



EAST CARBON CITY

LAND USE DEVELOPMENT AND MANAGEMENT CODE



OUR COMMUNITY



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*This Land Use Development and Management Code
was approved and adopted by the
East Carbon City Council on May 21, 2019.*

Chapter 1

GENERAL AND SUPPLEMENTARY PROVISIONS

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1.1. SHORT TITLE

This Code shall be known as “The Land Use Development and Management Act” of East Carbon City, and may be so cited and pleaded. It may also be referenced as the “Land Use Code”.

1.2. PURPOSE

This code is adopted to provide for the health, safety, and welfare, and to promote the prosperity, peace, good order, comfort, convenience, and aesthetics of East Carbon City and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster agricultural and other industries, protect both urban and non-urban development, and to protect property values, promote wise energy use and efficiency and to protect the environment.

1.3. EFFECT OF CHAPTER

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zoning district regulations and

all other regulations appearing elsewhere in this Code.

1.4. INTERPRETATION

In interpreting and applying the provisions of this Code, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. Additional requirements may be recommended and/or implemented by the East Carbon City Planning and Zoning Commission and/or the City Council.

1.5. CONFLICT

1. This Code shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail over such provisions which are less restrictive.
2. Whenever other restrictions or provisions are adopted under Utah state law, the most restrictive requirement shall govern.

1.6. EFFECT ON PREVIOUS ORDINANCES AND MAPS

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this Code, including any attached or referenced map or maps, shall be deemed a continuation of previous codes and not a new enactment, insofar as the substance of revisions or previous codes is included in this Code, whether in the same or in different language; and this Code shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous codes, to questions of conforming or non conforming uses and buildings and structure, and to questions as to the dates upon which such uses, buildings, or

structures became conforming or non conforming.

1.7. LICENSING

All officials and public employees of East Carbon City who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Code and shall knowingly issue no permit or license for uses, building, or purposes where the same would be in conflict with provisions of this Code and any such permit or license, if issued in conflict with the provisions of this Code, shall be null and void. However, if a permit or license for a non-complying use or activity is requested, upon review by officials and public employees vested with the duty or authority to issue permits, it may be approved if it is not determined to be a potential nuisance.

1.8. SEVERABILITY

Should any chapter, section, clause, or provision of this Code be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Code as a whole or any part thereof other than the part so declared to be invalid.

1.9. LEGAL REMEDIES FOR VIOLATION

Any person, firm or corporation, whether as principal, agent or employee, who violates or causes the violation of any of the provisions of this Code shall be guilty of a Class C misdemeanor as defined by Utah State Code and upon conviction thereof shall be punished as provided by law.

In addition, the following may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use:

1. East Carbon City, by action of the City Council; or

2. Any owner of real estate within the zoning district in which an alleged violation of this Code has occurred; or the owner of real estate across a zoning district line and abutting or facing the real estate where the alleged violation has occurred.

1.10. APPEALS

1. No person may challenge in district court East Carbon City's land use decision made under this chapter or under any regulations made under authority of this chapter or this Code unless and until they have exhausted their administrative remedies. (See Appeal Authorities, Section 2.2.4)
2. Any person adversely affected by any decision made in the exercise of the provisions of this chapter may file a petition for review of the decision with the district court within 30 days after the local decision is rendered. All references to the "district court" herein refer to the 7th District Court in and for Carbon County, State of Utah.
3. Any and all court actions shall take place in Carbon County, Utah and be governed by the laws of the State of Utah.

1.11. ENFORCEMENT

East Carbon City or any owner of real estate within East Carbon City in which violations of this chapter or ordinances enacted under the authority of this chapter occur or are about to occur may, in addition to other remedies provided by law, institute:

1. injunctions, mandamus, abatement, or any other appropriate actions; or
2. proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
3. East Carbon City need only establish the violation to obtain the injunction.

4. It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within East Carbon City without approval and issuance of a valid building permit by East Carbon City when required.
5. East Carbon City, or its authorized agent may not issue a building permit unless plans, details, specifications and information of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

1.12. ZONING ADMINISTRATOR AUTHORITY AND DUTIES

The Planning and Zoning Commission Chair shall also be known by the Zoning Administrator

The Zoning Administrator is hereby authorized to enforce this Code and all provisions hereof, and shall do so by any legal means available to him/her, including but not limited to the following:

1. Advise the Building Official, inspector and City Engineer on the issuance of building permits, conditional use permits, zoning permits and development permits. When the Zoning Administrator gives written notification to the Building Official, inspector and/or City Engineer that an intended use, building, or structure would be in violation of this Code, such written notification shall be presumption of non-conformance or illegality and a permit for such use, building, or structure, shall not be issued.
2. Inspect the uses of buildings, structures or land to determine compliance with this Code. Such inspections shall be made at reasonable times.
3. Issue Notices of Violation wherever buildings or lands are being used contrary to the provisions of this Code.

(This shall be done by serving notice in writing on any person or group engaged in said use and posting such notice on the premises.)

4. Inform the City Council of all Code violations and recommend specific courses of action with regard to each violation.
5. Maintain a file of Code violations and action taken by the City Council on such violations.

1.13. DEFINITIONS

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Code. Words used in the present tense shall 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 occupied; the word "shall" is mandatory and not discretionary, 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. An asterisk (*) at the definition means that the word is defined in the Utah State Code. Words used in this Code but not defined herein shall have the meaning as defined in any other ordinance adopted by East Carbon City.

1. **ACCESSORY BUILDING OR STRUCTURE.** A building (including solar energy systems and renewable energy systems which may require separate review and permitting consideration) on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or structure. An accessory building shall

- include any structure for caretaker, or security housing,
2. **ACCESSORY USE.** A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.
 3. **ACTIVE SOLAR SYSTEM.** A system of equipment capable of collecting and converting incident solar radiation into heat, mechanical or electrical energy, and transferring these forms of energy by a separate apparatus to storage or to the point of use. This includes water heating, space heating or cooling, electric energy generation or mechanical energy generation and the architectural and engineering design or system necessary to balance or optimize active components thereof.
 4. **ADULT DAYCARE FACILITY.** Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardian for periods of less than twenty-four (24) hours per day.
 5. **AMERICANS WITH DISABILITIES ACT (ADA).** Federal Law which sets guidelines for accessibility to places of public accommodation and commercial facilities by individuals with disabilities.
 6. **AGRICULTURE.** The production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business.
 7. **AGRICULTURAL INDUSTRY (AGRICULTURAL BUSINESS).** The processing of raw food products by packaging, treating and/or intensive feeding. Agricultural industry includes, but is not limited to, animal feed yards, the raising of fur-bearing animals, food packaging and/or processing plants, commercial poultry or egg production, commercial greenhouses, and similar uses as determined by the East Carbon City Planning and Zoning Administrator.
 8. **AIRPORT.** Shall be defined as identified by the Federal Aviation Administration (FAA) and shall include all types of airports and all levels of air service.
 9. **ALLEY.** A public access-way generally less than 26 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 purpose of this Code. Maintenance of alley-way is the responsibility of the fronting, adjacent, adjoining, or abutting property owners.
 10. **ALLUVIAL SOILS.** Areas subject to periodic flooding as defined in the soil survey prepared by the Natural Resources Conservation Service which encompasses East Carbon City.
 11. **AMUSEMENT PARK/BALL FIELDS.** Any place of organized amusement activity not conducted wholly within a completely enclosed building, whether a commercial or non-profit enterprise, except temporary celebrations or events sanctioned by the City Council by a special permit.
 12. **ANCHORED.** Secured in a manner that provides positive connection.
 13. **ANIMAL CLINIC (ALSO ANIMAL HOSPITAL).** Any building or portion thereof designed or used for the care or treatment of animals or fowl, and/or in which veterinary or grooming service is provided or is available.
 14. **APPROVED.** Allowed by any applicable land use authority.

