar energy system" means a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.

"Solar sky space" means the space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

School, Public. "Public school" means a school operated by a school district or other public agency in the state of Utah.

"Sign" means a presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

"Sign area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. Should the sign have more than one surface, the sign area shall be the aggregate of all surfaces measured in square feet which can be seen from any one direction at one time.

Sign, Freestanding. "Freestanding sign" means a sign which is supported by one or more upright columns, poles, or braces, in or upon the ground.

Sign, Identification and Information. "Identification and information sign" means a sign displayed to indicate the name or nature of a building, or of a use.

Sign, Illuminated. "Illuminated sign" means a sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

"Site plan" means a plan required by, and providing the information required by, Section 17-56-040.

Stable, Private. "Private stable" means a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for hire, remuneration, or sale.

Stable, Public. "Public stable" means any stable where horses are boarded and/or kept for hire.

"Structure" means anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building."

"Vicinity plan" means a map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage.

"Yard" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front. "Front yard" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

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Yard, Rear. "Rear yard" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side. "Side yard" means a space on the same lot with a building, between the side line of the building, and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

Zone. See "**District.**"

"Zoning administrator" means the local official designated by the local governing body to enforce the regulations of this title; the zoning administrator may also be the building inspector.

"Zoning ordinance" means the zoning ordinance of the local jurisdiction. (Ord. 17.04.035 1990)

17-04-040 EFFECT ON PREVIOUS ORDINANCES AND MAPS.

The existing ordinances covering zoning, in their entirety, and including the maps adopted before the passage date of the ordinance codified in this title and made a part of such ordinances, are superseded and amended to read as set forth in this title. However, this title, including the map attached to the ordinance codified in this title, and on file in the City clerk's office, shall be deemed a continuation of previous ordinances and not a new enactment insofar as the substance of revisions of previous ordinances is included in this title. (Ord. dated 5/14/82 §12-004)

Chapter 17-08 ZONING DISTRICTS

Sections:

- 17-08-010 Establishment.
- 17-08-020 Boundaries--Determination.
- 17-08-030 Annexations--Initial classification.

17-08-010 ESTABLISHMENT.

For the purpose of this title, the territory of Enterprise, to which this title applies, is divided into ten zoning districts, as follows:

- R-A Residential agricultural district
 - R-I Single-family residential district
 - R-2 Multiple-family residential district
 - R-M Mobile home district
 - C-1 Neighborhood commercial district
 - C-2 Highway commercial zone
 - C-3 General commercial zone
 - I-1 Industrial zone
 - OS Open space zone
 - P-1 Public use district
- (Ord. 2004-05, 2004)

17-08-020 BOUNDARIES--DETERMINATION.

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

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- A. A boundary as indicated as being approximately upon the centerline of a street, alley or block or along a property line, then, unless otherwise definitely indicated on the map, the centerline of such street, alley or block, or such property line shall be construed to be the boundary of such district.
- B. A boundary line of such a district is indicated as being approximately at the line of any river, irrigation canal or other waterway, or railroad right-of-way, or public park or other public land or any section line, then in such case the center of such stream, canal or waterway, or of public land or such section line shall be deemed to be the boundary of such district.
- C. Where such district boundary lines cannot be determined by the rules set out in subsection A and B of this section, their location may be found by the use of the scale appearing upon the map.
- D. Where the application of the rules set out in subsections A through C of this section does not clarify the district boundary locations, the board of adjustment shall interpret the map. (Ord. dated 5/14/82 s12.802)

17-08-030 ANNEXATION--INITIAL CLASSIFICATION.

New areas annexed to the City shall automatically be classified as being in the R-A zone until such classification is changed by an amendment to the zoning ordinance as provided by law. (Ord. dated 5/14/82 s12.905)

17-08-040 ANNEXING SPECIFIC PROPERTY.

The real property more particularly described in Paragraph 2, below, is hereby annexed to Enterprise, Utah, and the corporate limits of Enterprise, Utah, are hereby extended accordingly.

The real property which is the subject of this Ordinance is described as follows:

The NW Corner, SE ¼, Section 11, T37S, R17W, and SLB&M.

Comprising approximately 0.30 acres (220 ft. X 60 ft.).

The zoning map of Enterprise City shall be amended to include the real property described above in Paragraph 2. The real property described in Paragraph 2, above, shall be classified as being in the C-1 (Neighborhood Commercial) zone in accordance with the provisions of Section 17.08 of the Planning and Zoning Ordinance of Enterprise and Section 10-9-406 (1) of the Utah Municipal Code Annotated, 1953, as amended.

Chapter 17-12

R-A RESIDENTIAL AGRICULTURE DISTRICT

Sections:

- 17-12-010 Purpose
- 17-12-020 Permitted uses
- 17-12-030 Conditional uses
- 17-12-040 Height
- 17-12-050 Minimum area, width, and yards

17-12-010 PURPOSE.

The purpose of the R-A district is to promote and preserve in appropriate areas conditions favorable to large-lot family life and the keeping of limited numbers of animals and fowl. This district is intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

17-12-020 PERMITTED USES.

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Permitted uses in the R-A district are as follows:

- A. Animals and fowl for recreation or for the production of family food for the use of the persons living on the premises;
- B. Household pets;
- C. Private stable, corral, chicken coop or pen;
- D. Single-family dwelling;
- E. The tilling of the soil, the raising of crops, horticulture and gardening;
- F. Accessory uses and buildings customarily incidental to the uses set out in this section. (Ord. dated 5/14/82 §12-803 (2))

17-12-030 CONDITIONAL USES.

Conditional uses for the R-A district are as follows:

- A. Home occupation;
- B. Grazing of livestock; provided, however, that it is unlawful for any person to own, keep, or maintain within the limits of Enterprise, Utah, more than a total of three large animals (horses, cattle, sheep, goats, pigs, etc.) per one-fourth acre of land, in one-fourth-acre increments of land and kept and fed at any one feed yard or location, unless special permission for such use is obtained from the governing body pursuant to application for conditional use. Such conditional use will not be permitted for animals in excess of the numbers stated, except in those limited and unusual instances in which such additional uses will not be offensive to nor incompatible with the stated uses and purposes of said zone;
- C. Nursery or greenhouse, excluding any building or structure for retail sales separate from the greenhouse-growing facility;
- D. Public use, quasi-public use, essential services;
- E. Radio or television transmitters and relay station or tower;
- F. Ranch buildings and structures;
- G. Accessory uses and buildings customarily incidental to the uses set out in this section. (Ord. 17.12.030 §1, 1990; Ord. dated 5/14/82 §12-803(3))

17-12-040 HEIGHT.

In the R-A district, no building may exceed two and one-half stories or thirty (30) feet in height, nor be less than one story in height for dwellings, except under the conditional uses explained in other chapters of this title. (Ord. dated 5/14/82 §12-803(4))

17-12-050 MINIMUM AREA, WIDTH AND YARDS.

- A. The minimum area, width, and yard regulations for the R-A district are as follows:

District	Area	Width	Front	Side	Yards in Feet	
					Front	Rear
R-A	½ Acre	70'	25'	8' & 12'	10'	

- B. Modifying regulations for the R-A district are as follows:

- 1. Side Yards. On corner lots, the side yard which faces on a street shall be the same as the front yard setback required for that district.
- 2. Rear Yards. All accessory buildings shall be located at the rear of and at least ten (10) feet from the main building and shall have a rear yard of two (2) feet. (Ord. dated 5/14/82 §12-803(5, 6))

17-12-060 MISCELLANEOUS PROVISIONS.

Any stable, corral, chicken coop or pen in which animals or fowl are maintained shall be at least one hundred (100) feet from any adjoining residential structure. (Ord. dated 5/14/82 §12-803(7))

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**Chapter 17-16
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

Sections:

- 17-16-010 Purpose.
- 17-16-020 Permitted uses.
- 17-16-030 Conditional uses.
- 17-16-040 Height.
- 17-16-050 Minimum area, width and yards.

17-16-010 PURPOSE.

The purpose of the R-1 district is to provide areas for low-density, single-family neighborhoods of spacious and un-crowded character. (Ord. dated 5/14/82 §12-804(1))

17-16-020 PERMITTED USES.

Permitted uses for the R-1 district are as follows:

- A. Household pets;
- B. Single-family dwellings;
- C. The tilling of the soil, the raising of crops, horticulture and gardening;
- D. Accessory buildings and uses customarily incidental to the permitted and conditional uses allowed in this section. (Ord. dated 5/14/82 §12-804(2))

17-16-030 CONDITIONAL USES.

Conditional uses for the R-1 district are as follows:

- A. Child day care or nursery;
- B. Church;
- C. Duplex;
- D. Home occupation;
- E. Private recreational grounds and facilities, not open to the general public, and to which no admission charge is made;
- F. Public and quasi-public buildings and uses;
- G. Accessory uses and buildings customarily incidental to the uses set out in this section. (Ord. dated 5/14/82 §12-804(3))

17-16-040 HEIGHT.

In the R-1 district, no building shall be erected to a height greater than two and one-half stories or thirty-five feet, and no dwelling structure shall be erected to a height less than one story. (Ord. dated 5/14/82 §12-804(4))

17-16-050 MINIMUM AREA, WIDTH, AND YARDS.

- A. Minimum area, width and yard regulations for the R-1 district are as follows:

District	Area	Width	Front	Yards in Feet	
				Side	Rear
R-1	9,000 sq. ft.	70'	25'	8 & 12	10

- B. Modifying regulations for the R-1 district are as follows:

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1. Side Yards. Private garages and other accessory buildings located at least ten feet behind the main building may have a side yard of two feet, except that the street side yard of a corner lot shall be the same as the front yard setback required for that district.
2. Rear Yards. Private garages and accessory buildings located at least ten feet behind the main building may have a rear yard of two feet provided that on corner lots rearing on the side of another lot the minimum rear yard for all buildings shall be the same as the minimum side yard requirement of the zoning district. (Ord. dated 5/14/82 §12-804(5) , (6))

Chapter 17-20

R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICTS

Sections:

- 17-20-010 Purpose.
- 17-20-020 Permitted uses.
- 17-20-030 Conditional uses.
- 17-20-040 Height.
- 17-20-050 Minimum area, width and yards.

17-20-010 PURPOSE.

The purpose of the R-2 district is to provide areas for medium and high residential density with the opportunity for varied housing styles and character. (Ord. dated 5/14/82 §12-805(1))

17-20-020 PERMITTED USES.

Permitted uses for the R-2 district are as follows:

- A. Household pets;
- B. Single-family dwelling;
- C. Two-family dwelling;
- D. Accessory buildings and uses customarily incidental to the permitted and conditional uses allowed in this section. (Ord. dated 5/14/82 §12-805(2))

17-20-030 CONDITIONAL USES.

Conditional uses for the R-2 district are as follows:

- A. Church;
- B. Four-family dwelling;
- C. Home occupation;
- D. Multiple-family dwelling;
- E. Public and quasi-public buildings and uses;
- F. Three-family dwelling. (Ord. dated 5/14/82 §12-805(3))

17-20-040 HEIGHT.

In the R-2 district, no building shall be erected to a height greater than four stories or forty-five feet. (Ord. dated 5/14/82 §12-805(4))

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17-20-050 MINIMUM AREA, WIDTH, AND YARDS.

A. Area, width, and yard regulations for the R-2 district are as follows:

District Area	Width	Front	Yards in Feet		
			Side	Rear	
R-2	8,000 sq. ft.	70'	25'	8 & 12	20'

B. Modifying regulations for the R-2 district are as follows:

1. Area. The minimum lot area shall be eight thousand square feet for each one-family dwelling, with three thousand square feet for each additional dwelling unit.
2. Side Yards. Private garages and other accessory buildings located at least ten feet behind the main building may have a side yard of two feet except that the street side yard of a corner lot shall be the same as the front yard setback required for that district.
3. Rear Yard. Private garages and accessory buildings located at least ten feet behind the main building may have a rear yard of two feet; provided, that on corner lots rearing on the side of another lot the minimum rear yard for all buildings shall be the same as the minimum side yard requirement of the zoning district. (Ord. dated 5/14/82 §12-805(5), (6))

Chapter 17-22

R-SL RESIDENTIAL SINGLE FAMILY SMALL LOT DISTRICT

Sections:

ARTICLE I. GENERAL PROVISIONS

- 17-22-010 Purpose
- 17-22-020 Definitions.

ARTICLE II. GENERAL UTILITY REQUIREMENTS

- 17-22-030 Fuel supply and storage.
- 17-22-040 Sewage and refuse disposal.
- 17-22-050 Water supply.
- 17-22-060 Electrical service connections.

