

ZONE DISTRICTS and REGULATIONS

The regulations set forth in this chapter detail each of the Zone Districts and describe the various uses, both permitted and conditional as well as uses prohibited in each zone. Overlay Zones are also detailed in this chapter.

Contents of this chapter

7.1 Residential Zones 7-2

7.1.1 Purpose, Scope and Objectives. 7-2

7.1.2 Permitted and Conditional Uses. 7-2

7.1.3 Lot Area and Density. 7-4

7.1.4 Lot Frontage. 7-4

7.1.5 Prior Created Lots of Record. 7-4

7.1.6 Lot Area per Dwelling. 7-4

7.1.7 Yard Requirements - Dwellings. 7-4

7.1.8 Yard Requirements - Accessory Buildings. 7-4

7.1.9 Projections into Yards. 7-5

7.1.10 Height and Building Location. 7-5

7.1.11 Permissible Lot Coverage. 7-6

7.1.12 Parking and Access. 7-6

7.1.13 Site Plan Approval. 7-6

7.1.14 Other Requirements. 7-7

7.1.14.1 Animal Limitations. 7-7

7.1.14.2 Landscaping. 7-8

7.1.14.4 Location of boats, trailers, campers, & motor homes. 7-8

7.1.14.5 Temporary Mobile Homes. 7-8

7.1.14.6 Trash and Waste Storage. 7-8

7.2 Commercial Zone 7-9

7.3 Light Manufacturing/Industrial Zone 7-14

7.4 Sensitive Lands Overlay Zone 7-19

7.1 Residential Zones

7.1.1 Purpose, Scope and Objectives

The Rural Residential Zone is hereby created under this Code and may be referred to as the “Residential Zone” or the RR-0.5 Zone:

The RR-Zone is established to provide areas where single family residential use and associated uses, as hereinafter defined, may be harmoniously integrated with agricultural pursuits. This zone is intended to allow the keeping of a higher number and/or density of farm animals and fowl in conjunction with single-family dwelling units. It is intended, at the same time, to retain land in parcels large enough to provide efficient and attractive development, and to encourage natural or agricultural open spaces. The RR Zone is also intended to accommodate residential developments which are oriented to an equestrian life style. This would allow the design of a residential community which could contain non-commercial stables, training areas and equestrian or pedestrian trails as an integral part of the development.

(Amendment #9, Ordinance No. 2011-11-03)

7.1.2 Permitted and Conditional Uses

Those general uses or categories of uses listed below may be conducted in the Residential Zone. Uses are listed as designated in this Code. Detailed permitted uses and conditional uses as well as prohibited uses are listed in the Zone District Land use Table in Appendix A at the end of this code. Those uses or categories of uses as listed therein, and no others, are permitted or are conditional in the RR-0.5 zone. See General Provisions and Procedures (chapter 1.11) for applicable permit procedures.

(Amendment #7, Ordinance No. 2009-11-04)

7.1.2.1 Permitted Uses

The following characteristic uses of land, are permitted in the Residential Zone upon appropriate permit approval as indicated by the following:

- (a) Single-Family Dwellings
- (b) Modular Homes
- (c) Residential Accessory Structures
- (d) Home Occupations as regulated by this Code (see Supplementary Regulations) and by the business license Ordinances of Bear River City.
- (e) Pre-schools, day nurseries and child care activities within a residential dwelling unit involving 6 or fewer children including those residing in the dwelling
- (f) Parks
- (g) Field and Seed Crops (Commercial)
- (h) Truck Crops (Commercial)

- (i) Orchards and Vineyards (Commercial)
- (j) Horses and Cattle - as limited in the Other Requirements section of this Residential Section
- (k) Small fenced area for livestock
- (l) Goats and Sheep - as limited in the Other Requirements section of this Residential Section
- (m) Animal Specialties except peacocks, minks and exotic animals - as limited in the Other Requirements section of this Residential Section
- (n) Household pets (see definition in chapter 2), not to exceed 2 pets of each species over the age of 4 months per dwelling
- (o) Pasture and Rangeland
- (p) One attached Secondary Living Quarters or Accessory Apartment, as described in section 3.16 of this code, per Single Family Dwelling

(Amendment #7, Ordinance No. 2009-11-04)

7.1.2.2 Conditional Uses

The Planning and Zoning Commission may authorize the issuance of a Conditional Use Permit for the following uses of land in the Residential Zone as indicated by the use classifications listed below:

- (a) Temporary Mobile Homes
- (b) (Deleted in Amendment #8, Ordinance No. 2010-05-04)
- (c) (Deleted in Amendment #8, Ordinance No. 2010-05-04)
- (d) Nursery, primary and secondary and higher education schools, including child care (preschools and day-care in single family dwellings for 7 to 12 children, including those residing in the dwelling)
- (e) Religious Activities
- (f) Golf Courses - Private or Public
- (g) Large Playgrounds and Athletic Areas
- (h) Other animals may be permitted upon obtaining a conditional use permit

7.1.3 Lot Area and Density

The minimum area of any single lot or parcel of land in the Residential Zone shall be one-half acre.

RR-0.5 Density is 1 home per ½ acre

(Amendment #7, Ordinance No. 2009-11-04)

7.1.4 Lot Frontage

Each lot or parcel of land located in the Residential Zone shall abut along the right-of-way line of a public street or private street (if recommended by the Planning Commission and approved by the City Council) for a minimum distance of 115 feet.

(Amendment #7, Ordinance No. 2009-11-04)

7.1.5 Prior Created Lots of Record

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this zone shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this Chapter and are declared a non-conforming use under this Code.

7.1.6 Lot Area per Dwelling

Not more than one single-family dwelling may be placed on a lot or parcel in the Residential Zone.

7.1.7 Yard Requirements - Dwellings

The following yard set-back requirements shall apply on all lots in Residential Zone:

- (a) **Front yard - interior and corner lots.** The minimum front yard setback for all buildings in the Residential Zone shall be 30 feet.
- (b) **Side yards - interior lots.** The minimum side yard for all buildings on interior lots in the Residential Zone shall be 20 feet.
- (c) **Side yards - corner lots.** The minimum side yards for all buildings on corner lots in the Residential Zone shall be 20 feet on the side adjoining another lot and 30 feet on the side adjoining the street (for corner lots).
- (d) **Rear yard - interior and corner lots.** The minimum rear yard for all buildings in the Residential Zone shall be 30 feet; except, that on corner lots, the rear yard may be reduced to a minimum of 20 feet.
- (e) **Easements.** No building shall be located within an easement area of any kind.

7.1.8 Yard Requirements - Accessory Buildings

Accessory buildings such as garages and sheds may be located on lots in the Residential Zone according to the following requirements but only in conjunction with an existing dwelling on the same lot:

- (a) **Side yard accessory building.** An accessory building shall be located in a side yard no closer than 20 feet from the side property line and no closer than 10 feet from the dwelling, except, that an accessory building may not be located in the required street side yard of a corner lot.
- (b) **Rear yard accessory building.** An accessory building may be located in a rear yard no closer than 10 feet from the dwelling and not closer than 3 feet from the side or rear property lines.
- (c) **Additional setback requirement.** In addition to the foregoing side yard requirements, accessory buildings exceeding 10 feet in height shall be located so that the horizontal distance measured from the property line to any point of the structure shall be 30% or more of the height of the structure at that point (horizontal distance/height=30% or more).
- (d) **Accessory buildings for animals.** Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of 40 feet from any dwelling and 100 feet from dwellings on a neighboring lot.
- (e) **Easements.** No accessory building shall be located within an easement area of any kind.

7.1.9 Projections into Yards

The following structures may be erected on or projected into any required yard:

- (a) Fences and walls in conformance with this Code and other Town codes or ordinances.
- (b) Landscape elements including trees, shrubs, agricultural crops and other plants.
- (c) Necessary appurtenances for utility service.

The structures listed below may project into a minimum front or rear yard not more than 4 feet and into a minimum side yard not more than 2 feet. See the Supplemental Regulations for more detailed regulations:

- (a) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
- (b) Fireplace structures and bays, provided that they are not wider than 8 feet measured generally parallel to the wall of which they are a part.
- (c) Stairways, balconies, door stoops, fire escapes, awnings, porches and patio covers.
- (d) Planting boxes not exceeding 24 inches in height.

7.1.10 Height and Building Location

No lot or parcel of land in the Residential Zone shall have a building which exceeds a height of 35 feet unless a Conditional Use Permit has been granted by the Planning and Zoning Commission for said building to exceed the 35 foot

height limitation.

7.1.11 Permissible Lot Coverage

In the Residential Zone the area of the lot or parcel of land covered by buildings and structures shall not exceed 50 percent unless waived by the Board of Adjustment.