15. **APPURTENANCES.** Appendages and incidental details on buildings are to be allowed such as building projections, coverings for mechanical equipment, etc.
16. **ARCHITECTURAL PROJECTION.** Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.
17. **ASSISTED LIVING FACILITY.** A residential facility, licensed by the State of Utah, with a home like setting that provides an array of coordinated support personnel and health care services, available 24 hours per day, to residents who have been assessed under the Utah Department of Health or the Utah Department of Human Services Rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include: (1) specified services of intermediate nursing care; (2) administration of medication; (3) support services promoting residence independence and self sufficiency. Such a facility does not include adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.
18. **AUTOMATIC CAR WASH.** A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding 1-1/2 tons capacity.
19. **AUTOMATIC TRUCK WASH.** A facility for automatic or self-service washing or cleaning of trucks exceeding 1-1/2 tons capacity.
20. **AUTOMOBILE PAINT SHOP.** A facility for minor body and fender repair and painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.
21. **AUTOMOBILE FUELING STATION.** A facility where gasoline or any other motor fuel for operating motor vehicles is offered for sale to the public and is dispensed to the vehicle by the purchaser or an attendant; the self-service station may be independent or in conjunction with a retail store.
22. **AUTOMOBILE SERVICE STATION.** A facility where 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 automotive services are performed including tire repair, tire sales, battery sales or charging, and tune-up of automobiles, but not including major auto repair.
23. **AUTOMOTIVE BODY AND FENDER SHOP.** A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders, and including rebuilding and painting.
24. **AUTOMOTIVE SALES AREA.** 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 and on a concrete, gravel or asphalt surface.
25. **AUTOMOTIVE SALVAGE YARD (AUTOMOBILE WRECKING OR PROCESSING YARD).** A lot or portion thereof used for the storage, dismantling and demolition of junk automobiles, other junk vehicles, other junk machinery, or parts thereof for business or profit.
26. **AVERAGE SLOPE.** An expression of rise or fall in elevation along a line perpendicular to the contours of the land

- connecting the highest point of land to the lowest point of land within a lot or building area. A vertical rise of 100 feet between two points 100 feet apart measured on a horizontal plane is 100 percent slope (rise/run x 100).
27. **BASEMENT.** That portion of a building which is partly or completely below grade. A story, the floor of which is more than $\frac{1}{2}$ of its floor-to-ceiling heights is below the average contact level of the adjoining ground. A basement shall be counted as a story when more than $\frac{1}{2}$ of its floor to ceiling height is above the average contact level to adjoining ground.
28. **BATHROOM.** A room containing sanitation plumbing fixtures including a bathtub or shower.
29. **BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.
30. **BEGINNING OF CONSTRUCTION.** Means any visible work or alteration of a site, land or building.
31. **BIKE PATH (BIKE TRAIL, BIKE LANE).** A right-of-way designed and constructed and dedicated for use by bicycles and not intended for use by pedestrians or motor vehicles of any kind. A bike path may be located within or without a street right -of-way, at grade, or at a grade separated from vehicular traffic. Bike lanes may also be included as a part of a street.
32. **BILLBOARD** means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located. Also known as “off premise advertising.”
33. **BLOCK.** The land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat.
34. **BOARDER.** A person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family who reside on the premises with the operator, shall not be considered a boarder.
35. **BOARDING HOUSE.** A building or portion thereof where, for compensation, rooms are rented together with meals for not more than six (6) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.
36. **BUILDABLE AREA.** The portion of a lot remaining after required setbacks have been provided, except that land with an average grade exceeding 25 percent shall not be considered geotechnically buildable unless it is geotechnically evaluated by a qualified and/or engineer and approved by conditional use permit.

37. **BUILDING.** Any structure used or intended to be used for the shelter or enclosure of persons, animals, equipment, vehicles or property.
38. **BUILDING, HEIGHT OF.** The vertical distance from the average natural grade surface at the foundation, to the highest point of the building roof or coping.
39. **BUILDING OFFICIAL or INSPECTOR.** (1) Building Official: the person designated or appointed by the Mayor and City Council as the Building Official; (2) Building Inspector: the person designated or appointed by the Mayor and City Council as the Building Inspector for East Carbon City. The Building Official and Building Inspector may or may not be the same person.
40. **BUILDING, PUBLIC.** A building owned and operated, or owned and intended to be operated by the city, a public agency of the United States of America, the State of Utah, or any of its political subdivisions. The use of a public building is non transferrable and terminates if the structure is devoted to a use other than as a public building.
41. **CAMPGROUND.** A public area designated by a public agency for camping, or a private area licensed by the city for camping.
42. **CAMPING.** A temporary establishment of living facilities such as tents, trailers or recreational coaches as regulated by this Code.
43. **CARPORT.** A private garage completely open on two sides, or 50% open based on three to four sides. May have one side completely closed.
44. **CELLAR.** A room or rooms having more than 50 percent of the floor to ceiling height under the average level of the adjoining ground, for storage and not living quarters.
45. **CHILD NURSERY (DAY CARE CENTER).** An establishment for the care and/or the instruction of 5 or more children, (other than for members of the family residing on the premises), for compensation, but not including a public school or pre-school.
46. **CHURCH.** A building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for religious worship and instruction.
47. **CITY COUNCIL.** The elected legislative body of East Carbon City.
48. **CITY ATTORNEY.** The officially designated attorney for East Carbon City.
49. **CITY ENGINEER.** The officially designated engineer of record for East Carbon City.
50. **CLINIC, DENTAL OR MEDICAL.** A building in which a group of dentists, physicians, and/or allied professionals in the healing arts are associated for the conduct of their respective professions. The clinic may include a dental and/or medical laboratory and an apothecary. It may include out-patient care or operating rooms for outpatient surgery. Does not include overnight or long-term care.
51. **CLUB, PRIVATE.** A social, recreational, or athletic club or similar association or corporation incorporated under the provisions of the Utah Non-Profit Corporation and Cooperation Act for the above-stated purposes, which maintains or intends to maintain premises upon which alcoholic beverages are or will be stored, consumed or sold.