ARTICLE III. MOBILE HOMES AS TEMPORARY STRUCTURES

- 17-22-070 Loading and unloading.
- 17-22-080 During construction--Use as residence--Conditions.
- 17-22-090 During construction--Use as office--Conditions.
- 17-22-100 Located for temporary expansion of commercial or industrial use--Conditions.

ARTICLE IV. LOCATION

- 17-22-110 Placement unlawful--Exceptions.
- 17-22-120 Lot area.
- 17-22-130 Lot Width.
- 17-22-140 Lot Frontage.

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- 17-22-150 Lot setbacks.
- 17-22-160 Lot area per dwelling.

ARTICLE V. MOBILE HOME PARKS

- 17-22-170 Purpose.
- 17-22-180 Location and use.
- 17-22-190 Application--Contents.
- 17-22-200 Application--Conditions for approval.
- 17-22-210 Application--Submittal--Time for consideration.
- 17-22-220 Application--Checking fee.
- 17-22-230 Density.
- 17-22-240 Mobile home space.
- 17-22-250 Frontage.
- 17-22-260 Siting.
- 17-22-270 Parking, loading and access.
- 17-22-280 Recreational vehicle storage.
- 17-22-290 Signs.
- 17-22-300 Landscaping.
- 17-22-310 Trash storage.
- 17-22-320 Walls and fences.
- 17-22-330 Street standards.
- 17-22-340 Administrative office.
- 17-22-350 Mobile home skirting.
- 17-22-360 Underground utilities.
- 17-22-370 Transient spaces.

ARTICLE VI. RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

- 17-22-380 Purpose.
- 17-22-390 Location and use.
- 17-22-400 Approval--Conditions.
- 17-22-410 Application—Contents

ARTICLE VII. ADMINISTRATION AND ENFORCEMENT

- 17-22-420 Planning commission recommendations.
- 17-22-430 Enforcement.

ARTICLE I. GENERAL PROVISIONS

17-22-010 PURPOSE.

The purpose of this chapter is to preserve and maintain a residential environment within the City, to provide for accommodation of mobile homes and establishment of mobile home parks, and to assure a high degree of compatibility between mobile homes and mobile home parks and adjacent residences or developments of other types. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §1, 1983)

17-22-020 DEFINITIONS.

For the purposes of this chapter, the following words shall have the meanings set forth in this section:

- A. **“Dwelling”, “Mobile Home”** and **“Mobile home dwelling”** means a detached residential dwelling unit at least thirty (30) feet long and at least fourteen (14) feet wide, designed for transportation on streets or

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highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly occupations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like.

- B. **"Lot"** means a parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on the recorded subdivision map, nor shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two or more smaller units.
- C. **"Mobile home"** means a detached single-family dwelling unit not less than thirty feet long and at least fourteen feet wide, designed for long-term occupancy and to be transported on its own wheels, or on flatbed or other trailers or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work; removal of such wheels or placing such dwelling unit on a foundation shall not remove the unit from the mobile home category, unless the buildings meets the dwelling standards of the Building Code.
- D. **"Mobile home park"** means any plot of ground upon which two or more mobile homes occupied for permanent dwelling purposes are located, whether or not a charge is made for such accommodation.
- E. **"Mobile home subdivision"** means a subdivision designed and intended for residential use where the lots are to be occupied by mobile homes exclusively.
- F. **"Recreational vehicle"** means a vehicular portable structure designed as a temporary dwelling for travel, recreational/vacation uses, which is not more than eight feet wide and is less than thirty feet long.
- G. **"Recreational vehicle Park"** means any area where one or more travel trailer lots are rented for relatively short term occupancy to users of travel trailers or camp cars. (Ord. 17.22.055 §1(part), 1994; Res. 90-17.22 (part) 1 1990; Ord. 83-9-660 §2, 1983)

ARTICLE II. GENERAL UTILITY REQUIREMENTS

17-22-030 FUEL SUPPLY AND STORAGE.

All fuel supply and storage systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Fuel supply systems shall have at least one accessible means for shutting off fuel supply. Such means shall be located outside the mobile home and shall be maintained in effective operating condition. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §3.1.1, 1983)

17-22-040 SEWAGE AND REFUSE DISPOSAL.

For mobile home parks, sewer disposal must be provided by the sewage disposal system supplied by the City. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §3.1.2, 1983)

17-22-050 WATER SUPPLY.

In as much as a public water source of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §3.1.3, 1983)

17-22-060 ELECTRICAL SERVICE CONNECTIONS.

All electrical service connections shall be installed and maintained in accordance with applicable codes and regulations governing such systems. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §3.1.4, 1983)

ARTICLE III. MOBILE HOMES AS TEMPORARY STRUCTURES

17-22-070 LOADING AND UNLOADING.

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A mobile home may be temporarily placed or stored upon a lot, for a period not to exceed twenty-four hours for loading and unloading purposes, or for temporary storage not to exceed seven days if such facility is owned by a bona fide guest of the occupants of the premises. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §3.2.1, 1983)

17-22-080 DURING CONSTRUCTION--USE AS RESIDENCE--CONDITIONS.

A mobile home may be placed upon the rear half of a lot during the construction of a permanent residence, provided the following conditions are met:

- A. A building permit for construction of the permanent residence has been issued prior to location of the mobile home on the site;
- B. The mobile home remains on the site only until final inspection is granted on the permanent residence, and in no event for a period exceeding one year. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §3.2.2, 1983)

17-22-090 DURING CONSTRUCTION--USE AS OFFICE--CONDITIONS.

A mobile home may be used for a temporary office during construction on the site of the construction of a building only until the building or buildings are completed and a final inspection is granted, and ten (10) days thereafter. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §3.2.3, 1983)

17-22-100 LOCATED FOR TEMPORARY EXPANSION OF COMMERCIAL OR INDUSTRIAL USE--CONDITIONS.

A mobile home may be located for temporary expansion of a commercial or industrial use legally existing on any site if first approved by the Enterprise City Council and under the following conditions:

- A. The mobile home shall be allowed for a maximum period of one year; with a possibility of one renewal by the City Council for a maximum additional period of one year upon request of the property owner;
- B. The mobile home shall be located in a side or rear yard area only and not in the front yard of a permanent building; and that it shall be made as inconspicuous as possible;
- C. The location of the mobile home shall be located in conformance with plans approved by the City Council. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §3.2.4, 1983)

ARTICLE IV. LOCATION

17-22-110 PLACEMENT UNLAWFUL--EXCEPTIONS.

- A. It is unlawful for any person to place, keep or maintain or permit to be placed, kept, or maintained, a mobile home upon any lot, piece, or parcel of land within the City except in a mobile home park, mobile home subdivision, or lots zoned for mobile homes.
- B. Any mobile home placed individually on a parcel or piece of land as a permanent residence shall:
 1. Be anchored to a permanent foundation such that the mobile home cannot move indiscriminately;
 2. Foundation must meet all requirements of the Uniform Building Code;
 3. Be located at least fifteen feet from mobile homes on adjoining lots;
 4. Be at least fourteen (14) feet in width, must comply with the 1985 HUD Manufactured Housing Standard, and shall have affixed to each such mobile home residence a metal tag certifying such compliance with HUD Manufacturing Housing Standards. No recreational vehicle or travel trailer shall be used as a residence in a mobile home subdivision;

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- A. Be in keeping with the general character of the area in which the proposed development will be located;
- B. Be located in a parcel of land containing not less than one acre or on two or more parcels separated by a street or alley only, and totaling at least one acre. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.2, 1983)

17-22-190 APPLICATION--CONTENTS.

An overall plan for development of a mobile home park shall be submitted to the City Council for approval. The plan shall be drawn to a scale no smaller than one inch to fifty (50) feet. At least two copies of the plan shall be submitted. The plan shall show:

- A. The topography of the site represented by contours, shown at not greater intervals than two feet when required by the City Council;
- B. The proposed street and mobile home space layout;
- C. Proposed reservations for parks, playgrounds, open spaces;
- D. Tabulations showing percent of acre to be devoted to parks, playgrounds and open spaces, number of mobile home spaces and total area to be developed;
- E. Proposed locations of parking spaces;
- F. Generalized landscaping and utility plan, including location of water, electricity, gas lines, fire hydrants and street lighting;
- G. Any other relevant data the City Council may require. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.5, 1983)

17-22-200 APPLICATION--CONDITIONS FOR APPROVAL.

For a mobile home park to obtain approval, it must:

- A. Have at least eight spaces completed and ready for occupancy before first occupancy is permitted;
- B. Meet all standards and requirements of the mobile home park ordinance;
- C. Meet all current standards for mobile home parks as approved by the American National Standards Institute (standards developed in cooperation with the Mobile Home Manufacturers Association (MMMA), National Fire Protection Association (NFPA) and others);
- D. Have written approval of the State Division of Health;
- E. Be developed according to plans prepared by a professional team, including at least one of the following: a licensed engineer, a licensed architect and a licensed landscape architect or registered land surveyor. In all cases it is recommended that professional design and other assistance be obtained early in the program including as needed, a geologist or soils engineer, an urban planner, a lawyer, a financial expert or others. It is the intent of Enterprise City that the developer solves his problems before approval is given and construction begins. Determination of qualification of required professional individuals or firms shall be made by the City Council. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.3, 1983)

17-22-210 APPLICATION--SUBMITTAL--TIME FOR CONSIDERATION.

Applications for approval shall be in writing, submitted to the City Council at its regular meeting and shall be granted or denied within ninety (90) days, unless an extension of such time is approved by the applicant. (Res. 90-17.22 (part) 1 1990; Ord. 83-9-660 §5.5.31 1983)

17-22-220 APPLICATION--CHECKING FEE.

The applicant for approval of plans for a mobile home park or of a mobile home subdivision shall pay to the City at the time of application a checking fee, in addition to all other required fees. The checking fee shall be established by the City Council. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.5.2, 1983)

17-22-230 DENSITY.

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In a mobile home park, the number of mobile homes, manufactured homes, and stick-built homes shall be limited to eight units per acre. The homes may be clustered; provided, that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads or parking shall be set aside and developed as parks, playgrounds, and service areas for common use and enjoyment of occupants of the development and visitors thereto. (Ord. 2005-06, 2005)

17-22-240 MOBILE HOME SPACE.

Each site or space in a mobile home park shall be a minimum of four thousand five hundred (4,500) square feet in area. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.1, 1983)

17-22-250 FRONTAGE.

Each site or space in a mobile home park shall have frontage on a paved private street for a distance of thirty-five (35) feet, on a line parallel to the center of the street or along the circumference of a cul-de-sac improved to standards approved by the Enterprise City Council. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.2, 1983)

17-22-255 LOT SETBACKS.

A mobile home, manufactured home, or stick-built home placed upon a site or space in a mobile home park must meet minimum setback requirements for dwellings. Required minimum setbacks for dwellings are as follows:

Front yard setback: 25 feet minimum from public streets; 8 feet minimum from private streets

Side yard setbacks: 10 feet minimum one side, 5 feet minimum other side

Rear yard setbacks: 10 feet minimum

(Ord. 2005-06, 2005)

17-22-260 SITING.

Not more than one mobile home, manufactured home, or stick-built home shall be placed upon each site or space in a mobile home park approved under the provisions of this chapter. (Ord. 2005-06, 2005)

17-22-270 PARKING, LOADING, AND ACCESS.

Each lot, parcel space, or site shall have on the same lot, parcel, space, or site, paved parking spaces for two (2) automobiles. There shall also be paved parking spaces available, within two hundred (200) feet for one (1) parking space for each tenant living on the lot, parcel, space, or site. All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with a paved access from an approved street. Required parking spaces shall not be provided within a required front yard. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.4, 1983)

17-22-280 RECREATIONAL VEHICLE STORAGE.

In addition to the above requirements, space shall be provided within the mobile home park for the storage of boats, campers, trailers, etc. The spaces shall be provided at the rate of one (1) space for each five (5) dwelling units within the park. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.5, 1983)

17-22-290 SIGNS.

- A. Each mobile home park shall have a bulletin for the listing of each mobile home site and the name of the occupant thereof. The bulletin board shall be located in close proximity to the office or administration building, and it shall be lighted at night. Adequate signs and markings shall be maintained to provide directions to parking areas, recreation areas and other facilities.

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- B. Street names shall be established and maintained within the mobile home park in the manner approved by the City Council. Each such directional sign shall not exceed six (6) square feet in area.
- C. Signs or name plates with a maximum area of two (2) square feet in area displaying only the name and address of the occupant of the mobile home may be erected for each subdivision parcel or mobile home space.
- D. Signs which identify or advertise the mobile home park or mobile home subdivision may be erected, if approved by the City Council, as part of its action on the preliminary site plan. There shall only be one (1) sign per entrance with a maximum size of one hundred twenty (120) square feet each. The signs shall not be animated or illuminated except by direct non-flashing light. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.6, 1983)

17-22-300 LANDSCAPING.