7.1.12 Parking and Access

7.1.12 (a) Parking

Each lot or parcel on which a single-family dwelling is located shall have on the same lot or parcel a minimum of 2 off-street parking spaces. Required parking spaces shall not be provided within a required front yard. Said spaces shall be graveled or paved with asphaltic cement or concrete and shall be provided with a graveled access from a public street. Fully enclosed two-car attached garages which have a minimum outside dimension width of 20 feet as measured from outside of foundation to outside of foundation and have at least 400 square feet of area shall satisfy the off-street parking requirement. All platted subdivision lots shall meet the parking requirements in effect when the subdivision was platted.

7.1.12 (b) Driveways

(1) Where driveways cross road side barrow pit drainage swales, and water drainage is a concern, a culvert constructed according to the Bear River City Public Works Construction Standards is required. The Zoning Administrator and Councilmember over roads determines when drainage is a concern.

(2) Where driveways cross irrigation ditches or canals, construction shall comply with Bear River City Ordinances and/or as required by the City Engineer.

7.1.12 (c) Access

When a driveway is used for access to a rear parking area for a non-residential use having less than 5 parking spaces, the side yard shall be wide enough to accommodate an unobstructed 10 foot driveway. When used for access to a garage, carport or parking area having 6 or more parking spaces, the side yard shall be wide enough to provide for an unobstructed 12 foot driveway for one-way traffic, or a 24 foot driveway for two-way traffic.

(7.1.12 Amendment #9, Ordinance No. 2011-11-03)

7.1.13 Site Plan Approval

The Land Management and Development Code and Uniform Building Code or their successors shall be satisfied prior to the issuance of a building permit. Public or main buildings, or dwellings of any type require permanent reference monuments in each of the four corners of the lot it is to be built on. If a lot contains more than four corners, only four permanent reference monuments are required. If a lot contains less than four corners at least three permanent reference monuments are required. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor (licensed in the state of Utah) prior to approval of the building permit application. If permanent reference monuments are already in place additional monuments are not required. A site plan shall be submitted and approved prior to the issuance of any permit. (Amendment #4, Ordinance No. 2007-11-06)

7.1.14 Other Requirements

7.1.14.1 Animal Limitations

The maintenance and keeping of animals and fowl on a lot or parcel of land in a RR Zone, where such use is permitted, shall be limited to a total of 40 animal points per 0.5 acre as determined from the chart below.

- (a) Horses, cattle and llamas Greater than 1000 pound animals - 20 Points each
Less than 1000 pound animals - 50 pounds per point
- (b) Sheep and goats up 10 Points each (lambs and kids, with their mothers, to 12 weeks of age will not count)
- (c) Pigs 20 points each with only two pigs per household allowed regardless of acres (one litter, with their mother, up to 6 weeks of age will not count). Wallows are not permitted.
- (d) Turkeys and geese not 4 Points each (chicks up to 8 weeks of age will count)
- (e) Chickens, ducks, pigeons, rabbits, chinchillas, and other small animals. 2 Points each (chicks, or litters with their mother, up to 8 weeks of age will not count)
- (f) Special Educational Youth Animal Project Permit
This section allows for the alteration of the number of animals allowed on a property when designated for a Special Educational Youth Project.

Special Educational Youth Animal Project Permit Process

- (i) Application
 - 1. Submit a Temporary Limited Use Application for a Special Educational Youth Animal Project to the Planning Commission;
 - 2. Application shall include a plot plan of where animals will be kept on the property in relation to neighboring homes and property owners;
 - 3. Application must be signed by the Planning Commission Chairman or the Zoning Administrator.
- (ii) Conditions
 - 1. Permit shall not be granted for more than an eight month period in one calendar year and must be obtained prior to starting the project;
 - 2. Permit can only be granted for an approved youth organization i.e. 4H, FFA, or Scouting with the purpose of the project stated on the application;
 - 3. The Planning Commission shall set conditions to mitigate:
 - (a) Smell
 - (b) Noise
 - (c) Confinement

(d) Pollution

4. Written complaints received by the City Council will be evaluated within fifteen (15) days and additional conditions placed on the permit holder or a severe complaint could result in a revocation of the permit.

5. All animals not in compliance with 7.1.14.1 must be removed from the property when the permit expires.

(All of section 7.1.14.(f) were added with Amendment #12, Ordinance No. 2015-11-04)

All animals located on a lot or parcel of land must be contained upon said lot or parcel.