52. **COMPATIBLE WITH RESIDENTIAL USE.** Compatibility will be measured by whether or not the proposed development adversely impacts the quality of life or harmony in the area. Property values must be sustained or enhanced as opposed to diminishing value; the effects of ultimate traffic on streets will be considered rather than complaints that a new development will increase unwanted traffic; improvements in the infrastructure will be considered as to how and who pays for them; positive contributions to the financing of needed improvements will be weighed against the assessment on existing residential developments; proximity of possible impacts will be evaluated and non-directly impacted citizens will be considered in the group of the general citizenry. Also, aesthetic relief from the monotonous and uniform subdividing of the countryside will be considered a positive factor.
53. **CONDITIONAL USE** means a land use that, because of its unique characteristics or potential impact on East Carbon City, or surrounding neighbors, or adjacent land uses, or the environment, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate known or anticipated detrimental impacts. (A use of land for which a conditional use permit is required, pursuant to this Code.) Approval based on conditions.
54. **CONDEMN.** To deem unfit for occupancy.
55. **CONDITIONAL USE DEVELOPMENT.** A subdivision, planned unit development, manufactured home park, manufactured home subdivision, recreation vehicle park, landfill, land excavation, commercial or industrial development.
56. **CONDOMINIUM.** The ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property as provided by state law. A condominium development is comparable to a subdivision in that each development is characterized by multiple individual ownerships in a single development. In a condominium development the multiple individual ownerships are in structures, whereas in subdivisions such ownerships are in land. For regulation purposes the development of a condominium project is treated by Utah State law and by this Code as a subdivision, and condominium developments must comply with the subdivision regulations of this Code.
57. **CORRAL.** A confined space, other than a building, less than 1 acre in area or less than 100 feet in width, not less than 100 feet from a residence in a residential zone, used for the confinement of animals or fowl.
58. **COUNTY.** Means the unincorporated areas of Carbon County, Utah.
59. **CROSSWALK OR WALKWAY.** A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; but may be crossed by vehicles at right angles; a crosswalk or walkway or pedestrian-way may be located within or outside of a street right-of-way, at grade, or at a grade separated from vehicular traffic.
60. **CUL-DE-SAC.** A street which is designed to remain permanently closed at one end, and designed to accommodate the turning around by vehicles. For purposes of this code, the

length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to a point at the center of the cul-de-sac. A temporary cul-de-sac with dimensions approved by the East Carbon City Planning and Zoning Commission may be considered while waiting for a permanent through street.

61. **DAIRY.** A facility for the production of milk on a farm for wholesale marketing off the premises shall be classified as a dairy. A commercial establishment for the manufacture, processing or packaging of milk products, and their sale is not a dairy.
62. **DENSITY.** Density is a measure of the number of dwelling units per acre of area. It shall be expressed as dwelling units per acre (DU/acre).
63. **DETACHED.** When a structural element is physically disconnected from another.
64. **DETERIORATION.** To weaken, disintegrate, corrode, rust, decay or lose effectiveness.
65. **DEVELOPER.** Any person, firm, partnership, corporation or association who proposes or causes improvements to be constructed, proposes or causes land use to be changed, or land to be subdivided for themselves or others.
66. **DEVELOPMENT (LAND).** The conversion or alteration of use or physical characteristics of land; placing improvements on the land; or putting land to intensive use such as a subdivision, PUD, manufactured home park, recreation vehicle park, shopping center, industrial park, excavation, etc.
67. **DISABILITY.** Physical or mental impairments that substantially limits one or more of a person's major life activities, including a person having a

record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability, to wit:

1. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21, U.S.C. 802, or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953, as amended;
 2. A physical or mental impairment includes the following, to wit:
 3. Any condition diagnosed by a licensed mental health professional, doctor or physician that said mental health professional, doctor or physician determines to significantly impair a person's ability to care for themselves and function without assistance.
68. **DISTRICT (ALSO ZONE OR ZONING DISTRICT).** A portion of territory, of East Carbon City, established as a zoning district by this Code, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code. An area with specific use requirements.
 69. **DOMESTIC ANIMAL.** Animals that have been tamed and adapted for existence within the human environment. Animals capable of living in a home environment, such as a dog, cat or caged small bird including companion animals. Domestic animals of a type or quantity that are in conflict with the East Carbon City Animal Control Ordinance or which are determined to be a nuisance by the

Nuisance Ordinance cannot occupy or be kept with a residential zone.

70. **DOMESTIC STAFF.** Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.

71. **DRINKING WATER FACILITIES.** Water supply lines, pumps, springs, tanks, wells, and/or any other physical facilities necessary to provide a supply of drinking water to use in sufficient quantity and of approved quality to meet the standards of this Code and Utah law.

72. **DRIVEWAY.** A private roadway, the use of which is limited to persons residing, or employed at, or otherwise using or visiting the parcel on which the driveway is located. See Section 6.5 for size, spacing and quantity limitations on residential and commercial driveways. Restrictions and conditions regarding the installation of driveway overshot entrances may be required by the Zoning Administrator and/or City Engineer.

73. **DWELLING.** Any building or portion thereof designed or used as the principal residence or sleeping place of one or more persons or families, but not including a recreation dwelling, tent, a recreation coach, hotel, motel, hospital, or nursing home.

74. **DWELLING, SINGLE FAMILY.** A building containing only 1 dwelling unit.

75. **DWELLING, TWO FAMILY (DUPLEX).** A building containing only 2 dwelling units.

76. **DWELLING, THREE FAMILY (TRIPLEX).** A building containing only 3 dwelling units.

77. **DWELLING, FOUR FAMILY (FOUR-PLEX).** A building containing only 4 dwelling units.

78. **DWELLING, MULTIPLE FAMILY.** A building containing more than 1 dwelling unit.

79. **DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. One or more rooms in a dwelling, apartment complex or condominium designed for and/or occupied by one or more persons or a family for living or sleeping purposes and having a kitchen, bathroom and sleeping quarters.

80. **EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall permit use under, on, over or above a said lot or lots. That portion of a lot, lots or other property, reserved for present or future use by a person, entity, utility provider or governmental agency other than the legal owner(s) of said properties. The easement may be for use on, under, or above said lot or lots, for wires, conduit, pipes, fire hydrants, poles, control boxes, manholes, property access, etc.

81. **ELDERLY PERSON.** A person who is 60 years or older, who desires or needs to live with out other elderly persons in a group setting, but who is capable of living independently.