The following landscaping provisions shall apply in all mobile home parks and must be shown upon the landscaping plans submitted to the City Council:

- A. All open areas except driveways, parking areas, walkways, utility areas, improved decks, patios, or porches shall be maintained with landscaping as approved by the City Council.
- B. Trees of a type, size, and interval approved by the City Council shall be planted along the street frontage of any private or public street within the development and around the periphery of a mobile park. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.7, 1983)

17-22-310 TRASH STORAGE.

Containers for trash storage of a size, type, and quantity approved by the City shall be provided in approved locations. They shall be placed so as to be concealed from street view and shall be easily accessible by collection vehicles. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.8, 1983)

17-22-320 WALLS AND FENCES.

Walls and fences on individual lots or spaces shall not exceed four (4) feet in height. Walls or fences may be erected around the perimeter of each mobile home park with a height and type of materials to be approved by the City Council. Fences or walls located within the front yard of a lot or space shall not exceed two (2) feet in height. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.9, 1983)

17-22-330 STREET STANDARDS.

- A. Streets constructed within a mobile home park shall be provided in such a pattern as to provide convenient traffic circulation within the park. They shall be built to the following standards:
 - 1. All mobile home park streets shall have a width of not less than thirty (30) feet, including curbs.
 - 2. There shall be concrete rolled curbs on each side of all mobile home park streets.
 - 3. The mobile home park shall have paved streets in accordance with street paving standards of Enterprise City.
 - 4. Streets shall be lighted in accordance with the requirements of Enterprise City.
- B. Streets within a mobile home subdivision shall meet all of the public street standards established by Enterprise City. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.10, 1983)

17-22-340 ADMINISTRATIVE OFFICE.

Every mobile home park shall include a building for office and administrative use clearly marked and identified as such. The building may be either a permanent building or mobile home and may include a single-family dwelling for the exclusive use of the owner or manager. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.11, 1983)

17-22-350 MOBILE HOME SKIRTING.

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Skirting materials shall be provided entirely around the periphery of mobile homes and manufactured homes to conceal the open area beneath the mobile home or manufactured home frame. The skirting material shall be of durable construction and shall be compatible with the exterior finish of the home.

(Ord. 2005-06, 2005)

17-22-360 UNDERGROUND UTILITIES.

All utility distribution facilities, including electrical service and television antenna services within a mobile home park or mobile home subdivision shall be placed underground. Transformers, terminal boxes, meter cabinets, pedestals and other necessary appurtenances to the underground facilities may be placed above ground. All mobile home sites and lots, whether within a mobile home park or mobile home subdivision, must be served with water and electricity and provide for adequate sewage disposal. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.13, 1983)

17-22-370 TRANSIENT SPACES.

Mobile home lots or mobile home spaces within a mobile home park or mobile home subdivision shall not be used for transient trailer sites. The lots or spaces shall be occupied only by mobile homes which are placed upon piers or jacks and attached to public utilities. No lot or space shall be rented or leased for a period less than thirty (30) days. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §5.6.14, 1983)

ARTICLE VI. RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

17-22-380 PURPOSE.

To permit development of facilities for recreational vehicles and motor homes and to require that recreational vehicle accommodations will be of such character as to promote the objectives and purposes of this chapter. (Res. 90-11-17.22.060 (part), 1990; Res. 90-17.22 (part), 1990; Ord. 83-9-660 §6.1, 1983)

17-22-390 LOCATION AND USE.

No recreational vehicle as herein defined shall be located, placed, used, or occupied for residential purposes within Enterprise City except within approved and licensed recreational vehicle parks and except as otherwise provided herein.

- A. Recreational vehicle parks shall generally be located:
 1. Adjacent to or in proximity to a major traffic artery or highway;
 2. near adequate shopping facilities;
 3. Within or adjacent to a mobile home park.
- B. No individual space in a recreational vehicle park shall be used by one individual recreational vehicle for more than one-hundred twenty (120) consecutive days, nor shall such space be rented or leased to any one individual for a period longer than one-hundred twenty (120) days.
- C. Recreational vehicles shall only be allowed on individual lots with an occupied dwelling for temporary use by the occupant of said lot or his bona fide guest for a period not to exceed seven (7) days within a calendar month. No fees may be charged by the property owner for such temporary placement.
- D. Recreational vehicles may be stored, but not used for permanent living quarters in a residential lot.
- E. Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot.
- F. Recreational vehicles may be accommodated in an approved and licensed mobile home park; provided, that:

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1. The recreational vehicle portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.
 2. The recreational vehicle use shall have direct access to a collector or arterial street.
 3. Separate ingress and egress shall be provided for recreational vehicles when required by the City Council. (Res. 90-11-17.22.060(part), 1990; Res. 90-17.22 (part), 1990; Ord. 83-9-660 §6.2, 1983)
- G. A recreational vehicle, for occupancy, may be placed upon the lot during the construction of a permanent residence, provided the following conditions are met:
1. A building permit for construction of the permanent residence has been issued prior to location of the recreational vehicle on the site;
 2. The recreational vehicle remains as living quarters on the site only until final inspection is granted on the permanent residence, for a period not exceeding one year, except that the Planning Commission may grant a one-time emergency extension of up to six (6) months in the event of extraordinary adverse weather or other uncontrollable conditions that warrant such an extension. (Ord. 2005-04, 2005)

17-22-400 APPROVAL--CONDITIONS.

For a recreational vehicle park to obtain approval, it must:

- A. Be in keeping with the general character of the district where it is proposed to be located;
- B. Be located on a parcel of land containing not less than one (1) acre;
- C. Have at least ten (10) spaces completed and ready for occupancy before first occupancy is permitted;
- D. Meet all standards and requirements of this chapter;
- E. Meet all requirements of the state of Utah Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulations which are intended to apply to trailer, camper and tent camps as defined in such Code;
- F. Be designed by a qualified architect, landscape architect, urban planner, civil engineer or land surveyor, or a team which includes one or more of such professionals. Determination of qualifications of such required professional individuals or firms shall be made by the City Council;
- G. Contain not more than twenty (20) units per acre. The spaces may be clustered; provided, that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual recreational vehicle spaces, roads or parking, shall be set aside and developed as park, playground, or service areas for the common use and enjoyment of occupants of the development and of visitors thereto. (Res. 90-11-17.22.060(part), 1990; Res. 90-17.22 (part), 1990; Ord. 83-9-660 §6.3, 1983)

17-22-410 APPLICATION--CONTENTS.

- A. An overall plan for development of a recreational vehicle park shall be submitted to the City Council for review. The plan shall be drawn to a scale not smaller than one (1) inch to fifty (50) feet. At least two copies of the plan shall be submitted. The plan shall show:
 1. The topography of the site represented by contours shown at not greater intervals than one (1) foot;
 2. The proposed street and trailer space pad lay-out;
 3. Proposed reservations for parks, playgrounds and open spaces, and tabulations showing the percent of area to be devoted to parks, playgrounds and open space, the number of recreational vehicle spaces, and total area to be developed;
 4. Proposed location, number, and design of parking spaces;
 5. Generalized landscaping and utility plan, including location of water, electricity, gas lines, and fire hydrants;
 6. Any other data the City Council may require.

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- B. Application for approval shall be in writing, submitted to the City Council at its regular meeting and shall be granted or denied within ninety(90) days, unless an extension of time is approved by the applicant. (Res. 90-11-17.22.060(part), 1990; Res. 90-17.22 (part), 1990; Ord. 83-9-660 §6.4, 1983)

ARTICLE VII. ADMINISTRATION AND ENFORCEMENT

17-22-420 PLANNING COMMISSION RECOMMENDATIONS.

The City Council may refer any application to the planning commission for review and recommendations. However, planning commission recommendations are advisory only, and all final approvals required by this chapter must be endorsed and approved by the Enterprise City Council. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §7, 1983)

17-22-430 ENFORCEMENT.

The City Council may, by resolution or ordinance, from time to time entrust administration of this chapter, in whole or in part to any other officer of Enterprise City without amendment to this chapter. Such officers may include the City administrator, building official, City inspector or others. (Res. 90-17.22 (part), 1990; Ord. 83-9-660 §8, 1983)

Chapter 17-24

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

Sections:

- 17-24-010 Purpose.
- 17-24-020 Permitted uses.
- 17-24-030 Conditional uses.
- 17-24-040 Height.
- 17-24-050 Area, width and yards.

17-24-010 PURPOSE.

The purpose of the C-1 district is to provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of the C-1 district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of area residents. (Ord. dated 5/14/82 §12-806(1))

17-24-020 PERMITTED USES.

Permitted uses in the C-1 district are as follows: All uses are subject to conditional use permit. (Ord. dated 5/14/82 §12-806(2))

17-24-030 CONDITIONAL USES.

Conditional uses for the C-1 district areas are as follows:

- A. Bakery;
- B. Barbershop;

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- C. Beauty shop;
- D. Drugstore;
- E. Grocery store;
- F. Ice cream store;
- G. Medical and dental offices;
- H. Professional office;
- I. Public utilities;
- J. Variety store;
- K. Accessory buildings and uses;
- L. Other uses approved by the planning commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the uses listed in this section;
- M. Single-family residences and/or duplexes. (Ord. 17.24.0795 §1, 1995; Ord. dated 5/14/82 §12-806(3))

17-24-040 HEIGHT.

No building shall be erected to a height greater than two and one-half stories or thirty-five (35) feet without a conditional use permit. (Ord. dated 5/14/82 §12-806(4))

17-24-050 AREA, WIDTH, AND YARDS.

Area, width, and yard regulations for the C-1 district are as follows:

Yards in Feet

District	Area	Width	Front	Side	Rear
C-1	¼ Acre	None	None	None except 10' where side yard abuts a residential zone or lot with an existing residence.	None except 10' where rear yard abuts a residential zone or lot with an existing residence.

(Ord. dated 5/14/82 §12-806(5))

**Chapter 17-28
C-2 HIGHWAY COMMERCIAL ZONE**

Sections:

- 17-28-010 Purpose.
- 17-28-020 Permitted uses.
- 17-28-030 Conditional uses.
- 17-28-040 Height.
- 17-28-050 Area, width and yards.

17-28-010 PURPOSE.

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The purpose of the C-2 zone is to provide commercial areas on major highways for the location of travel service and highway-oriented commercial uses. (Ord. dated 5/14/82 §12-807(1))

17-28-020 PERMITTED USES.

Permitted uses for the C-2 zone are as follows: All permitted uses subject to conditional use permit. (Ord. dated 5/14/82 §12-807(2))

17-28-030 CONDITIONAL USES.

Conditional uses for the C-2 zone are as follows:

- A. Automobile service station, auto accessories;
- B. Garage repair shop and/or body and fender shop;
- C. Mobile home sales;
- D. Motel;
- E. Nursery, sale of plant materials;
- F. Overnight camping facilities;
- G. Restaurant or drive-in cafe;
- H. Roadside stand, sale of agricultural produce and related items;
- I. Accessory buildings and uses. (Ord. Dated 5/14/82 §12-807(3))
- J. Other uses approved by the planning commission as being in harmony with the intent of the highway commercial zone and similar in nature to the uses listed in this section; (Ord. Dated 6/24/98 §98-04)

17-28-040 HEIGHT.

In the C-2 zone, no building or structure shall be erected to a height greater than two and one-half stories or thirty-five feet. (Ord. dated 5/14/82 §12-807(4))

17-28-050 AREA, WIDTH AND YARDS.

Area, width, and yard regulations for the C-2 zone are as follows:

Yards in Feet

District	Area	Width	Front	Side	Rear
C-2	20,000 sq. ft.	20'	20'	None except 20' where side yard abuts a residential zone; 20' when abutting a street.	None except 20' where rear yard abuts a residential zone.

**Chapter 17-29
C-3 GENERAL COMMERCIAL ZONE**

Sections:

- 17-29-010 Purpose.
- 17-29-020 Permitted uses.
- 17-29-030 Conditional uses.
- 17-29-040 Height.
- 17-29-050 Area, width and yards.
- 17-29-060 Special provisions.

17-29-010 PURPOSE.

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The purpose of the C-3 zone is to provide space within the city where a wide variety of commercial goods and services may be provided. The C-3 general commercial zone is located principally along major thoroughfares for high visibility to the public. (Ord. 2004-05, 2004)

17-29-020 PERMITTED USES.