If signed written complaints are received by the Town Council from other residences, the Town Council will, within 45 days, determine if the complaint is significant or not. If significant a conditional use permit may be required for said animals.

7.1.14.2 Landscaping

All open areas in Residential Zones between the front lot line and the rear line of the dwelling, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other landscaping materials.

7.1.14.3 (deleted Amendment #9, Ordinance No. 2011-11-03)

7.1.14.4 Location of Boats, Trailers, Campers, and Motor Homes

Boats, trailers, campers and motor homes may not be stored in the front yard of any lot or in the street side yard of a corner lot in excess of 24 hours, except that a vehicle owned by a guest of the resident may be stored in a required front yard or street side yard (on corner lots) for up to 7 consecutive days per calendar quarter. A motor home or RV may be occupied by a guest or guests of the resident for up to 7 consecutive days per calendar quarter.

7.1.14.5 Temporary Mobile Homes

A Temporary Conditional Use Permit may be issued for a temporary mobile home which may be located on the rear portion of a residential lot during the construction of a permanent dwelling for not longer than 1 year. The Planning Commission may require that a bond or other guarantee be posted to insure that the temporary mobile home is removed by the expiration of the permit.

7.1.14.6 Trash and Waste Storage

No trash, used materials, or wrecked or non-operational or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located within the residential zone with an opaque fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and/or hidden from the public or adjoining residential area view by appropriate fencing and/or landscaping methods and placed in a rear area of the dwelling. No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public. Trash storage plans must be presented to the Zoning Administrator for approval, prior to issuance of a building permit.

7.2 Commercial Zone

7.2.1 Purpose and Objectives

The Commercial (C-1) Zone is established to provide a district primarily for the accommodation of light and medium commercial uses in locations within or close to the central core of the City. Bear River City is not to be an area of heavy commercial development, such uses are more compatible with other local communities. The location of the C-1 zone should be close to major arterials to provide convenient access for higher traffic volumes without hazard and without traversing through a residential area. The C-1 zone shall not be applied to the internal areas of residential neighborhoods. Although the C-1 zone may be applied to existing commercial areas which have a variety of characteristics the provisions contained herein should be used to encourage greater integrity and aesthetic improvements as these areas are redeveloped, expanded, and improved. Integrated and coordinated landscaping, parking, ingress, egress, signing and building design should be encouraged and regulated through the use of project plan approval procedures. New construction should be in harmony with the characteristics of the surrounding developed commercial and residential areas. The uses characteristic of this zone will be a wide range of small retail and service stores and shops. See General Provisions and Procedures (chapter 1.11) for applicable permit procedures. (Amendment #7, Ordinance No. 2009-11-04)

7.2.2 Permitted Uses.

All permitted uses allowed under the C-1 zone are designated in the appendix A - Land Uses by Zone of this code which designates each use in the Standard Land Use Code format as published and maintained by the Planning Commission. Those uses or categories of uses as listed therein, and no others, are permitted in the C-1 zone. All such categories listed therein and all specific uses contained within them in the Standard Land Use Code will be permitted in the C-1 zone subject to the limitations set forth herein.

7.2.3 Permitted Accessory Uses

Accessory uses and structures are permitted in the C-1 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

- (a) Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the C-1 zone.
- (b) Storage of materials used for construction of buildings, including the contractor's temporary office provided that such use be located on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.

7.2.4 Conditional Uses

Certain uses and structures are permitted in the C-1 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof. All conditional uses allowed under the C-1 zone are designated in the appendix A -

Land Uses by Zone of this code which designates each use in the Standard Land Use Code format as published and maintained by the Planning Commission. Those uses or categories of uses as listed therein, and no others, are conditional in the C-1 zone. All such conditional categories listed therein and all specific uses contained within them in the Standard Land Use Code will be conditional in the C-1 zone subject to the limitations set forth herein.

7.2.5 Lot Area

There shall be no minimum lot area requirements in the C-1 zone except as may be dictated by off-street parking requirements, adequate circulation, and property site utilization.

7.2.6 Commercial and Residential Area Requirements in Mixed Residential/Commercial Use Structures

In mixed residential/commercial use structures, the amount of commercial area shall not exceed thirty (30) percent of the total lot area.

7.2.7 Lot Width

There shall be no requirements for lot width, provided all requirements of necessary parking regulations can be satisfied.

7.2.8 Lot Frontage

Each lot or parcel of land in the C-1 zone shall have frontage on a public street for a minimum distance of thirty-five (35) feet.