82. **ENVIRONMENTAL REPORT** A written report which describes the predevelopment conditions of the site and the post development impact.

1. The report includes a tabulation of proposed population density and the

- numbers and types of proposed dwellings and other buildings and spaces to be occupied at full development.
2. The report further describes the impact of the proposed development on the following specific subject areas during development and once the anticipated population density and use is achieved: slope, soils, water courses, water table, flood hazard areas, wet lands, geologic hazards, vegetative types, wildlife, wildlife habitat, air quality, water quality, noise, lighting, traffic, sight distance, access to services, and utilities.
 3. The report also evaluates the potential area-wide economic impact of the development on both private and public economic sectors and the potential impact on school, public utility, and transportation systems.
 4. Finally, the report recommends measures which, if undertaken, will mitigate or obviate the adverse impacts resulting from construction of the proposed development, and discusses the benefits to be gained from such development, and what adverse impacts cannot be avoided and the extent of their detrimental influence.
- 83. EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snigger, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.
- 84. ESSENTIAL FACILITIES.** Those facilities which are common to the community and essential for servicing the residents and businesses; roads, rail systems, utilities, irrigation, parks, water, sanitary sewer, storm sewer, power, telephone, radio, television stations, cable TV, fiber optics, sanitation, health and public safety facilities provided by a public utility or governmental agency and for overhead, surface or underground services, and such other necessary uses as may be required by the City Council.
- 85. EXCAVATION.** Any disruption of the land, ground, earth, rock, soil mantle and/or manmade surfacing of the same. Excavations may be either in the nature of a process or a use. Excavations undertaken for the purpose of preparing a site for an ultimate land use, building or for repairing or constructing urban service facilities are processes, whereas excavations such as gravel pits, quarries or mines are uses which require specific use authorization. Excavation in any zoning district may require prior approval and/or permitting.
- 86. EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- 87. FAMILY.** One or more persons related by blood, marriage, adoption, or guardianship, and shall also include three (3) additional unrelated individuals living with the family, such as Domestic Staff, living together as a single non-profit housekeeping unit. Family does not exclude the care of foster children.
- 88. FARM AND/OR WILD ANIMALS.** Also referred to as livestock, farm or barnyard type animals. Animals that are kept for personal use or profit. Animals that typically reside in an agricultural setting and produce food and fiber.

Livestock that is generally raised for subsistence or for profit. Includes domestic farm animals such as cows, goats, sheep, pigs and horses. Wild and/or exotic animals such as snakes, monkeys and other primates, alligators, etc., which are typically found in uninhabited environments and are not considered native species found in Utah. Farm and/or wild animals may be considered a nuisance and in violation of the East Carbon City Animal Control Ordinance.

89. **FEED YARD.** An agricultural industry in which animals or fowl are kept and intensively fed in a relatively restricted area, as contrasted with open pasturage.
90. **FINAL PLAT OR FINAL PLAN.** A plat map prepared in accordance with the provisions of this Code, which is designed to be placed on record in the office of the County Recorder and/or City Recorder. A final plan is a map showing a drawing, details and/or information describing a project, use or building.
91. **FIRE FIGHTING FACILITIES.** Such water supply, water lines, fire hydrants, storage, sprinklers and other protective devices as may be required in accordance with the provisions of this Code.
92. **FLOOD HAZARD.** A hazard to life, land, buildings or improvements due to inundation or overflow of water having sufficient velocity, depth and width to transport water or debris, scour the surface soil, cause flooding, dislodge or damage buildings, erode the banks of water courses or threaten life.
93. **FLOOD PLAIN.** Areas adjoining any streams, rivers, ponds or lakes which are subject to "100-year recurrence interval floods" on maps prepared for the "National Flood Insurance Program," or a study conducted by a qualified engineer in the preparation of hydrological and hydraulic studies and the determination of flood lines, flood elevations, floodways, and "flood fringe" areas.
94. **FLOOD PLAIN SOILS.** Areas subject to periodic flooding and listed in the soil survey prepared by the Natural Resources Conservation Service which encompasses areas as being "on the floodplain" or subject to "flooding".
95. **FLOODWAY.** The flood way is the part of the flood plain which is the main channel that carries and discharges the highest velocity and largest part of the flood flow. The flood plain is shown on maps prepared for the National Flood Insurance Program or study.
96. **FLOOR AREA.** The gross area in square feet of the main building, accessory buildings and other areas of specific use both indoors and out of doors.
97. **FRONTAGE.** All property fronting on the side of a street at the property line or right of way line.
98. **FRONTAGE, LOT.** The lineal measurement of the front lot line.
99. **FRONT YARD.** The portion of a parcel of property that fronts a public street that is not an alley and extends to the fronting façade of the main building or structure of the property.
100. **GARAGE, PRIVATE.** An accessory building designed and/or used for the storage of property and motor vehicles owned and used by the occupants of the building to which it is accessory, provided that a garage shall be considered part of the dwelling if the garage and dwelling have a roof or wall in common and are attached and all four

walls are enclosed including a main garage door.

101. **GARAGE, PUBLIC.** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, leasing, renting or storing motor vehicles.
102. **GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food (see also Rubbish below).
103. **GARDENING.** The production of food through the tilling of the soil, the raising of crops, for personal use and personal sales of crops grown on the property but not including any agricultural industry or business.
104. **GENERAL PLAN.** A document that East Carbon City adopts that sets forth general guidelines for proposed future development of the land within East Carbon City. Includes what is commonly referred to as a “master plan”, or “comprehensive plan”.
105. **GEOLOGIC HAZARD.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth. Geologic hazards include but are not limited to: rock falls, slide areas, cliffs, unconsolidated fill areas, floodplains, earthquake fault lines, high water table, and ground water problems, wetlands, liquefaction, etc.
106. **GOVERNING BODY** means the city council of East Carbon City
107. **GRADE (LOT GRADE, FINISHED GRADE).**
1. For buildings fronting one street only, the elevation of the property at

the center of the building lot where it adjoins the street.

2. For buildings fronting more than one street, the average of the elevations of the property at the centers of all lots.
108. **GROUP HOMES.** A home for certain disabled or elderly persons as defined by Utah State law as being permitted in residential areas of East Carbon City by conditional use permit. (See ELDERLY, and PERSON WITH A DISABILITY)
109. **GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to lower level.
110. **HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking, Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
111. **HOME OCCUPIED BUSINESSES.**
1. An occupation of a person or family where they reside and which occupation is clearly incidental and secondary to the use of the structure for dwelling and residential purposes, and does not change the residential character of the dwelling or the neighborhood, and in connection with which there is no display and/or stock of merchandise. The home occupation may involve the use of any accessory building, either attached or detached, provided it does not substantially change the character of the dwelling or of the neighborhood.
 2. An independent contractor selling or operating through personal contacts

or parties, based in a home, such as candles, jewelry, Tupperware, etc., shall be considered subject to the requirements and restrictions and standards indicated below for home occupied businesses.