Permitted uses for the C-3 zone are as follows:

- A. Bakery
 - B. Bank or financial institution
 - C. Barbershop
 - D. Beauty shop
 - E. Bookstore
 - F. Bicycle sales and service
 - G. Business office
 - H. Camera store
 - I. Candy store, confectionary
 - J. Child nursery
 - K. Clinics, medical and dental
 - L. Clothing & accessory store
 - M. Drapery & curtain store
 - N. Delicatessen
 - O. Fabric & textile store
 - P. Florist shop
 - Q. Gift store
 - R. Ice cream parlor
 - S. Insurance agency
 - T. Library
 - U. Museum
 - V. Music store
 - W. Optometrist, optician
 - X. Professional office
 - Y. Real estate agency
 - Z. Toy store, retail
- (Ord. 2004-05, 2004)

17-29-030 CONDITIONAL USES.

Conditional uses for the C-3 zone, as governed by Chapter 17-60 of the code, are as follows:

- A. Air conditioning sales & service
- B. Altering, pressing & repairing of wearing apparel
- C. Amusement enterprises
- D. Animal hospital
- E. Antique, import, or souvenir shop
- F. Appliance sales & service
- G. Arcade
- H. Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats, or motors.
- I. Athletic club/health club/spa
- J. Auction establishment (retail goods only)
- K. Automobile, new or used sales and service
- L. Automobile parts sales (new parts only)

- M. Automobile rental
- N. Automobile repair and storage including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within completely enclosed building
- O. Bed and breakfast
- P. Boat sales & service
- Q. Bowling alley
- R. Building materials sales
- S. Cabinet shop
- T. Café or cafeteria
- U. Call centers
- V. Candy manufacture
- W. Car wash, manual spray
- X. Carpet cleaning
- Y. Catering establishment
- Z. Church
- AA. Circus, carnival, or other transient amusement
- AB. Dance hall
- AC. Department store
- AD. Educational institutions
- AE. Electronic equipment sales & service
- AF. Employment agency
- AG. Farm implement sales
- AH. Fence, sales and service
- AI. Furniture sales and repair
- AJ. Garden supplies and plant material sales
- AK. Government buildings or uses, nonindustrial
- AL. Greenhouse and nursery; soil and lawn service
- AM. Grocery store
- AN. Gunsmith
- AO. Hardware store
- AP. Health club/spa
- AQ. Hobby & crafts store
- AR. Hospital
- AS. Janitor service and supply
- AT. Jewelry store sales & service
- AU. Laboratory, dental or medical
- AV. Laundry or dry cleaners, Laundromat
- AW. Liquor store
- AX. Locksmith
- AY. Lodge or social hall
- AZ. Lumberyard
- BA. Manufactured home sales lot and service
- BB. Monument works and sales
- BC. Mortuary
- BD. Motel/hotel

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- BE. Motorcycle or ATV sales and service
- BF. Moving and storage company
- BG. Newsstand
- BH. Nursery, plants
- BI. Nursing home
- BJ. Office supply, office machines sales & service
- BK. Paint or wallpaper store
- BL. Pawnshop
- BM. Pest control and extermination
- BN. Pet and pet supply store
- BO. Pharmacy
- BP. Plumbing shop
- BQ. Post office
- BR. Printing, lithographing, publishing, or copy sales and service
- BS. Reception center or wedding chapel
- BT. Recreation center
- BU. Rental agency for home and garden equipment
- BV. Residence for manager or security personnel
- BW. Restaurant, drive-in
- BX. Restaurant, sit down
- BY. Retail goods establishments (predominately indoor sales)
- BZ. Retail services establishments
- CA. Roller skating rink
- CB. RV parks
- CC. RV storage
- CD. Seed and feed store, retail
- CE. Service station, automobile, excluding paint, body, fender, and upholstery work
- CF. Shoe store
- CG. Sign manufacture or sign painting
- CH. Sign sales
- CI. Storage rental units
- CJ. Supermarket/grocery store
- CK. Tavern
- CL. Telemarketing
- CM. Theater, indoor
- CN. Tire recapping or retreading
- CO. Tire sales and service
- CP. Trailer sales and service
- CQ. Travel agency
- CR. Truck terminal
- CS. Used car lot
- CT. Vegetable stand
- CU. Veterinary office/clinic
- CV. Water park (water slides, etc.)

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- CW. Welding shop
- CX. Wholesale business
- CY. Other uses approved by the planning commission as being in harmony with the intent of the general commercial zone and similar in nature to the uses listed in this section. (Ord. 2004-05, 2004)

17-29-040 HEIGHT.

In the C-3 zone, no building or structure shall be erected to a height greater than two and one-half (2 1/2) stories or thirty-five (35) feet, nor less than eight (8) feet. (Ord. 2004-05, 2004)

17-29-050 AREA, WIDTH, AND YARDS.

Area, width, and yard regulations for the C-3 zone are as follows:

District	Area	Width	Front	Yards in Feet	
				Side	Rear
C-3	None	20'	20'	None except 10 feet where side yard abuts a residential zone; 20 feet when abutting a street.	None except 10 feet where rear yard abuts a residential zone.

(Ord. 2004-05, 2004)

17-29-060 SPECIAL PROVISIONS.

- A. It shall be the duty of the planning commission to carefully review each new proposed use, considering such factors as dust, smoke, odor, noise, vibration, aesthetics, access, parking, traffic safety, pedestrian safety, storm drainage, lighting and other factors that may have objectionable effects. Conditions as deemed necessary by the planning commission shall be imposed upon the applicant(s) as part of the approval process.
- B. No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot.
- C. All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall which will prevent the facility from being seen from a public street. (Ord. 2004-05, 2004)

**Chapter 17-32
I-1 INDUSTRIAL ZONE**

Sections:

- 17-32-010 Purpose.
- 17-32-020 Permitted uses.
- 17-32-030 Conditional uses.

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- 17-32-040 Height.
- 17-32-050 Area, width and yards.
- 17-32-060 Modifying regulations.

17-32-010 PURPOSE.

The purpose of the I-1 zone is to provide areas where industries necessary and beneficial to the local economy may locate and operate. The I-1 zone is intended to provide for the development of industrial uses which do not in their maintenance, assembly, manufacture or planned operation create smoke, gas, odor, dust, sound, vibration, smut or lighting to any degree which might be obnoxious or offensive to persons residing on or conducting business in either this or any other zone. (Ord. dated 5/14/82 §12-808(1))

17-32-020 PERMITTED USES.

Permitted uses for the I-1 zone is as follows: All permitted uses subject to conditional use permit. (Ord. dated 5/14/82 §12-808(2))

17-32-030 CONDITIONAL USES.

Conditional uses for the I-1 zone are as follows:

- A. Manufacturing--Processing. Includes establishment primarily engaged in processing, packaging, or treatment of the following products:
 - 1. Agricultural goods, production and distribution;
 - 2. Bakery goods, production and distribution;
 - 3. Cosmetics and toiletries, production and processing;
 - 4. Optical goods;
 - 5. Pharmaceuticals;
 - 6. Soft drinks bottling and distribution;
 - 7. Other uses similar to the uses listed in this subsection and judged by the planning commission to be in harmony with the character and intent of this zone.
- B. Manufacturing--Assembly. Establishments that are primarily engaged in the assembly and fabrication of goods from the following process materials:
 - 1. Canvas;
 - 2. Cellophane;
 - 3. Cloth;
 - 4. Felt;
 - 5. Fiber;
 - 6. Fur;
 - 7. Glass;
 - 8. Leather;
 - 9. Paper;
 - 10. Plastics;
 - 11. Precious or semiprecious stones or metals, jewelry;
 - 12. Rubber;
 - 13. Textiles;
 - 14. Wood;
 - 15. Yarn;

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16. Other uses similar to the uses listed in this subsection and judged by the planning commission to be in harmony with the character and intent of this zone.

C. Wholesale--Warehouse and Distribution.

1. Contractor's storage yards;
2. Dairy products;
3. Food and vegetable wholesale;
4. Furniture warehouse;
5. General warehouse;
6. Parcel delivery service;
7. Road equipment yards;
8. Wholesale brokers, jobbers and distributors;
9. Other uses similar to the uses listed in this subsection and judged by the planning commission to be in harmony with the character and intent of this zone.

D. Other Conditional Uses.

1. Cabinet and carpenter shops;
2. Electrical appliances and other specialized electrical equipment;
3. Laboratories, experimental and research;
4. Laboratories, physical and chemical testing and dental;
5. Packaging business;
6. Scientific equipment assembly;
7. Other uses similar to the uses listed in this subsection and judged by the planning commission to be in harmony with the character and intent of this zone. (Ord. dated 5/14/82 §12-808(3), (4))

17-32-040 HEIGHT.

Buildings and structures shall have a height not greater than sixty feet. Within one hundred feet of the boundary of any adjoining zone no building shall exceed a height limit established for main buildings in such adjoining zone. (Ord. dated 5/14/82 §12-808(5))

17-32-050 AREA, WIDTH, AND YARDS.

Area, width and yard regulations for the I-1 zone are as follows: None, except that for any parcel in the I-1 zone having a lot line in common with a lot in an adjoining zone or lying across the street or alley from such adjoining zone, the front, side and rear yards as prescribed for such adjoining zone shall be maintained in the I-1 zone. (Ord. dated 5/14/82 §12-808(6))

17-32-060 MODIFYING REGULATIONS.

- A. All processing assembly of goods shall be conducted completely within a building that is enclosed on all four sides, unless otherwise specified.
- B. All buildings which house the processing and/or assembly of goods shall be located not less than one hundred (100) feet from any residential zone boundary.
- C. Outdoor storage of materials or semi finished or finished goods shall be located not less than one hundred (100) feet from any residential zone boundary. All storage areas shall be enclosed by a solid six-foot fence or wall in a manner that such materials shall not be visible from any point beyond the boundaries of the property. (Ord. dated 5/14/82 §12-808(7))

Chapter 17-33
OS OPEN SPACE ZONE

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Sections:

- 17-33-010 Purpose.
- 17-33-020 Permitted uses.
- 17-33-030 Conditional uses.
- 17-33-040 Height regulations.
- 17-33-050 Area, width, and yard regulations.
- 17-33-060 Modifying regulations.

17-33-010 PURPOSE.

The purpose of the OS zone is to permit the use of open space land within the City of Enterprise for uses compatible with the protection of the natural and scenic resources of the City; to minimize flooding, erosion and other environmental hazards; to provide for the transition of existing uses to future uses which are more conducive to proper community development; and to provide for the health, safety, and welfare of the residents of the City of Enterprise. (Ord. 17.33 (part), 1991)

17-33-020 PERMITTED USES.

Permitted uses for the OS zone are as follows:

- A. Undeveloped land;
- B. The raising of crops, horticulture and gardening;
- C. Livestock grazing;
- D. Single-family dwellings; provided, that the applicant can demonstrate conclusively that any hazards and limitations of the site can be overcome in such a manner as to prevent hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or environment;
- E. Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone. (Ord. 17.33 (part), 1991)

17-33-030 CONDITIONAL USES.

Conditional uses for the OS zone are as follows:

- A. Cemeteries;
- B. Public utilities and transmission lines;
- C. Emergency equipment routes to provide essential emergency services such as fire control;
- D. Public and private recreation grounds and facilities which will not significantly alter the natural form of the landscape. (Ord. 17.33 (part), 1991)

17-33-040 HEIGHT REGULATIONS.

In the OS zone, no building shall be erected to a height greater than two and one-half stories or thirty-five feet, whichever is lesser, unless otherwise recommended by the planning commission and approved by the City Council. (Ord. 17.33 (part), 1991)

17-33-050 AREA, WIDTH, AND YARD REGULATIONS.

Area, width, and yard regulations for the OS zone are as follows:

Yards in Feet				
District	Area	Front	Side	Rear
OS	8,000 Sq. Ft.	25'	10'	10'

(25 side yard on corner lot.)

(Ord. 17.33 (part), 1991)

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17-33-060 MODIFYING REGULATIONS.

Modifying regulations for the OS zone are as follows:

- A. Horses and other large animals kept in a corral, barn, or pen within the open space zone must be at least one hundred feet from any residential zone.
- B. All site design elements are subject to conditional use review and approval of the planning commission and City Council, as provided for in this ordinance. (Ord. 17.33 (part), 1991)

Chapter 17-34
P-1 PUBLIC USE DISTRICT

Sections:

- 17-34-010 Purpose.
- 17-34-020 Permitted use.
- 17-34-030 Height.
- 17-34-040 Area, width, and yards.

17-34-010 PURPOSE.

The purpose of P-1 district is to provide areas in appropriate locations where buildings for public use may be established to serve the community. The regulations of the public use district are designed to promote facilities which in character and scale are necessary to meet day to day needs of area residents. (Ord. 17-06-91 (part), 1991)

17-34-020 PERMITTED USE.

Permitted uses in the P-1 district are as follows:

- A. Schools;
- B. Churches;
- C. Civic buildings;
- D. Museums;
- E. Libraries;
- F. Public and quasi-public buildings;
- G. Parks and recreational areas. (Ord. 17-06-91 (part), 1991)

17-34-030 HEIGHT.