7.2.9 Prior Created Lots

Lots or parcels of land which were created prior to the application of this zone, shall not be denied a building permit solely for reasons of non-conformance to the parcel requirements of this Chapter.

7.2.10 Area of Zone

Each single C-1 zone zoning district shall contain a minimum of two (2) acres.

7.2.11 Yard Requirements

The following maximum yard requirements shall apply in the C-1 zone:

- (a) **Front Yard.** Each lot or parcel of land in the C-1 zone shall have a front yard of not less than ten (10) feet.
- (b) **Side Yard.** Each lot or parcel of land in the C-1 zone shall have a side yard of at least twenty (20) feet when located adjacent to a residential zone. Except as provided in subsections (c), (d) and (e) below, there shall be no requirements, except as may be dictated by provisions of the Uniform Building Code, in those instances where the side property line abuts a commercial or light manufacturing/industrial zone.
- (c) **Side Yard - Corner Lots.** On corner lots the side yard contiguous with the street shall be not less than ten (10) feet in width, and shall not be used for vehicular parking. Said area shall be appropriately landscaped except those portions devoted to access and driveway use.

- (d) **Side Yard - Driveway.** When used for access to any garage, carport, or parking area having less than five (5) parking spaces, a side yard shall be wide enough to accommodate an unobstructed twelve (12) foot driveway. When used for access to a garage, carport, or parking area having six (6) or more parking spaces, a side yard shall be wide enough to provide an unobstructed fifteen (15) foot driveway for one-way traffic, or a twenty (20) foot driveway for two-way traffic.
- (e) **Side Yard - On Property Line.** A building may be located on a side property line if, and only if, all of the following conditions are met:
 - (1) The building has no openings on the side which is contiguous to the property line, and the wall of said building adjacent to the property line has a four (4) hour fire-retardant rating.
 - (2) The building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected.
- (f) **Rear Yard.** The rear yard requirements will be dictated by provisions of the Uniform Building Code and by (e) above, same as for side yards.
- (g) **Easements.** No building shall be located within an easement area of any kind.

7.2.12 Projections into Yards

- (a) The following structures may be erected on, or project into, any required yard, except into a required driveway:
 - (1) Fences and walls in conformance with Town codes and ordinances;
 - (2) Landscaping elements including trees, shrubs, and other plants;
 - (3) Necessary appurtenances for utility service.
- (b) The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that required driveways shall remain unobstructed from the ground upward.
 - (1) Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
 - (2) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
 - (3) Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and

is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

7.2.13 Building Height

In the C-1 zone, the height of every building or structure hereinafter designed, erected, or structurally altered or enlarged shall be regulated by conformance to the requirements of the most recent edition of the Uniform Building Code as adopted by action of the Town. After the effective date of this Chapter, all new structures exceeding two (2) stories in height shall be served with elevators or escalators in addition to the stairways otherwise required by law. Any building design of over 35 feet in height shall be a conditional use.

7.2.14 Distance Between Buildings.

No requirements, providing all necessary parking regulations can be met.

7.2.15 Permissible Lot Coverage

No requirements except as may be dictated by yard requirements, landscape requirements, and compliance with off-street parking provisions. Permissible lot coverage for mixed residential/commercial uses, see 7.2.6.

7.2.16 Parking, Loading, and Access

- (a) Each lot or parcel in the C-1 zone shall have automobile parking sufficient to meet the requirements as set forth in Chapter 3 of this Code.
- (b) All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk.
- (c) Parking spaces shall not be provided within a required front yard or side yard adjacent to a public street.

7.2.17 Project Plan Approval

Prior to the construction of any project in the C-1 zone, a project plan shall be submitted and approved. Said project shall be drawn to scale and shall contain all required information designated on the application and/or checklist.

7.2.18 Other Requirements

The following other requirements shall apply to developments within the C-1 zone:

7.2.18.1 Signs

All signs erected in the C-1 zone shall be in conformance with the sign provisions of Chapter 3 of this Code.

7.2.18.2 Uses Within Buildings

All uses established in the C-1 zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open. Such uses may include but would not be limited to, service stations, ice skating, miniature golf, plant nurseries, etc.