3. No more than two employees (members of the immediate family residing in the home are not considered employees).
4. No unusual traffic (delivery trucks, commercial vehicles, heavy equipment etc.) is permitted either on or off-site which are not customarily observed in residential use.
5. No parking except for customary automobiles and other traditional residential vehicles including vans and pickups.
6. No parking lots beyond the driveway for more than 4 vehicles on the premises outside of the residential structure(s).
7. All required parking will be accommodated on-site.
8. Harmful waste, or debris, residential or otherwise may not be generated.
9. Unusual electronic interference may not be generated.
10. Non-residential or unusual dust, smoke, odors, noise, discharges and other contamination may not be generated.
11. Home occupied businesses shall obtain applicable local, state and federal business licensing and/or permitting.
12. When day care and pre-school centers for 4 or more children under the age of 14 for more than 4 hours a day are approved as "home

occupied businesses" the following conditions will also be required:

1. A license from the Utah Department of Social Services which shall be obtained and maintained, and all regulations and conditions imposed by that agency observed.
2. Copies of all required State licenses will be attached to application.

112. **HOSPITAL.** An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an in-patient and out patient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any in-patient or overnight care, or operates on a 24-hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, out-patient units and training and central services, together with staff offices necessary to operate the hospital.

113. **HOTEL.** A building designed and built with individual rooms where lodging is provided for compensation, with or without meals.

114. **HOUSEHOLD PETS.** Pets under restrained conditions ordinarily permitted in the house or yard and kept for company or pleasure, such as dogs, cats, fish (aquariums or ponds), rabbits, fowl, reptiles and amphibians, in small numbers. Restrained includes contained, leashed, fenced or caged. Does not include pigs, roosters, goats, llamas, camels, elephants, horses, cows, sheep or similar animals, nor dangerous animals such as birds of prey, poisonous snakes, alligators, wolves, lions, tigers

or bears. Living conditions and waste collection for pets shall be well maintained to avoid creation of nuisance's as far as sight, smell or sound.

115. **HUD CODE.** Housing and Urban Development. The Federal Manufactured Housing Construction and Safety Standards Act.
116. **IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.
117. **IMPAIRMENT, RECORD OF.** Having a history of, or having been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
118. **IMPAIRMENT, HAVING AN A** person is regarded as having an impairment when:
1. the person has a physical or mental impairment that does not substantially limit one or more major life activities but is treated by another person as having such limitation;
 2. has a physical or mental impairment that substantially limits one or more major life activities only as the result of the attitudes of others toward such an impairment; or
 3. has none of the impairments defined in this section, but is treated by another person as having such an impairment.
119. **IMPERVIOUS SURFACE.** Impervious surfaces are those that do not absorb water or liquids and thus cause ponding and/or runoff. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas

determined by the Building Inspector or City Engineer to be impervious within the meaning of this definition will also be classified as impervious surfaces.

120. **IMPERVIOUS SURFACE RATIO.** The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.
121. **IMPOUND/SECURITY LOT.** A security lot fenced with or without guarding, barbwire, and/or illumination, where police or privately impounded vehicles may be kept for legal evidence or other purposes or while awaiting repairs. A site where damaged vehicles are typically stored after an accident.
122. **IMPROVEMENTS.** Work, objects, devices, facilities, or utilities required to be constructed or installed in a land development. Such improvements, constructed to required standards, may include, but are not limited to, streets, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, trees, street signs, street lights, electric power, traffic control or safety devices, fire hydrants, and such other facilities or construction required by this Ordinance, subdivision regulations, or by the Planning Commission and/or City Council for the necessary proper development of the proposed land development and mitigation of adverse conditions.
123. **IMPROVEMENTS AGREEMENT.** An agreement (Development Agreement, etc.) between East Carbon City and a developer, wherein the developer agrees to install all improvements required by this Code, subdivision regulations, or by the Planning Commission and/or City Council for the necessary proper

development of the proposed land development and mitigation of adverse conditions.

124. **INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

125. **INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

126. **INTEGRATED DEVELOPMENT PLAN.** Comprehensive management for best assurance of maintaining standards and conditions of approval is the intent in the administration of a conditional use permit. Therefore, every assurance will be required to maximize the meeting of the community's performance standards and minimize the problems of their enforcement through approved comprehensive management plans which have been prepared by the applicant and approved by the City Council. Single responsible management is felt crucial to consistent care and observance of binding regulations in assuring compatibility with the surrounding area of certain developments negotiated with the community.

127. **INTERSECTION SIGHT DISTANCE TRIANGLE.** as having two sides of 20 feet, measured along the property lines from the property corner at the street intersection, and a third side connecting the ends of the two aforementioned sides.

128. **JUNK.** Any salvaged or scrap copper, brass, iron, metal, rope, rags, batteries, paper, trash, plastic, rubber, tires, waste,

or other articles or materials commonly designated as junk. Also means any dismantled, wrecked, or inoperable motor vehicles, or parts thereof. A motorized vehicle of any type shall be considered inoperable if it is parked or stored on property outside of an enclosed garage and is not currently registered and licensed in this state or another state.

129. **JUNK YARD.** The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk,

130. **KENNEL.** Any premises where 3 or more dogs or cats older than 6 months are kept temporarily for boarding, breeding or medical services.

131. **LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

132. **LAND, AGRICULTURAL.** Land used for bona fide agricultural purposes or which is projected for agricultural use by the general plan or the zoning ordinance adopted by East Carbon City.

133. **LAND, COMMERCIAL.** Land used for bona fide commercial purposes, or which is projected for commercial use by the general plan or the zoning ordinance adopted by East Carbon City.

134. **LAND DEVELOPMENT STANDARDS.** Adopted standards, including but not limited to: drawings,

details, specifications, studies, maps, surveys, tables, charts and references which have been adopted by the City Council by resolution and which set a standard that design and construction shall meet or exceed.

135. **LAND INDUSTRIAL.** Land used for bona fide industrial purposes or which is projected for industrial use by the general plan or the zoning ordinance adopted by East Carbon City.

136. **LAND USE INTENSITY.** The degree to which land is used ranging from no use to unremitting, continual and concentrated use of the land. Land use intensity is normally measured by:

1. type of use (i.e., agricultural, residential, commercial, manufacturing or industrial);
2. period of use in average hours per day;
3. numbers of humans, associated animals, and machines which occupy the land during the average hours of use; and
4. the percent of the land covered by structures or improvements.