No building shall be erected to a height greater than two and one-half stories or thirty-five feet without a conditional use permit. (Ord. 17-06-91 (part), 1991)

17-34-040 AREA WIDTH AND YARDS.

Area, width, and yard regulations for the P-1 zone are as follows:

- A. A. Area: None; acceptable lot size as determined by the Planning Commission.
- B. B. Width: Twenty feet.
- C. C. Front: Twenty feet.
- D. D. Side: None except ten (10) feet where side yard abuts a residential zone; twenty (20) feet when abutting a street.
- E. E. Rear: None except twenty (20) feet where rear yard abuts a residential zone. (Ord. 17-06-91 (part), 1991; Rev. 2007-01. 2007)

Chapter 17-36
SUPPLEMENTARY AND QUALIFYING REGULATIONS

Sections:

- 17-36-010 Effect of chapter.
- 17-36-020 Substandard lots.
- 17-36-030 Lot standards.
- 17-36-040 Lots below minimum space requirements prohibited.
- 17-36-050 Required space--Sale or lease prohibited.
- 17-36-060 Lots and dwellings on private streets--Special provisions.
- 17-36-070 Yard space--One building.
- 17-36-080 Yards to be unobstructed--Exceptions.
- 17-36-090 Official map--Effect.
- 17-36-100 Height limitations--Exceptions.
- 17-36-110 Height limitations--Main buildings.
- 17-36-120 Height limitations--Accessory buildings.
- 17-36-130 Height limitations--Fences, walls and hedges.
- 17-36-140 Obstruction to view--Prohibited when.
- 17-36-150 Water and sewerage.
- 17-36-160 Curbs, gutters and sidewalks.

17-36-010 EFFECT OF CHAPTER.

The regulations set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title. (Ord. dated 5/14/82 §12-301)

17-36-020 SUBSTANDARD LOTS.

Any lot legally held in separate ownership at the time of passage of the ordinance codified in this title which lot is below the requirements for lot area or lot width for the district in which it is located, may be used for a single-family dwelling if such lot is located in a district which permits single-family dwellings. (Ord. dated 5/14/82 §12-302)

17-36-030 LOT STANDARDS.

Except for cluster subdivisions and condominiums, and as otherwise provided in this title, every lot, existing or intended to be created, shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a dedicated or publicly approved street or upon a private street or right-of-way approved by the planning commission, before a building permit may be issued. (Ord. dated 5/14/82 §12-303)

17-36-040 LOTS BELOW MINIMUM SPACE REQUIREMENTS PROHIBITED.

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No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a single lot. (Ord. dated 5/14/82 §12-306)

17-36-050 REQUIRED SPACE--SALE OR LEASE PROHIBITED.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for lot or building may be sold or leased away from such lot or building. (Ord. dated 5/14/82 §12-305)

17-36-060 LOTS AND DWELLINGS ON PRIVATE STREETS--SPECIAL PROVISIONS.

Notwithstanding the requirements found in this municipal code relative to lot standards, the planning commission may consider the approval of flag lots to be developed upon the conditions set forth in this section. After determination by the planning commission that standard lots are not feasible in a given circumstance, the commission may, in order to encourage the more efficient use of land, allow flag lots to be developed either as a part of or separate from a platted subdivision, subject to the following conditions:

- A. Flag lots shall be permitted only by conditional use permit under the policies and procedures enacted for obtaining such permits.
- B. The planning commission must first find that the affected property cannot be used, by subdividing or otherwise, with public streets and standard-shaped lots, either at the present time or in the reasonably foreseeable future.
- C. Property may be approved for flag lot use only in the R-1 single-family residential district, and not otherwise. All lot size and setback requirements of the R-1 single-family residential district shall apply to the flag lot and the staff portion of the flag lots shall not be counted in calculating the size of the flag lot.
- D. The staff portion of the proposed flag lot shall front on a dedicated and improved street. The staff portion of the flag lot shall be owned by the owner of the flag lot. Agreements for rights of way to access flag lots, whether the same are written or otherwise, will not be acknowledged or permitted by the City.
- E. The minimum width for the staff portion of the flag lot shall be twenty-five (25) feet. The staff portion of the flag lot shall serve as a corridor for public utilities unless a more feasible corridor or access exists. The property owner of the flag lot shall be responsible for installing and maintaining all utility lines and other apparatus. The City metering and maintenance responsibilities shall end at the public street on which the staff portion of the flag lots abuts.
- F. Only one flag lot may be served by any one staff portion of the flag lot.
- G. No building or construction, except for driveway, shall be allowed on the staff portion of the flag lot.
- H. The front of the flag lot shall be deemed to be the side nearest the dedicated public street upon which the staff portion fronts.
- I. The staff portion of the flag lot shall be kept clean and unobstructed at all times by the property owner in order to permit clear passage for emergency response vehicles and City service personnel.
- J. No structure on the adjacent lots located in front of the flag lot shall be closer to the staff portion of the flag lot than eight feet.
- K. The owners of any lots located in front of a proposed flag lot shall be notified by the City if the date and time at which the flag lot request shall be considered by the planning commission. (Ord. 97-04-02 §2: Ord. dated 5/14/82 §12-316)

17-36-070 YARD SPACE--ONE BUILDING.

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be

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considered as providing a yard or open space on a lot whereon a building is to be erected or established. (Ord. dated 5/14/82 §12-304)

17-36-080 YARDS TO BE UNOBSTRUCTED--EXCEPTIONS.

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues and other ornamental features which project into a yard not more than two and one-half feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five feet. Any apparatus required for the operation of active and passive solar energy systems, including but not limited to overhangs, movable insulating walls and roofs, detached solar collectors, reflectors and piping, may project or locate into the required front, side or rear yard area. A permit from the building administrator is required for installation of solar energy equipment. (Ord. dated 5/14/82 §12-307)

17-36-090 OFFICIAL MAP--EFFECT.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the official map. (Ord. dated 5/14/82 §12-315)

17-36-100 HEIGHT LIMITATIONS--EXCEPTIONS.

Penthouse or 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 or television masts, silos, solar collectors and equipment may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space. (Ord. dated 5/14/82 §12-308)

17-36-110 HEIGHT LIMITATIONS--MAIN BUILDINGS.

No dwelling shall be erected to a height less than one story above grade, except earth-built homes would be allowed under a conditional use permit, if they met the UBC and are allowed in the zone in which they are intended. (Ord. dated 5/14/82 §12-309)

17-36-120 HEIGHT LIMITATIONS--ACCESSORY BUILDINGS.

No building which is accessory to a one-family or two-family dwelling shall be erected to a height greater than fifteen (15) feet unless adequate setbacks or other conditions exist which would not impede available solar sky space from adjoining properties. (Ord. dated 5/14/82 §12-310)

17-36-130 HEIGHT LIMITATIONS--FENCES, WALLS, AND HEDGES.

Fences, walls, and hedges may be erected or allowed to the permitted building height when located within the buildable area; provided, that any physical structure outside buildable area which is over six (6) feet in height shall require a building permit. (Ord. dated 5/14/82 §12-312)

17-36-140 OBSTRUCTION TO VIEW--PROHIBITED WHEN.

In all districts which require a front yard, no obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers; and pedestal-type identification signs and pumps at gasoline service stations. (Ord. dated 5/14/82 §12-311)

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17-36-150 WATER AND SEWERAGE.

In all cases where a proposed building or proposed use will involve the use of sewerage facilities, and a connection to a public sewer system as defined by the Utah State Division of Environmental Health is not available, and in all cases where a connection to public water system approved by the Utah State Division of Environmental Health is not available, the sewage disposal and the domestic water supply shall comply with the requirements of such Division and of the local board of health. The application for a building permit shall be accompanied by a certificate of approval from the board or Division. (Ord. dated 5/14/82 §12-313)

17-36-160 CURBS, GUTTERS, AND SIDEWALKS.

The installation of curb, gutter, and sidewalks of a type approved by the governing body may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks may be required as a condition of building or use permit approval. (Ord. dated 5/14/82 §12-314)

Chapter 17-40
DESIGN REVIEW

Sections:

- 17-40-010 Purpose.
- 17-40-020 Application--Review.
- 17-40-030 Application--Review--Exceptions.
- 17-40-040 Planning commission decision--Appeal.
- 17-40-050 Planning commission and zoning administrator decisions--Considerations.
- 17-40-060 Design approval--Conditions.
- 17-40-070 Design approval--Granted when.
- 17-40-080 Design approval or denial--Notice.
- 17-40-090 Design approval--Time limitations
- 17-40-100 Transfer of approval upon change in use--Required.
- 17-40-110 Approval--Conformance required.
- 17-40-120 Approval--Modifications permitted when.

17-04-010 PURPOSE.

- A. The purpose and intent of design review is to secure the general purposes of this title plan and to insure that the general appearance of buildings and structures and the development of the land shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.
- B. It is not the intent of this chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color or materials proposed by the applicant, except as such detail

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is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings. (Ord. dated 5/14/82 §12-701)

17-40-020 APPLICATION--REVIEW.

All applications for occupancy permits or building permits for all buildings and structures, except for single-family dwellings and their accessory buildings, shall be accompanied by architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, ground treatment, fences, off-street parking and circulation, location and size of the adjacent streets, north arrow and property lines, drawings of the major exterior elevations, the building materials, proposed exterior color scheme, existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the planning commission, except that the review and approval of such permits by the zoning administrator may be authorized by the planning commission when the application meets all requirements of this title. All of the architectural and site development plans required in this section shall have been reviewed and approved prior to the issuing of a building permit. (Ord. dated 5/14/82 §12-702)

17-40-030 APPLICATION--REVIEW--EXCEPTIONS.

For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permit and need not be a separate application, provided the requirements of this chapter are met. (Ord. dated 5/14/82 §12-703)

17-40-040 PLANNING COMMISSION DECISION--APPEAL.

The planning commission, or the zoning administrator when authorized by the planning commission, shall determine whether the proposed architectural and site development plans submitted are consistent with this chapter and with the general objectives of this title, and shall give or withhold approval accordingly. Denial of approval by the zoning administrator may be appealed to the planning commission, and denial by the planning commission may be appealed to the local governing body, as provided for appeals in this title. (Ord. dated 5/14/82 §12-704)

17-40-050 PLANNING COMMISSION AND ZONING ADMINISTRATOR DECISIONS--CONSIDERATIONS.

The planning commission and the zoning administrator shall consider the following matters, and others when applicable, in their review of applications:

- A. Considerations relating to traffic safety and traffic congestion:
 - 1. The effect of the site development plan on traffic conditions on abutting streets,
 - 2. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways,
 - 3. The arrangement and adequacy of off-street parking facilities to prevent traffic congestion,
 - 4. The location, arrangement and dimensions of truck loading and unloading facilities,
 - 5. The circulation patterns within the boundaries of the development,
 - 6. The surfacing and lighting of off-street parking facilities;
- B. Considerations relating to outdoor advertising:
- C. the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development;
- D. Considerations relating to landscaping:
 - 1. The location, height and materials of walls, fences, hedges and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations or other unsightly development,

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2. The planting of ground cover or other surfacing to prevent dust and erosion;
- E. Considerations relating to buildings and site lay-out:
 1. Consideration of the general silhouette and mass, including location on the site, elevations and relation to natural plant coverage, all in relationship to the neighborhood,
 2. Consideration of exterior design in relation to adjoining structures in height, bulk and area openings, breaks in facade facing on the street (or streets), line and pitch of roofs, and the arrangement of structures on the parcel;
- F. Considerations relating to drainage: the effect of the site development plan on the adequacy of the storm and surface water drainage. (Ord. dated 5/14/82 §12-705)

17-40-060 DESIGN APPROVAL--CONDITIONS.

The planning commission, or the zoning administrator when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the considerations of this chapter as the commission or zoning administrator deems reasonable and necessary under the circumstances to carry out the intent of this chapter. (Ord. dated 5/14/82 §12-706)

17-40-070 DESIGN APPROVAL--GRANTED WHEN.

Upon a finding by the planning commission or zoning administrator that the application meets the intent of this chapter, the design approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied. (Ord. dated 5/14/82 §12-707)

17-40-080 DESIGN APPROVAL OR DENIAL--NOTICE.

Upon the grant of design approval, the secretary of the planning commission shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereto, or the fact of denial and the reasons therefore. (Ord. dated 5/14/82 §12-708)

17-40-090 DESIGN APPROVAL--TIME LIMITATIONS.