7.2.18.3 Landscaping

Each building or project in the C-1 zone shall be landscaped, which shall be pre-approved by the Planning Commission, subject to the following:

- (a) Required front yard areas and required side yard areas adjacent to a public street, except those portions devoted to driveways shall be reasonably landscaped with plants shrubs, trees, grass, and similar landscaping materials.
- (b) All landscaped areas shall have sprinkling and/or irrigation systems.
- (c) All parking areas shall be screened from public streets by a landscaped berm, decorative screening wall, planted hedge, or other reasonable methods.
- (d) The use of natural landscaping materials with strong visual impact shall be emphasized including the use of bedding areas with perennial shrubs where appropriate, clustering of trees and large sized plants.
- (e) Parking areas shall be landscaped where possible around the periphery and at the ends of parking rows in accordance with the landscaping plan approved as part of the project plan approval procedure.

7.2.18.4 Trash and Waste Storage

No trash, used materials, or wrecked or non-operational or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located within the C-1 zones with an opaque fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and/or hidden from the public or adjoining residential area view by appropriate fencing and/or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior to issuance of a building permit.

7.2.18.5 Walls and Fences

- (a) No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in a C-1 zone.
- (b) A decorative masonry wall at least six (6) feet in height shall be erected along all property lines which lie adjacent to a residential zone.

7.2.18.6 Remodeling in Existing C-1 Zones

If the remodeling of a building in the C-1 zone causes the exterior of the building to be enlarged, the landscaping requirements of this section shall apply, with the following limitations:

- (a) The requirements of subsection 7.2.18.3 shall not apply where those requirements would conflict with parking requirements, be incompatible with the design of existing buildings or impair ingress or egress to existing buildings or parking areas.

- (b) The requirements of subsection 7.2.18.3 shall not be applied to require improvements which cost more than five (5) percent of the total remodeling project.

7.2.18.7 Storage Facilities

All commercial storage or warehousing facilities shall be enclosed by a fence or wall of a material and screening system that provides adequate security and is architecturally compatible with the commercial district or community that the facility is in.

7.2.18.8 Residential in C-1 Zone

Residential only uses within the C-1 Zone shall meet all the requirements of the RR-0.5 Zone.

7.3 Light Manufacturing/Industrial Zone

7.3.1 Purpose and Objectives

The Light Manufacturing/Industrial (LMI-1) zone is established to provide areas in the Town where light manufacturing or industrial firms can engage in processing, assembling, manufacturing, warehousing, and storage; and for incidental service facilities and public facilities to serve the manufacturing area. The zone is intended to encourage sound development by providing and protecting an environment for such development while protecting the rural environment of the area, subject to regulations necessary to assure the orderly growth of the Town of Bear River City, and the protection of agricultural, residential and small commercial land uses from noise and other disturbances. This zone is to be characterized by flat, open land suited for industrial uses because of the proximity to good transportation routes and the availability of utilities necessary for successful manufacturing or processes. The areas in which this zone will be applied may provide for land reserves for industrial and manufacturing use. Some land may therefore be placed in agricultural and other open land uses until its industrial and manufacturing potential is realized. Representative of the uses within the zone are light manufacturing, fabrication, processing, storage warehousing, and wholesale distribution. Uses which generate excessive noise, vibration, smoke, odor, dust, fumes, or danger of explosion have been excluded from this zone. This zone is designed to accommodate small and clean manufacturing or industrial types of uses that are compatible with an agricultural area and the uses may be blended or interspersed with agricultural uses if the use would be compatible with such uses. The basic objectives of the LMI-1 zone are:

- (a) To provide space for light manufacturing and processing uses within the Town in appropriate locations and to discourage uses from locating within this zone which will tend to deteriorate light manufacturing environment, and thwart the use of land for light industrial purposes.
- (b) To broaden the tax base and improve the job potential and the economic base of the community.

- (c) To promote new small industry to the end that the economic and social well-being of the Town and its inhabitants shall be enhanced.
- (d) To discourage the undesirable mixture of incompatible commercial, industrial, and residential uses.

7.3.2 Permitted Uses

All permitted uses allowed under the LMI-1 zone are designated in the appendix A - Land Uses by Zone of this code which designates each use in the Standard Land Use Code format as published and maintained by the Planning Commission. Those uses or categories of uses as listed therein, and no others, are permitted in the LMI-1 zone. All such categories listed therein and all specific uses contained within them in the Standard Land Use Code will be permitted in the LMI-1 zone subject to the limitations set forth herein.