137. **LANDSCAPING (LANDSCAPED)** means the planting, paving and final dressing of finished graded earth (dirt) including retaining walls, trees, ground cover, rock, perennial plants and annual plants etc., and together with an irrigation system to maintain the plants alive and flourishing for the length of time the plantings are to be maintained if not in perpetuity. Does not include asphalt or concrete flat work

138. **LARGE RESIDENTIAL FACILITY.** Also called a Large Group Home, authorized as a conditional use. Large Group Homes, as either a principal or accessory use, shall not exceed six (6)

persons as residents for all types of facilities. No large group home shall be located within 1,260 feet of any other type or size of group home. A reasonable accommodation may be requested for potential locations not complying with the 1,260-foot rule. A large group home shall not include persons who are diagnosed with a substance abuse problem or who are staying at the home as a result of criminal offenses.

139. **LEGISLATIVE BODY** means the City Council.

140. **LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

141. **LIGHT MANUFACTURING.** Only those processes which clearly do not threaten the natural environment or the harmony of the neighborhood or immediate vicinity, may be considered light manufacturing and permitted in an area. Uses such as electronics, non-toxic welding or soldering of small items, assemblage of relatively small portable devices, highly controlled testing, and small area accessory warehouse or storage facilities to accommodate the in-house manufactured items with their associated stocks of supplies are allowed.

142. **LODGING HOUSE.** A dwelling with not more than 10 guest rooms where, for compensation, lodging is provided for at least 3 but not more than 15 persons, but not including motels or hotels.

143. **LOT.** A parcel or unit of land abutting a public street or approved private street, 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 subdivision plat map, planned unit development plot map, or condominium lot map, provided it is created pursuant to this Code.
144. **LOT AREA.** The area contained within the property lines of the individual parcels of land as may be shown on a subdivision plat or required by this Code, excluding any area within an existing street right-of-way, easements or any area required as open space under this Code.
145. **LOT AREA PER DWELLING UNIT, AVERAGE.** The average lot area for all single dwelling units. Individual lots may be smaller or larger than the average, provided that the average size is maintained and that all other standards of this Code are met.
146. **LOT, CORNER.** A lot abutting or fronting upon 2 or more streets at their intersection.
147. **LOT DEPTH.** The horizontal distance between the center of the front lot line to the center rear lot line.
148. **LOT FRONTAGE.** The length, in feet, of the front lot line from lot corner to lot corner along the street right of way line.
149. **LOT HELD IN SEPARATE OWNERSHIP.** Shall mean all contiguous land held in one ownership at the time of the passage of this Code or at any time hereafter, whether or not such land has been or is described separately, has separate chains of title, is described on one or more property tax notices, or is otherwise divided on paper.
150. **LOT, INTERIOR.** A lot other than a corner lot.
151. **LOT, LEGAL NON-COMPLYING.** A lot which was legally created prior to the adoption of this Code.
152. **LOT LINES.** The property lines bounding the lot.
153. **LOT LINE, FRONT.** For an interior lot, the lot line adjoining the street right of way; for a corner lot or through lot, each lot line adjoining a street.
154. **LOT LINE, REAR.** Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In cases where this definition is ambiguous, the zoning administrator shall designate the rear lot line. The rear lot line may front a street right of way; but, is not considered the primary frontage.
155. **LOT LINE, SIDE.** Any lot boundary line not a front or rear lot line. (This does not apply to any yard fronting on a street, which is by definition a front yard line.)
156. **LOT, RESTRICTED.** A lot having an average slope of 25 percent or more; a lot which does not contain the minimum size of a lot permitted in the zoning district where located; a lot which has vehicular ingress to the main building or structure which, upon completion of construction on the site has a slope of 25 percent or greater; a front driveway that accesses a structure below the grade of the curb and gutter; or a lot subject to geologic hazards, or other notable problems.
157. **LOT RIGHT-OF-WAY.** A strip of land not less than 35 feet in width

connecting a lot to a street for use as private access to that lot.

158. **LOT, STORAGE.** Any lot regardless of zoning that is intended for storage of any type of material not actively being utilized.

159. **LOT, UNRESTRICTED.** A lot having an average slope of less than 25 percent, containing a buildable area; beyond the required setbacks; has positive drainage away from the all buildings; geologic hazards are negligible or can be mitigated.

160. **LOT WIDTH.** The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.

161. **MAIN USE OR BUILDING.** The principal use which will occur on a lot or the principal structure to be used by the owner on a lot, to which all other uses and structures are accessory or secondary.

162. **MAJOR LIFE ACTIVITIES.** Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working.

163. **MAJOR STREET PLAN.** A map of East Carbon City which shows the existing and future public street system and which has been officially adopted by the Planning Commission and City Council as the major street plan or transportation master plan for East Carbon City. Future street locations are general in nature. New development shall make every attempt to follow, add to, improve and dedicate the street to the public or East Carbon City.

164. **MANUFACTURED, MODULAR & MOBILE HOME HOUSING.**

1. **Manufactured Home**

A dwelling that is wholly or substantially built in a factory and constructed in accordance with federal manufacturing housing construction and safety standards and regulation. The HUD code also sets performance standards for the heating, plumbing, air conditioning, thermal and electric systems. It is built with major components then delivered to the building site for installation on a permanent foundation. It is a structure that is constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy and residential use.

2. **Modular Home**

A modular home is a factory-built house or building, that meets state and local codes, intended for residential occupancy that comprises "modules". It is equipped with complete plumbing, electrical and heating facilities and designed to be moved on the public highways to a site for installation on a permanent foundation. They differ from mobile homes largely in their absence of axles or a frame.

3. **Mobile Home**

A dwelling structure used for residential purposes, that was constructed between January 1, 1962, and June 15, 1976, when the HUD code went into effect. It is a dwelling structure that was manufactured, assembled, equipped with complete plumbing, electrical and heating facilities for sleeping and cooking intended for human occupancy. It is designed to be