If construction in harmony with the permit for any development for which design approval has been granted has not been commenced within one year from date of notification of approval, the approval shall be deemed automatically revoked. Upon application an extension of time may be granted by the planning commission, or by the zoning administrator if authorized. (Ord. dated 5/14/82 §12-709)

17-40-100 TRANSFER OF APPROVAL UPON CHANGE IN USE--REQUIRED.

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the planning commission, or the zoning administrator if authorized to do so. If the transfer is not approved, a new application must be filed. (Ord. dated 5/14/82 §12-710)

17-40-110 APPROVAL--CONFORMANCE REQUIRED.

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto. (Ord. dated 5/14/82 §12-711)

17-40-120 APPROVAL--MODIFICATIONS PERMITTED WHEN.

Upon request of the applicant, modifications in the approved plan may be made by the planning commission or the zoning administrator if authorized to do so, if it is found that the modification will meet requirements of this chapter. The planning commission may revoke or modify a design approval which does not conform to any requirement of the approved permit. (Ord. dated 5/14/82 §12-712)

Chapter 17-42
SEXUALLY ORIENTED BUSINESSES

Sections:

- 17-42-010 Purpose.
- 17-42-020 Location of bus messes--Restrictions.
- 17-42-030 Effect on nonconforming businesses.
- 17-42-040 Signs.
- 17-42-050 Definitions.

17-42-010 PURPOSE.

The purpose and objective of this chapter is to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses or their location in areas deleterious to the City, regulate the signage of such businesses, control the adverse affects of such signage, and prevent inappropriate exposure of such businesses to the community. This chapter is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the United States and Utah Constitutions. (Ord. 17.28.94 (part), 1994)

17-42-020 LOCATION OF BUSINESSES--RESTRICTIONS.

- A. Outcall services shall be permitted in areas zoned C-2 (highway commercial) and I-1 (industrial zone).
- B. Sexually oriented businesses, except outcall services, shall only be permitted in areas zoned I-1, industrial, under this title, subject to the following additional restrictions: no sexually oriented business shall be located:
 - 1. within one thousand feet of any school, public park, library, or religious institution;
 - 2. within six hundred feet of any residential use or any agricultural or residential zoning boundary;
 - 3. within six hundred feet of any other sexually oriented business, except outcall services;
 - 4. within three hundred fifty feet of any gateway corridor. The distance shall be measured from the right-of-way boundary.
- C. 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.
- D. Distance requirements from zoning districts for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest zoning boundary of a residential or agricultural district to the sexually oriented business structure. (Ord. 17.28.94 (part), 1994)

17-42-030 EFFECT ON NONCONFORMING BUSINESSES.

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All existing legal, nonconforming sexually oriented businesses, as of the effective date of the ordinance codified in this chapter, or any amendment hereto, shall comply with the provisions of this chapter within nine months from the date said ordinance is enacted. (Ord. 17.28.94 (part), 1994)

17-42-040 SIGNS.

Signs for sexually oriented businesses shall be limited as follows:

- A. No more than one exterior sign shall be allowed.
- B. No sign shall be allowed to exceed eighteen square feet.
- C. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
- D. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
- E. Only flat wall signs and/or awning signs shall be permitted.
- F. Painted wall advertising shall not be allowed.
- G. Other than the signs specifically allowed by this chapter, 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. (Ord. 17.28.94 (part), 1994)

17-42-050 DEFINITIONS.

Terms involving sexually oriented businesses which are not defined in this chapter shall have the meanings set forth in Section 5-10-040. (Ord. 17.28.94 (part), 1994)

Chapter 17-44
OFF-STREET PARKING

Sections:

- 17-44-010 Required.
- 17-44-020 Size.
- 17-44-030 Number of spaces.
- 17-44-040 Access.
- 17-44-050 Maintenance of lots.
- 17-44-060 Location of gasoline pumps.

17-44-010 REQUIRED.

At the time any building or structure is erected or enlarged or increased in capacity or any use is established, there shall be provided off-street parking spaces for automobiles in accordance with the requirements set out in this chapter. (Ord. dated 5/14/82 §12-501)

17-44-020 SIZE.

The dimensions of each off-street parking space shall be at least nine (9) feet by twenty (20) feet for diagonal or ninety-degree spaces, or nine (9) by twenty-two (22) feet for parallel spaces, exclusive of access drives or aisles;

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provided, that in parking lots of not less than twenty (20) parking spaces the building inspector may approve a design allowing not more than twenty percent of such spaces to be not less than seven and one-half (7 1/2) feet by fifteen (15) feet to be marked and used for compact automobiles only. (Ord. dated 5/14/82 §12-502)

17-44-030 NUMBER OF SPACES.

The number of off-street parking spaces required shall be as follows:

- A. Business or professional offices: one parking space for each four hundred fifty square feet of floor area;
- B. Churches with fixed seating: one parking space for each 3.5 fixed seats, or one parking space for each seven feet of linear pew, whichever is greater;
- C. Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, meeting rooms: one parking space for each ten seats of maximum seating capacity;
- D. Furniture and appliance stores: one parking space for each one thousand square feet of floor area;
- E. Hospitals: one parking space for each two beds;
- F. Hotels, motels, motor hotels: one space for each living or sleeping unit, plus one parking space for all accessory uses as herein specified;
- G. Multiple-family dwellings: one and one-half parking spaces per dwelling unit;
- H. Nursing homes: four parking spaces, plus one space for each five beds;
- I. Restaurants, taverns, private clubs and all other similar dining and/or drinking establishments: one parking space for each 3.5 seats or one parking space for each one hundred square feet of floor area excluding kitchen, storage, etc., whichever is greater;
- J. Retail stores, shops, except as provided in subsection D of this section: one parking space for each two hundred square feet of retail floor space;
- K. Shopping centers or other groups of uses not listed above: as determined by conditional use permit, or by the planning commission, but in no case less than one parking space for each one hundred fifty square feet of total floor space;
- L. Single-family or duplex dwellings: two parking spaces for each dwelling unit;
- M. Wholesale establishments, warehouses, manufacturing establishments and all industrial uses: as determined by conditional use permit, requirements, if applicable, or by the planning commission, but in no case fewer than one space for each employee projected for the highest employment shift;
- N. All other uses not listed above: as determined by the zoning administrator, based on the nearest comparable use standards. (Ord. dated 5/14/82 §12-504)

17-44-040 ACCESS.

- A. Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.
- B. Adequate ingress and egress to and from all uses shall be provided as follows:
 - 1. Residential lots: For each residential lot not more than two driveways, each of which shall be a maximum of twenty feet wide at the street lot line.
 - 2. Other than Residential Lots. Access shall be provided to meet the following requirements:
 - a. Not more than two driveways shall be used for each one hundred (100) feet or fraction thereof of frontage on any street.
 - b. No two of the driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet,
 - c. Each driveway shall be not more than thirty-five feet wide, measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way,

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- d. No driveway shall be closer than ten feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line,
- e. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted driveways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the local surveyor or engineer,
- f. Where there is no existing curb and gutter or sidewalk, the applicant may at his option install such safety island and curb or, in place thereof shall construct along the entire length of the property line (except in front of the permitted driveways) a curb, fence or pipe rail not exceeding two feet or less than eight inches in height. (Ord. dated 5/14/82 §§12-503, 12-505)

17-44-050 MAINTENANCE OF LOTS.

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

- A. Surfacing. Each off-street parking lot shall be surfaced with an asphaltic or Portland cement or other binder pavement so as to provide a dustless surface. The parking area shall be so graded as to dispose of all surface water. If such water is to be carried to adjacent streets, it shall be piped under sidewalks. New commercial parking lots may be allowed to be surfaced with some other all weather surfacing material approved by the planning commission, as a conditional use, for up to three (3) years from issue of first business license or the date the business actually opened, whichever is earlier. When granting such conditional use, the planning commission shall consider the factors of location, anticipated traffic flow, number of customers likely to patronize the business, and general safety of the proposed parking surface. The approach from the street to any commercial parking lot shall be of a minimum of compacted gravel or other material resistant to the tracking of mud onto the street or the parking lot.
- B. Screening. The sides and rear of any off-street parking lot which face or adjoin a residential district shall be screened from such district by a masonry wall or solid visual barrier fence or planted hedge not less than four or more than six feet in height.
- C. Landscaping. Each parking lot shall be adequately landscaped and permanently maintained.
- D. Lighting. Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining premises in any residential or agricultural district, and from street traffic. (Ord. 2004-03, 2004)

17-44-060 LOCATION OF GASOLINE PUMPS.

Gasoline pumps shall be set back not less than eighteen feet from any street line to which the pump island is vertical, and twelve feet from any street line to which the pump island is parallel, and not less than ten feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line. (Ord. dated 5/14/82 §12-506)

Chapter 17-47
OCEAN SHIPPING CARGO CONTAINERS USED FOR STORAGE

Sections:

- 17-47-010 Permit(s) Required.
- 17-47-020 Planning Commission Approval Required.
- 17-47-030 Appearance.
- 17-47-040 Restrictions.
- 17-47-050 Temporary Placement.

17-47-010 PERMIT(S) REQUIRED.

A building permit and/or conditional use permit shall be obtained by the landowner prior to placing upon any lot or parcel in the City any ocean shipping cargo container or structure, mobile or permanent, used for storage, with a floor area of greater than 200 square feet. (Ord. 2005-02, 2005)

17-47-020 PLANNING COMMISSION APPROVAL REQUIRED.

No more than one (1) ocean shipping cargo container shall be placed on any lot or parcel without first obtaining the approval of the Planning Commission. Each request for an ocean shipping cargo container larger than 200 square feet shall require the approval of the Planning Commission. (Ord. 2005-02, 2005)

17-47-030 APPEARANCE.

Ocean shipping cargo containers shall not be allowed to have a highly reflective surface. All ocean shipping cargo containers shall be logo-free, painted, and maintained so as not to detract from the character of the neighborhood. (Ord. 2005-02, 2005)

17-47-040 RESTRICTIONS.

Ocean shipping cargo containers shall be located in the rear half of any lot and shall not exceed 25% of the rear yard area. Ocean shipping cargo containers shall not be stacked or placed vertically. (Ord. 2005-02, 2005)

17-47-050 TEMPORARY PLACEMENT.

An ocean shipping cargo container larger than 200 square feet shall be allowed as a temporary use for a period of up to one year during construction of a primary residence or commercial structure. A building permit for the primary residence or commercial structure shall be issued prior to placement of the cargo container. Any cargo container must be removed or have its own permit(s) issued prior to final inspection of the primary residence or commercial structure. (Ord. 2005-02, 2005)

Chapter 17-48
NONCONFORMING BUILDINGS AND USES

Sections:

- 17-48-010 Maintenance permitted.
- 17-48-020 Repairs and alterations.
- 17-48-030 Additions, enlargements and moving.
- 17-48-040 Alteration where parking insufficient.
- 17-48-050 Damaged buildings--Restoration.
- 17-48-060 Abandonment--Discontinuance of use.
- 17-48-070 Continuation of existing use.
- 17-48-080 Vacant building--Use to be continued if occupied within one year.
- 17-48-090 Change of use.
- 17-48-100 Expansion permitted.
- 17-48-110 Nonconforming use of land--Continuation or expansion.

17-48-010 MAINTENANCE PERMITTED.

A nonconforming building or structure may be maintained. (Ord. dated 5/14/82 §12-401)

17-48-020 REPAIRS AND ALTERATIONS.

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use. (Ord. dated 5/14/82 §12-402)

17-48-030 ADDITIONS, ENLARGEMENTS AND MOVING.

- A. A building or structure occupied by a nonconforming use and a building or structure nonconforming as to height, area or yard requirements shall not be added to or enlarged in any manner or moved to another location on the lot except as provided by subsection B of this section.
- B. A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area, or yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the board of adjustment, which may issue; provided that the board, after hearing, shall find:
 - 1. The addition or enlargement of, or moving of the building will be in harmony with one or more of the purposes of this title;
 - 2. The proposed change does not impose any unreasonable burden upon lands located in the vicinity of the nonconforming use or structure. (Ord. dated 5/14/82 §12-403)

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17-48-040 ALTERATION WHERE PARKING INSUFFICIENT.

A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this title for such alteration or enlargements. (Ord. dated 5/14/82 §12-404)

17-48-050 DAMAGED BUILDINGS--RESTORATION.

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or is destroyed by fire, flood, wind, earthquake or other calamity or act of God, or the public enemy, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such damage or destruction may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion. (Ord. dated 5/14/82 §12-405)

17-48-060 ABANDONMENT--DISCONTINUANCE OF USE.

A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located. (Ord. dated 5/14/82 §12-406)

17-48-070 CONTINUATION OF EXISTING USE.

The occupancy of a building or structure by a nonconforming use existing at the time this title became effective, may be continued. (Ord. dated 5/14/82 §12-407)

17-48-080 VACANT BUILDING--USE TO BE CONTINUED IF OCCUPIED WITHIN ONE YEAR.