7.3.3 Permitted Accessory Uses

Accessory uses and structures are permitted in the LMI-1 zone provided they are incidental to and do not substantially alter, the character of the principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- (a) Accessory buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the LMI-1 zone.
- (b) Storage of materials used for construction of buildings, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

7.3.4 Conditional Uses

Certain uses and structures are permitted in the LMI-1 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof. All conditional uses allowed under the LMI-1 zone are designated in the appendix A - Land Uses by Zone of this code which designates each use in the Standard Land Use Code format as published and maintained by the Planning Commission. Those uses or categories of uses as listed therein, and no others, are conditional in the LMI-1 zone. All such conditional categories listed therein and all specific uses contained within them in the Standard Land Use Code will be permitted in the LMI-1 zone subject to the limitations set forth herein.

7.3.5 Lot Area

The minimum area of any lot or parcel of land in the LMI-1 zone shall be two (2) Acres.

7.3.6 Lot Width

Each lot or parcel of land in the LMI-1 zone shall have an average width of not less than one hundred (100) feet.

7.3.7 Lot Frontage

Each lot or parcel of land in the LMI-1 zone shall abut a public street for a minimum distance of fifty (50) feet on a line parallel to the centerline of said street or along the circumference of a cul-de-sac improved to Town standards.

7.3.8 Prior Created Lots

Lots or parcels of land which were created prior to the application of this zone, shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this Chapter.

7.3.9 Area of Zone

No requirements except that an orderly development pattern following good planning principals shall be used.

7.3.10 Yard Requirements

The following minimum yard requirements shall apply in the LMI-1 zone:

- (a) **Front Yard.** Each lot or parcel in the LMI-1 zone shall have a front yard of not less than ten (10) feet, unless used for parking, in which case it shall be not less than thirty (30) feet, of which at least ten (10) feet shall be landscaped.
- (b) **Side Yard.** No requirement, except as may be dictated by provisions of the Uniform Building Code and as provided in (c), (d), and (e), below. Also except where adjoining a residential zone, school, or park, in which case a side yard of not less than twenty (20) feet shall be required.
- (c) **Side Yard - Corner Lots.** On corner lots, the side yard contiguous with the street shall be not less than ten (10) feet in width, and shall not be used for vehicular parking. Said area shall be appropriately landscaped except those portions devoted to access and driveway use.
- (d) **Side Yard - Driveway.** When used for access to any garage, carport, or parking area having less than five (5) parking spaces, a side yard shall be wide enough to accommodate an unobstructed twelve (12) foot driveway. When used for access to a loading dock or a parking area having six (6) or more parking spaces, a side yard shall be wide enough to provide an unobstructed fifteen (15) foot driveway for one-way traffic, or a twenty (20) foot driveway for two-way traffic.
- (e) **Side Yard - On Property Line.** A building may be located on a side property line if, and only if, all of the following conditions are met:
 - (1) The building has no openings on the side which is contiguous to the property line, and the wall of said building adjacent to the property line has a four (4) hour fire retardant rating.
 - (2) The building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected.
- (f) **Rear Yard.** The rear yard requirements will be as dictated by off-street parking requirements or by the provisions of the Uniform Building Code and by (e) above, same as for side yards.

- (g) **Easements.** No building shall be located within an easement area of any kind.

7.3.11 Projections into Yards

- (a) The following structures may be erected on or projected into the required front yard:
 - (1) Fences and walls in conformance with Town codes and ordinances;
 - (2) Landscape elements, including trees, shrubs, turf, and other ornamental landscaping materials
 - (3) Necessary appurtenances for utility service.
- (b) The structures listed below may project into a minimum front yard not more than four (4) feet into a minimum side yard not more than two (2) feet, except that required driveways shall remain unobstructed from the ground up.
 - (1) Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features;
 - (2) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.

7.3.12 Building Height

The height of every building or structure hereafter designed, erected, or structurally altered or enlarged, shall conform to the requirements of the most recent edition of the Uniform Building Code as adopted by Bear River City. After the effective date of this Chapter, all new structures exceeding two (2) stories in height shall be served with elevators or escalators in addition to the stairways otherwise required by law. Any building design of over 35 feet in height shall be a conditional use.

7.3.13 Distance Between Buildings

No requirement except as may be dictated by the latest edition of the Uniform Building Code as adopted by Bear River City.

7.3.14 Permissible Lot Coverage

No requirement, except as may be dictated by off-street parking requirements.