- moved on wheels on public highways to a site for installation on a semi permanent foundation and connected to service utilities.
165. **MARKET ANALYSIS.** An economic analysis of the feasibility of a project.
166. **MANUFACTURED, MODULAR OR MOBILE HOME PARK.** A parcel of land that has been planned and improved for the placement of manufactured, modular or mobile homes for non-transient use and consisting of two or more home spaces, where the entire project is to be under single ownership or management and meets all of the requirements of this Code for manufactured, modular or mobile home parks.
167. **MANUFACTURED/ MODULAR / MOBILE HOME SPACE.** A space within a park designed and to be used for the accommodation of 1 manufactured /modular or mobile home.
168. **MODULAR UNIT.** A structure built from sections which are manufactured in accordance with the construction standards adopted by the International Building Code and transported to a building site, the purpose of which is for human habitation, occupancy or use.
169. **MOTEL.** A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the traveling public.
170. **MUNICIPALITY** means a city or town incorporated in the State of Utah.
171. **NATURAL RETENTION AREA.** An area of poorly drained soils which lies along stream channels or swales or is adjacent to flood plain soils, which is subject to periodic flooding.
172. **NEGLECT.** The lack of proper maintenance of a building, structure, or parcel of land.
173. **NON-COMPLYING STRUCTURE** means a structure that legally existed before its current zoning designation and/or building code regulations and because of subsequent changes, does not conform with regulations that govern the structure.
1. A benign con-complying structure may be determined by the Zoning Administrator, upon review and determination with findings, when a development or structure fails to meet current design standards but the non-complying condition(s) are not harmful (de-minimums) and there is little or no need to limit the development or structure from expansion, redevelopment or other actions.
174. **NON-RESIDENTIAL TREATMENT FACILITY.** A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
175. **NURSING HOME (ALSO CARE CENTER, REST HOME OR CONVALESCENT HOME).** An intermediate care/nursing facility or a skilled nursing facility licensed by the State of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a 24-hour per day basis. Such a facility does not include an adult day care provider in conjunction with residential facilities for

elderly persons or a residential facility for persons with a disability.

176. **OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.
177. **OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.
178. **OFF-STREET PARKING SPACE.** The space required to park 1 vehicle off the street, which space shall meet the requirements of this Code.
179. **OFF-SITE FACILITIES.** Improvements not on individual lots or sites, but generally within the right-of-way and adjacent to or within the boundaries of the development which they serve, and as further outlined in this Code.
180. **ON-SITE FACILITIES.** Construction or placement of the main building, accessory buildings, and its appurtenant improvements on a lot.
181. **OPENABLE AREA.** That part of a window, skylight, or door which is available for unobstructed ventilation and which opens directly to the outdoors.
182. **OPEN SPACE.** Land used for recreation, agriculture, resource protection, amenity, utility corridors, bicycle and pedestrian pathways, or buffers; is freely accessible to all residents of the development, except in the case of agricultural lands where access may be restricted; and is protected by the provisions of this Code to ensure that it remains in such uses. Open space does not include land occupied by non-recreational buildings, roads, or road rights-of-way; nor does it include the yards or lots of single-or-multiple-family dwelling units or parking areas as required by the

provisions of this Code. Open space should be left in a natural state, except in the case of recreation uses which may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

183. **OPEN SPACE RATIO.** A measure of the intensity of land use calculated by dividing total amount of open space within the site by the Base Site Area.
184. **OPEN SPACE, USABLE.** Usable open space shall be any portion of a lot or building which meets all the following conditions:
1. The open space shall be open to the sky or shall be open to view on at least two sides.
 2. The space shall be readily accessible by foot traffic from the building or dwelling unit to which it is accessory.
 3. If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as required by all applicable building codes.
 4. The space shall not be provided from any required front or side yard, parking area, or driveway space.
185. **OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
186. **OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or

administrator of the estate of such person if ordered to take possession of real property by a court.

187. **PARK STRIP.** Landscaped area or planting strip between the sidewalk and street curb in the public right-of-way.

188. **PARKING FACILITY (PARKING LOTS, PARKING STRUCTURES).** A building or open area, other than a street, used for the parking of more than 4 automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

189. **PASSIVE SOLAR SYSTEM.** A direct thermal system which utilizes the structure of a building and its operable components to provide for collection, storage and distribution of heating or cooling during the appropriate times of the year, by utilizing the climate resources available at the site. It includes those portions and components of a building that are expressly designed and required for the collection, storage, and distribution of solar and the architectural and engineering design or system simulation necessary to balance or optimize passive components.

190. **PEDESTRIAN-WALKWAY.** A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a pedestrian-way may be located within or without a street right-of-way, at grade, or grade separated from vehicular traffic.

191. **PERMANENT SURVEY MONUMENT.** Any structure of concrete, masonry and/or metal permanently placed on or in the ground expressly for surveying reference.

192. **PERMITTED USE.** A use of land which is allowed within a particular

district without the necessity of obtaining a conditional use permit. A building permit, development permit encroachment permit or temporary road closure permit may be required.

193. **PERSON.** An individual, corporation, partnership or any other group acting as a unit.

194. **PERSON WITH A DISABILITY** means a person with a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

195. **PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

196. **PLANNED DISTRICT.** A zoning district, the boundaries of which are to be shown on the zoning map, but the regulations for which shall be determined by the general development plan to be adopted by the City Council as part of the zoning ordinance, after public hearing, as required for other zoning districts.

197. **PLANNED UNIT DEVELOPMENT (PUD).** An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the zoning district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements. Planned unit

development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the planned unit development. Thus, planned unit development regulations can be subdivision regulations which may be chosen by the developer as an alternative to specifically designate subdivision regulations of this Code, to become effective only through the planned unit development approval process.

198. **PLANNING COMMISSION.** The Planning and Zoning Commission of East Carbon City.
199. **PLAT.** A plan, map or chart of a piece of land with actual or proposed features (such as lots).
200. **PLOT.** A small area of planted ground. A small piece of land in a cemetery. A measured piece of land. To make a plot map, or plan of, to mark or note on or as if on a map or chart. To lay out in plots. To locate a point by means of coordinates.
201. **PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.
202. **PRINCIPAL USE.** Any use which is named and listed in the use regulations and other provisions of this Code, except those uses specifically designated as accessory uses; any use which is or may be conducted on a lot independently or any other use on the lot and not incidental or accessory to any other use on the lot; any use which establishes the primary activity on a lot.
203. **PRIVATE NON-PROFIT RECREATIONAL GROUNDS AND FACILITIES.** Non-profit recreational grounds and facilities operated by a non-profit corporation, association, or group.

204. **PROFESSIONAL TEAM, QUALIFIED.** An individual or group of individuals qualified by virtue of certified training, experience, college degree, professional registration, state licensing, and where appropriate, membership in professional associations which pass upon qualifications prior to admittance to membership. A determination of whether or not a team is qualified, in the sense explained above, shall be made solely by the Planning and Zoning Commission.
205. **PROTECTION STRIP.** A strip of land between the boundary of a land development and a street right of way or easement within the land development, for the purpose of controlling the access to the street by property owners abutting the land development.
206. **PROTECTIVE HOUSING FACILITY.** A facility either (1) operated, licensed, or contracted by a governmental entity, or (2) operated by a charitable, non-profit organization, where for no compensation, temporary, protective housing is provided to: (i) abused or neglected children waiting placement of foster care; (ii) pregnant or parenting teens; (iii) victims of sexual abuse; or (iv) victims of domestic abuse.
207. **PUBLIC FACILITIES AND PUBLIC SERVICE FACILITIES.** For the public convenience, certain infrastructure including streets, water lines, sewer lines, public utilities, parks and drainage facilities may be allowed to serve various areas of the community, as public facilities. Possible additional facilities such as a sub-station for fire and/or police, post office and/or hospital may be determined to be in the public interest as well, as public service facilities by East Carbon City, such as

land, buildings and structures used by government, schools and churches.