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of one year after the use became nonconforming. (Ord. dated 5/14/82 §12-408)

17-48-090 CHANGE OF USE.

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use. (Ord. dated 5/14/82 §12-409)

17-48-100 EXPANSION PERMITTED.

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming. (Ord. dated 5/14/82 § 12-410)

17-48-110 NONCONFORMING USE OF LAND--CONTINUATION OR EXPANSION.

The nonconforming use of land, existing at the time the ordinance codified in this title became effective, may be continued; provided, that no such nonconforming use of land shall in any way be expanded or extended either the same or on adjoining property; and provided, that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land shall be in conformity with the provisions of this title. (Ord. dated 5/14/82 §12-411)

**Chapter 17-51
YOUTH HOMES**

Sections:

- 17-51-010 Youth home defined.
- 17-51-020 Authorization.
- 17-51-030 Application.
- 17-51-040 Fee.
- 17-51-050 Planning commission review.
- 17-51-060 Public hearing.
- 17-51-070 Use permit.
- 17-51-080 Conditions.
- 17-51-090 Continuation of use.
- 17-51-100 Violations.

17-51-010 YOUTH HOME DEFINED.

"Youth home" is defined as any residence, dwelling, or other structure utilized for the domicile, residence or sleeping accommodation of more than three children of the age of eighteen years or less for more than one week where such children are not related within three degrees of consanguinity to the adult persons occupying the same residence or premises. (Ord. 17.21 (part), 1994)

17-51-020 AUTHORIZATION.

Youth homes will be permitted only on granting of a conditional use permit located anywhere within the City limits after application to the planning commission and approval of the City Council of Enterprise City. The City Council, prior to acting on the application, will receive a recommendation from the planning commission and entertain public comment at a duly noticed public hearing. (Ord. 17.21 (part), 1994)

17-51-030 APPLICATION.

The application must contain the following information, and no application shall be heard which does not contain this information.

- A. Name and address of applicant;
- B. Statement of ownership of the subject property executed by the owner or his agent under penalty of perjury;

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- C. Description of the property, including legal description and address, and common means of identification;
- D. Map of the boundaries of the parcel and each separate lot or parcel within three hundred feet of the exterior boundaries thereof; together with a list of the names and addresses of the last known owners of public record of each parcel;
- E. A statement indicating the precise manner of compliance with each of the applicable provisions of this title together with any other information pertinent to the findings prerequisite to the granting of a use permit, prescribed in this title;
- F. A statement from the appropriate regulatory agency concerning availability of public utilities including culinary and irrigation water, power, sewage disposal and refuse disposal;
- G. A statement from the Enterprise City School District indicating the availability of educational instruction and the impact of location of the proposed facility at the proposed location or, in the alternative, that education will be handled privately and designating the number of employees to be involved in education and the mandatory credentials required of such employees;
- H. A detailed written description of the anticipated ages and total number of occupants of the facility together with a diagram of the facility including all separate rooms and the intended use of each room;
- I. A detailed description of number of intended staff and job description for such staff;
- J. A statement demonstrating the capability of the applicant, through insurance or other means, to insure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by members of the staff or residents of the facility. (Ord. 17.21 (part), 1994)

17-51-040 FEE.

1. The City Council shall approve by resolution any fee schedule(s) used by the City.
2. The fee for youth home application imposed by the provisions of this chapter shall be deemed a debt in any court of competent jurisdiction for the amount of any delinquent fees, penalties, attorney fees and other reasonable costs in collecting the debt.
3. All remedies prescribed under this chapter shall be cumulative.
4. Willful failure to comply with any provisions of this ordinance and/or related resolutions is a Class B misdemeanor and is punishable as such to the full extent allowed by law. (Ord. 2006-06, 2006)

17-51-050 PLANNING COMMISSION REVIEW.

The planning commission will review the application and, if deemed appropriate, request comment from potentially impacted public and private agencies and parties. The planning commission will, within sixty (60) days of receipt of the application, submit a recommendation to the City Council. (Ord. 17.21 (part), 1994)

17-51-060 PUBLIC HEARING.

The City Council shall hold a public hearing with forty-five days of receipt of the recommendation of the planning commission. Notice of the time, place, and purpose of such public hearing shall be given as follows:

At least fourteen days prior to the date set for the hearing, and not more than forty-five days prior to that date, the City clerk shall see that a notice is mailed to each property owner identified on the list accompanying the application as required by Section 17.51.030(D). The notice shall give the date, time and place of the hearing, the name of the applicant, the requested use, the identification of the property and such other information as may be prescribed by the City Council in any individual case.

The clerk shall also cause such notice to be mailed to all governmental entities providing services to the subject property and all municipalities with boundaries located within five miles of the proposed development and shall publish notice in a newspaper of general local circulation twice within the above described notice period. (Ord. 17.21 (part), 1994)

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17-51-070 USE PERMIT.

The City Council may grant the use permit; provided, that it is established that the proposed use is in accordance with the provisions of the general plan, this title, and that the following qualifications have been met:

- A. The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities, and service facilities in the vicinity.
- B. The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this title.
- C. The site will be served by streets of sufficient capacity to carry the traffic generated by the proposed use.
- D. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general welfare of the City. (Ord. 17.21 (part), 1994)

17-51-080 CONDITIONS.

In approving any application for a use permit, the City Council may require higher standards of site development than listed for such use in the ordinance and may make approval contingent on the acceptance and observance by the applicant of specified conditions relating to, but not limited to, the following considerations:

- A. Conformity to plans and drawing submitted with the application;
- B. The provision of open spaces, buffer strips, screen walls, fences, hedges and landscaping;
- C. The volume of traffic generated, vehicular movements within the site, and points of vehicular ingress and egress;
- D. Performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements;
- E. Limits on time of day for the conduct of specified activities;
- F. Guarantees as to compliance with the terms of the approval. (Ord. 17.21 (part), 1994)

17-51-090 CONTINUATION OF USE.

Approved conditional use permits will be reviewed on a yearly basis at which time the user, in addition to delivering a business license fee will supply a written confirmation that all conditions required by the initial approval of the use continue to be satisfied and honored and will itemize in writing the date, time and status of persons, e.g., staff or resident, who have engaged in any criminal misconduct or in the damaging or destruction of private property during the previous year and will confirm that restitution has been made to all victims of such occurrences. (Ord. 17.21 (part), 1994)

17-51-100 VIOLATIONS.

On violation of any of the provisions of this chapter or any other applicable ordinances by a holder of a use permit, or on failure of the holder to comply with conditions of a use permit granted on conditions, the use permit shall be suspended automatically. A hearing shall be called within fifteen (15) days, and at the hearing the City Council must be satisfied that either the violation has been discontinued or the conditions met; otherwise the permit will be revoked. (Ord. 17.21 (part), 1994)

Chapter 17-52
PLANNING COMMISSION

Sections:

- 17-52-010 Established.
- 17-52-020 Term of office.
- 17-52-030 Organization.
- 17-52-040 Duties and powers.

17-52-010 ESTABLISHED.

There is created a planning commission to be composed of five members. Members of the planning commission shall serve without compensation, except for per diem compensation based on necessary and reasonable expenses and on meetings actually attended. The amount of per diem compensation for meetings actually attended shall be set by the governing body and adjusted from time to time as it sees fit. Reimbursement for other incidental expenses can be made when the appropriate receipts have been submitted to the City. Members of the planning commission shall be appointed by the Mayor upon advice and consent of the governing body. (Ord. 2006-04, 2006)

17-52-020 TERM OF OFFICE.

The terms of the planning commission shall be staggered. Each member of the planning commission shall serve for a term of five years and until his successor is appointed; provided that the term of the first members shall be such that the term of one member shall expire each year. Terms of members of the planning commission shall begin on or before the first Monday in February of each year. The governing body may remove any member of the planning commission for cause and after a public hearing, if one is requested. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term. (Ord. dated 5/14/82 §12-102)

17-52-030 ORGANIZATION.

- A. The members of the planning commission shall select from their own members a chairman and such other officers as deemed necessary and shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings.
- B. Reports of official acts and recommendations of the planning commission shall be public and made by the chairman in writing to the governing body and shall indicate how each member of the commission voted with respect to such act or recommendation. Any member of the commission may also make a concurring or dissenting report or recommendation to the governing body.

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- C. The planning commission shall meet at such times as the planning commission shall determine.
- D. Three members of the planning commission shall constitute a quorum. (Ord. dated 5/14/82 §12-103)

17-52-040 DUTIES AND POWERS.

The planning commission shall have all of the powers and duties explicitly or impliedly given planning commissions by the laws of the state of Utah as well as the express authority from the Enterprise City Council to issue Conditional Use Permits for the City. (Ord. dated 5/14/82 §12-104) (Ord. dated 8/14/02)

CHAPTER 17-53
RESIDENTIAL BED AND BREAKFAST

Sections

- 17-53-010 Purpose.
- 17-53-020 Scope.
- 17-53-030 Definitions.
- 17-53-040 Conditional Use Permit Required.
- 17-53-050 Development Standards - Conditional Use.
- 17-53-060 Development Standards - Site Design.

17-53-010 PURPOSE.

The purpose of this Chapter is to accommodate Residential Bed and Breakfast use which is allowed as a conditional use in any zone. This Chapter allows this use under certain conditions to protect the owners, occupants, and users of adjacent property from the negative effects of the use. (Ord. 2008-03, 2008)

17-53-020 SCOPE.

The provisions of this Chapter shall apply to the Residential Bed and Breakfast use enumerated herein. Any use not conforming to the requirements of this Chapter shall be deemed a different use and shall be allowed only if the use is a permitted or conditional use in the zone where the use is located. The requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, the Enterprise City Code, or other laws. This Chapter shall not apply to activities lawfully conducted by a government agency. (Ord. 2008-03, 2008)

17-53-030 DEFINITIONS.

Residential Bed and Breakfast use shall be defined as a transient lodging facility with the provision of the breakfast meal included in the rental fee, and having four (4) or fewer units for rent. A bed and breakfast shall comply with all appropriate construction codes, zoning requirements, and all other City ordinances. (Ord. 2008-03, 2008)

17-53-040 CONDITIONAL USE PERMIT REQUIRED.

A Residential Bed and Breakfast use may be established in any zone subject to the issuance of a conditional use permit pursuant to the requirements of Section 17-60 of this Title and the development standards of Section 17-53-050 and Section 17-53-060 of this Chapter. (Ord. 2008-03, 2008)

17-53-050 DEVELOPMENT STANDARDS - CONDITIONAL USE.

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The development standards of Section 17-53-060 of this Chapter shall apply to Residential Bed and Breakfast use allowed as a conditional use. In considering what conditions may substantially mitigate the detrimental effects of the use, the planning commission shall find that the following general standards have been met or can be met through the imposition of the proposed conditions on the use:

- a. The proposed use shall comply with all applicable land use standards contained in this title.
- b. The proposed use shall not unreasonably interfere with the lawful use of surrounding properties.
- c. The proposed use shall not create a need for essential municipal services which cannot be met within three (3) months and the party seeking the conditional use is willing and able to contribute the full cost of said services.
- d. The proposed use shall not emit excessive noise, or noxious odors, and shall not adversely impact the quality of air or water. If located in or less than one hundred feet (100') from a residential zone, the proposed use shall not create loud noise that is sustained for more than one minute and is perceptible on a residentially zoned property after the hour of eleven o'clock (11:00) P.M. or before the hour of seven o'clock (7:00) A.M.
- e. If located in or adjacent to a residential zone, all parking shall be screened by a masonry wall or other solid visual barrier approved by the planning commission, and be not less than four feet (4') and more than six feet (6') in height.
- f. All required parking is provided on-site and off-street in compliance with Section 17-44 of this Title, including two (2) stalls for full time residents, one stall per non-resident employee, and one stall per rental unit.
- g. No social activities such as receptions, weddings, private parties, retreats or similar events shall be held at the residential bed and breakfast establishments for attendance by anyone other than overnight guests. (Ord. 2008-03, 2008)

17-53-060 DEVELOPMENT STANDARDS - SITE DESIGN.