7.3.15 Parking, Loading, and Access

- (a) Each lot or parcel of land in the LMI-1 zone shall have on the same lot or

parcel automobile parking sufficient to meet the requirements as set forth in Chapter 3 of this Title.

- (b) All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with paved access from a public street.
- (c) Said spaces shall be provided with adequate drainage which shall not run across a public sidewalk.
- (d) Loading spaces shall be provided as required by the Planning Commission, using as a guide a standard of one (1) such space per ten thousand (10,000) square feet of gross floor area.

7.3.16 Project Plan Approval

Prior to the construction of any structure in the LMI-1 zone, a project plan shall be submitted and approved. Said project plan shall be drawn to scale and shall contain all required information designated on the application and/or checklist.

7.3.17 Other Requirements

The following other requirements shall apply to developments within the LMI-1 zone:

7.3.17.1 Signs

All signs erected in the LMI-1 zone shall be in conformance with the sign provisions of Chapter 3 of this Code.

7.3.17.2 Uses Within Buildings

All uses established in the LMI-1 zone shall be conducted entirely within fully-enclosed buildings, except those uses deemed by the Planning Commission to be customarily and appropriately allowed in the zone by a conditional use permit with appropriate screening.

7.3.17.3 Landscaping

The following provisions shall apply in the LMI-1 zone:

- (a) The front yard areas and side yard areas adjacent to a public street, except those portions devoted to driveways and parking permitted by the provisions of this Ordinance, shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials.
- (b) Parking areas shall be landscaped where possible around the periphery and at the ends of parking rows in accordance with the landscape plan approved as part of the project plan approval procedure.
- (c) All parking places within the front yard area shall be screened from view of the street by planting materials and other suitable screening placed within a ten (10) foot planter area between said parking and the public street right-of-way.

7.3.17.4 Trash and Waste Storage

No trash, used materials, or wrecked or non-operating or abandoned vehicles or equipment shall be stored in an open area. All such materials must be screened from public streets and adjacent property located within the LMI-1 zones with an opaque fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and/or hidden from the public or adjoining residential area view by appropriate fencing and/or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior to issuance of a building permit.

7.3.17.5 Walls and Fences

- (a) No wall, fence, or opaque hedge or screening material shall be placed or erected within an area which would restrict the sight distance for vehicular traffic in the public right-of-way.
- (b) A decorative masonry wall at least six (6) feet in height shall be erected along all property lines which lie immediately adjacent to any residential zone.

7.3.17.6 Residential in LMI-1 Zone

Residential only uses within the LMI-1 Zone shall meet all the requirements of the RR-0.5 Zone.

7.4 Sensitive Lands Overlay Zone

The Sensitive Lands Overlay Zone is a special zone that may be placed over any other existing zone that is in an area designated or believed to possess lands that are sensitive due to excessive slopes, ridge line and hillside visual protection areas, unsuitable or sensitive soils for building, wetlands, stream protection areas, critical wildlife habitats or migration areas, fire hazards, flooding hazards and any other geologic type hazards. The designation of this overlay to a particular zone below it is accomplished by prefixing the zone with the (S-) designation. For example: S-RR-0.5 would mean that the Rural Residential 0.5 acre zone (RR-0.5) would lie either partially or completely within the Sensitive Lands Overlay Zone. When used elsewhere as an abbreviation, the sensitive lands overlay zone will be referred to as (SLOZ).

The treatment of development proposals in this overlay zone are treated very critically to protect not only the residents of the development, but the developer, project owner(s) and Town residents from hazards, potential liability and/or property damage.

The regulations covering additional studies and treatment of these areas prior to any development may take place are detailed in Chapter 9 of this code. All regulations in Chapter 9 are in addition to any Zone Regulations in this chapter or any other studies, conditions or regulations in any other chapter of this Code, including but not limited to the Infrastructure review process outlined in Chapter 1, the right to farm provisions of chapter 3 and the subdivision regulations of

chapter 8 of this code.

If a property or lot is covered only partially by the Sensitive Lands Overlay Zone, all the conditions and regulations of chapter 9 will still apply to that portion, or all of the lot or parcel if the Overlay Zone covers over fifty (50) percent of the parcel. All types of development, including any necessary infrastructure needed to service the development are subject to the environmental impact review and rededications or treatments of impacts derived therefrom, including clustering, building(s) or facilities relocation or prohibitions from development.

All subdivision proposals within the Sensitive Lands Overlay Zone become a conditional use and are reviewed as outlined in Chapters 8 and 9 of this Code.