Residential Bed and Breakfast use shall meet the following development standards:

- a. Access and entrances to guestrooms (including rear patios and balconies) shall be placed and oriented to have a minimal impact to surrounding properties.
- b. Outdoor gathering areas (pools, patios, courtyards, etc.) shall be located in such a manner that they will not cause unreasonable increases in noise, lighting, or other impacts on surrounding residentially zoned property.
- c. The proposed use shall not create excessive traffic or parking impacts to the neighborhood. The planning commission may, at their discretion, require traffic or parking study to determine the overall impact to the neighborhood, and aid in establishing conditions that will mitigate these negative impacts.
- d. There shall be no alteration of the exterior facade or the property to accommodate the use, and the property shall maintain its residential feel and character.
- e. One free standing identification sign shall be allowed on the property, provided that it is not internally lit, no more than four (4) square feet in area and that it is no more than four feet (4') in height.
- f. Bed and Breakfast establishments shall be located a minimum of twelve hundred feet (1200') apart as measured between the closest points of each property. (Ord. 2008-03, 2008)

Chapter 17-56
BUILDING PERMITS

Sections:

- 17-56-010 Issuance.
- 17-56-020 Required.
- 17-56-021 Curbs, gutters and sidewalks required.
- 17-56-030 Occupancy permits.
- 17-56-040 Site plans.

17-56-010 ISSUANCE.

The building inspector shall not issue any building permit for any building, construction, or repair of any building unless such fully conforms to all zoning regulations or ordinances of this municipality in effect at the time of application. (Ord. dated 5/14/82 §12-201)

17-56-020 REQUIRED.

The construction or exterior alteration of any building or structure, or part thereof as provided or as restricted in this title shall not be commenced or continued except after the issuance of a building permit by the building administrator. Work not started within one year will require a new permit. (Ord. dated 5/14/82 §12-202)

17-56-021 CURBS, GUTTERS, AND SIDEWALKS REQUIRED.

The construction of any building or structure as provided or as restricted in this title shall not be commenced or continued without the inclusion of curbs, gutters, and sidewalks if there is none existing upon any property which is adjacent to any Utah state highway and that the construction of the curb, gutter and sidewalk shall be in accordance with the standards and specifications of the City of Enterprise Municipal Code and the Utah Department of Transportation. (Ord. 17.56.021 §1, 1991)

17-56-030 OCCUPANCY PERMITS.

Land, building or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued by the building administrator to the effect that the use, building, or premises will conform to provisions of this title and related ordinances prior to occupancy, for any building erected, enlarged, or altered structurally for the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this amendment, including nonconforming buildings and uses. (Ord. dated 5/14/82 §12-203)

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17-56-040 SITE PLANS.

A detailed site plan, with scale and sheet size determined by the building administrator, shall be filed as part of any application, prior to request for a building permit. It shall show, where pertinent:

- A. Scale of plan and direction of north point;
- B. Lot lines, adjacent streets, roads, rights-of-way;
- C. Location of all existing structures on subject property;
- D. Location of proposed construction and improvements, including setbacks with location and dimension of all signs, location of garbage receptacles, motor vehicle access, circulation patterns with individual parking stalls, and curb, gutter and sidewalk location;
- E. Any necessary explanatory notes;
- F. Name, address, telephone number of building contractor and owner;
- G. All other information required as determined by the building administrator;
- H. Proposed landscaping. (Ord. dated 5/14/82 §12-204)

Chapter 17-60
CONDITIONAL USES

Sections:

- 17-60-010 Purpose.
- 17-60-020 Permit required.
- 17-60-030 Application.
- 17-60-040 Fee.
- 17-60-050 Public hearing.
- 17-60-060 Determination.
- 17-60-070 Appeals.
- 17-60-080 Inspection.
- 17-60-090 Time limit.

17-60-010 PURPOSE.

Certain uses which may be harmonious under special conditions and in specific locations within a district, but be improper under general conditions and in other locations, are classed as conditional uses within the various districts, and require conditional use permits for approval. (Ord. 88-7-12-000 (part), 1988: Ord. dated 5/14/82 §12-601, 1982)

17-60-020 PERMIT REQUIRED.

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the certificate. (Ord. 88-7-12-000 (part), 1988: Ord. dated 5/14/82 §12-602, 1982)

17-60-030 APPLICATION.

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A conditional use permit application shall be made to the building inspector as provided in this title. He shall submit the application to the Planning Commission, except that the Planning Commission may authorize the zoning administrator to grant or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary. Applications for a conditional use permit shall be accompanied by maps, drawings, statements or other documents as required by the Planning Commission. (Ord. 88-7-12-000 (part), 1988: Ord. dated 5/14/82 §12-603, 1982) (Ord. 2000-03, dated 4/12/00)

17-60-040 FEE.

1. The City Council shall approve by resolution any fee schedule(s) used by the City.
2. The fee for application for any conditional use permit imposed by the provisions of this chapter shall be deemed a debt in any court of competent jurisdiction for the amount of any delinquent fees, penalties, attorney fees and other reasonable costs in collecting the debt.
3. All remedies prescribed under this chapter shall be cumulative.
4. Willful failure to comply with any provisions of this ordinance and/or related resolutions is a Class B misdemeanor and is punishable as such to the full extent allowed by law. (Ord. 2006-06, 2006)

17-60-050 PUBLIC HEARING.

No public hearing need be held. However, a hearing may be held if the zoning administrator or Planning Commission shall deem a hearing to be necessary and in the public interest. (Ord. 88-7-12-000 (part), 1988: Ord. dated 5/14/82 §12-605, 1982)

17-60-060 DETERMINATION.

- A. The Planning Commission or upon authorization the zoning administrator, may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use, the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such as to establish:
1. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity; and
 2. That the proposed use will comply with regulations and conditions specified in this title for such use;
- B. The Planning Commission shall itemize, describe, or justify the conditions imposed on the use. (Ord. 88-7-12-000 (part), 1988: Ord. dated 5/14/82 §12-606, 1982) (Ord. 2000-03, dated 4/12/00)

17-60-070 APPEALS.

Any person shall have the right to appeal the decision of the zoning administrator to the Planning Commission. Appeals from the decision of the Planning Commission shall be to the governing body. (Ord. 88-7-12-000 (part), 1988: Ord. dated 5/14/82 §12-607, 1982)

17-60-080 INSPECTION.

Following the issuance of a conditional use permit by the zoning administrator or the Planning Commission, the Building Inspector shall approve an application for a building permit, and shall insure that development is undertaken and completed in compliance with the conditional use and building permit. (Ord. 88-7-12-000 (part), 1988: Ord. dated 5/14/82 §12-608, 1982) (Ord. 2000-03, date 4/12/00)

17-60-090 TIME LIMIT.

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- A. A conditional use permit for temporary uses may be issued for a maximum period of six months, with renewals at the discretion of the Planning Commission for not more than three successive periods thereafter.
- B. Unless there is substantial action under a conditional use permit within a maximum period of one year of its issuance, the permit shall expire. The Planning Commission may grant a maximum extension for six months, when deemed in the public interest. (Ord. 88-7-12-000 (part), 1988; Ord. dated 5/14/82 §12-609, 1982) (Ord. 2000-03, dated 4/12/00)

Chapter 17-64
AMENDMENTS

Sections:

- 17-64-010 Amendments.
- 17-64-020 Hearing--Notice.

17-64-010 AMENDMENTS.

The city council of the city of Enterprise may from time to time amend the number, shape, boundaries, or areas of any zoning district, or any regulation of or within the zoning district, or any other provision of this title; provided, however, that no such amendment shall be made nor become effective unless and until the following requirements have been complied with:

- A. The proposed amendment shall have been proposed by the planning commission, or first submitted to the planning commission for its recommendation;
- B. The planning commission shall give and provide reasonable notice of a public hearing at least ten (10) days prior to the date of the hearing of said proposed amendment;
- C. The planning commission shall hold a public hearing on the proposed amendment, and based on public input modify the proposed amendment, as necessary, to provide a formal recommendation to the city council to approve or disapprove the proposed amendment;
- D. At its own discretion, the city council may conduct a second public hearing, and if one is to be held, shall give and provide reasonable notice of a public hearing at least ten (10) days prior to the date of the hearing of said proposed amendment;
- E. After the public hearing(s), the city council may adopt the amendment as proposed, adopt the amendment with modifications, or reject the proposed amendment. (Ord. 2006-05, 2006)

17-64-020 HEARING--NOTICE.

Reasonable notice shall be given prior to all public hearings held to consider land use and zoning related issues. Notice of each such public hearing shall be given at least ten (10) days prior to the date of the hearing. The notice given shall be considered reasonable and adequate if the same is posted the required length of time in three public places within the municipality or on the municipality's official website; and, published in a newspaper of general circulation in the area at least ten (10) days before the public hearing; or mailed at least three (3) days before the public hearing to each property owner whose land is directly affected by the land use ordinance change, and each adjacent property owner sharing a common property boundary with the affected property. (Ord. 2006-05, 2006)

Chapter 17-68
FEES

Sections:

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17-68-010 Generally.

17-68-010 GENERALLY.

Fees may be charged applicants for building, occupancy and conditional use permits, design review, planning commission and such other services as are required by this title to be performed by public officers or agencies. Such fees shall be established by the legislative body and be in amounts reasonably needed to defray costs to the public. (Ord. dated 5/14/82 §12-211)

**Chapter 17-72
ADMINISTRATION AND ENFORCEMENT**

Sections:

- 17-72-010 Licensing.
- 17-72-020 Permits--Compliance.
- 17-72-030 Building inspector--Powers and duties.
- 17-72-040 Inspection.
- 17-72-050 Enforcement.
- 17-72-060 Nuisances declared violations.
- 17-72-070 Violations--Responsibility.
- 17-72-080 Penalty.

17-72-010 LICENSING.

All departments, officials, and public employees of Enterprise which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this title. (Ord. dated 5/14/82 §12-9)

17-72-020 PERMITS--COMPLIANCE.

From the time of the effective date of the ordinance codified in this title, the building inspector shall not grant a permit for the construction or alteration of any building or structure or the moving of a building or structure onto a lot, if such building or structure would be in violation of any of the provisions of this title nor shall any City officer grant any permit or license for the use of any building or land if such use would be in violation of this title. (Ord. dated 5/14/82 §12-902)

17-72-030 BUILDING INSPECTOR--POWERS AND DUTIES.

It shall be the duty of the building inspector to inspect or cause to be inspected all buildings in course of construction or structural alteration. He shall enforce all of the provisions of this title, entering actions in the court when necessary, and his failure to do so shall not legalize any violation of such provisions. The building inspector shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction and use fully conform to all zoning regulations then in effect. (Ord. dated 5/14/82 §12-903)

17-72-040 INSPECTION.

The building administrator is authorized to inspect or to have inspected all building and structures in the course of their construction or modification, and to inspect land uses to determine compliance with this title. The

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building administrator or any authorized employee of the local jurisdiction shall use the right to enter any building for the purpose of determining compliance with the use, or to enter premises for the purpose of determining compliance with this title; provided, that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any occupied building in the absence of an owner or tenant thereof without written permission of an owner, or written order of a court of competent jurisdiction. (Ord. dated 5/14/82 §12-205)

17-72-050 ENFORCEMENT.

The building administrator is authorized as the enforcing officer for this title, and shall enforce all provisions, entering actions in court if necessary, and his failure to do so shall not legalize any violations of such provisions. The governing body may by resolution or ordinance, from time to time entrust administration of this title, in whole or in part, to another officer of the local jurisdiction, without amendment to this title. (Ord. dated 5/14/82 §12-206)

17-72-060 NUISANCES DECLARED VIOLATIONS.

Any building or structure which may be set up, erected, constructed, moved or maintained contrary to the provisions of this title, and any use of land or building or premises established, conducted or maintained contrary to the provisions of this title are declared to be unlawful and opposed to the general welfare of the community and shall therefore be considered a public nuisance. (Ord. 88-7-12-000 (part), 1988: Ord. dated 5/14/82 §12-908)

17-72-070 VIOLATIONS--RESPONSIBILITY.

It shall be the duty of all architects, contractors, subcontractors, builders and other persons having to do with the establishment of any use of land or the erection, altering or changing of any building or structure to see that a proper permit has been granted before such work is begun. Any such architect, builder, contractor or other person doing or performing any such work without a permit having been issued is in conflict with the requirements of this title and shall be deemed guilty of violation of this title in the same manner and to the same extent that the owner of the premises or the persons from whom the use is established, and shall be subject to the penalties prescribed in this title for violation. (Ord. 88-7-12-000 (part), 1988: Ord. dated 5/14/82 §12-909)

17-72-080 PENALTY.

Unless otherwise specifically authorized by statute, the governing body of each municipality may provide a penalty for the violation of any municipal ordinance by a fine not to exceed the maximum Class B misdemeanor fine under UCA Section 76-3-301 or by a term of imprisonment up to six months, or by both the fine and term of imprisonment. The governing body may prescribe a minimum penalty for the violation of any municipal ordinance and may impose a civil penalty for the unauthorized use of municipal property, including but not limited to the use of parks, streets and other public grounds or equipment. Rules of civil procedure shall be substantially followed. (Ord. 88-7-12-000 (part), 1988: Ord. dated 5/14/82 §12-910)