208. **PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public of public use. Maintenance of a public way is the responsibility of the fronting, adjoining, adjacent or abutting property owners.
209. **QUASI-PUBLIC.** A seemingly public institution, entity or organization that is not actually public (because of independent or private control).
210. **REASONABLE ACCOMMODATION.** A change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions to wit:
1. Reasonable. A requested accommodation that will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.
 2. Necessary. The applicant must show, that, but for the accommodation one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
 3. Equal Opportunity. Achieving equal results as between a person with a disability and a non-disabled person.
209. **RECREATION DWELLING (CABIN, RECREATION CABIN GUEST HOUSE).** A dwelling designed for limited rather than primary occupancy. The primary purpose for the

construction of such a dwelling is to provide shelter during those limited periods of time when recreation is sought.

210. **RECREATIONAL VEHICLE, RV, PARK (TRAVEL TRAILER PARK).** Any area or tract of land that is subdivided and/or improved where lots are rented or held out for rent, or used to camp for one or more owners or users of recreational vehicles for a temporary time not to exceed 14 consecutive days.
211. **RECREATIONAL VEHICLE SPACE.** A plot of ground within a recreational vehicle park designated and intended for the accommodation of one recreational vehicle.
212. **REHABILITATION/TREATMENT FACILITY.** A facility licensed by the State of Utah or contracted by the State of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
213. **RELATED.** Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.

214. **RENEWABLE ENERGY.** That form of energy whose supply is natural, inexhaustible and not dependent upon fossil fuel supplies. Examples include residential solar heat, wind power, geothermal power, hydropower, etc.

215. **RIGHT-OF-WAY.** That portion of land dedicated to public use for street, alley, easement, pathway and/or utility purposes or maintained in private use for similar purposes.

216. **RESIDENTIAL FACILITY FOR ELDERLY PERSONS.** A dwelling unit that is occupied on a 24-hour per day basis by 6 or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following:

1. a facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility.
2. a facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a health care facility as defined by Title 26, Section 21, Chapter 2, Utah Code Annotated, 1953 as amended; or a facility which is a residential facility for persons with a disability.

217. **RESIDENTIAL FACILITY FOR YOUTH.** A dwelling unit that is occupied on a 24-hour per day basis by 6 or fewer youth persons in a family

type arrangement. A residential facility for youth shall not include any of the following:

1. a facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility.
2. a facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a health care facility as defined by Title 26, Section 21, Chapter 2, Utah Code Annotated, 1953 as amended; or a facility which is a residential facility for persons with a disability.

218. **RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY.**

A residence in which more than one person, and fewer than 6 people, with a disability resides and which is:

1. licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

219. **RESIDENTS, RESIDENTIAL FACILITY.** Any building or portion thereof where an individual is actually living at a given point and time and

- intends to remain, and not a place of temporary sojourn or transient visit. A residential facility designated, occupied, and intending of residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping and sanitation.
220. **RESIDUAL LAND.** That land which does not meet the minimum standards for a lot and therefore must be attached and become part of another parcel which does or will conform to lot minimum standards, or be attached to public land for public purposes.
221. **ROADWAY WIDTH.** For a street the width of the actual paved/gravel surface or travel width to be paved or graveled.
222. **ROOMMATE.** One of two or more persons, generally unrelated by blood or marriage, sharing the same living quarters such as a single or multi-family structure. A roommate may be considered a joint tenant or a subtenant to the landlord.
223. **ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.
224. **ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
225. **RUBBISH. (SEE Garbage)**
Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust and other similar materials.
226. **SCHOOL, PRIVATE.** A school which is operated by a quasi-public or private group, individual, or organization, for profit or non-profit and which has a curriculum similar to that provided in any public school whether or not a complete educational curriculum.
227. **SCHOOL, PUBLIC.** A school operated by a school district or other public agency in the State of Utah.
228. **SHELTERED WORKSHOP.** An onsite supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.
229. **SHELTER FOR THE HOMELESS.** Charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.
230. **SIGHT OBSCURING FENCE**
A fence that is 6 feet tall and constructed of materials intended for and designed for or supplied by a supply house for the purpose of being a sight obscuring fence and assembled in the manner they were designed or supplied for.
231. **SIGN.** 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 sign structure supports lighting systems and any attachments, ornaments or other features used to draw the attention of observers.

232. **SIGN, ANIMATED.** A sign which involves motion or rotation of any part created by artificial means, or which displays flashing, revolving or intermittent lights.
233. **SIGN AREA.** The entire background area of a sign upon which a copy could be placed, or if there is no background, the reasonable area of the sign's message. An awning is not considered to be a background. In computing area of a sign background, only that face or faces which can be seen from one direction at one time shall be counted. The supporting incidental structure of the sign shall not be used in computing sign area.
234. **SIGN, AWNING.** A sign which is integral with or placed on a translucent awning or other fabric covering a framework and which is backlit and may extend beyond the face of the building.
235. **SIGN, CANOPY.** A sign which is mounted on and supported by a canopy and may be found either above the canopy or hanging beneath the canopy, but in all cases mounted perpendicular to the building.
236. **SIGN, CHANGEABLE COPY.** A sign on which the advertising message, lettering, or other graphic representation is intermittently changed by rotation, electronically or means similar thereto.
237. **SIGN, FASCIA, FLAT OR WALL.** A sign which is in any manner affixed to any exterior wall of a building and which projects not more than 18 inches and does not extend more than 6 inches above the parapet, eaves or building façade. A fascia sign may also be mounted above or below a canopy, not necessarily flush with the wall, but in all cases only one side has a copy. In the manner described for the fascia unit, individual letter units may also be installed as opposed to a box-type sign. Flat or wall signs may be painted or applied to the wall without projection.
238. **SIGN, FLASHING.** A sign which contains or is illuminated by lights which are intermittently cut on or off, change in intensity or otherwise create the illusion of flashing or movement.
239. **SIGN, FREE-STANDING.** A sign which is supported by one or more upright columns, poles, or braces, in or upon the ground.
240. **SIGN, IDENTIFICATION AND INFORMATION.** A sign displayed to indicate the name or nature of a building, or a use.
241. **SIGN, ILLUMINATED.** A sign on which a source of light is used in order to make the message thereon readable. This definition shall include internally and externally lighted signs.
242. **SIGN, MARQUEE.** Any sign attached to or made an integral part of a marquee.
243. **SIGN, HEIGHT OF.** The vertical distance measured from the nearest finished grade (ground level) to the top of the sign, excluding any superficial trim. In the case of a roof sign, the maximum height shall be measured from the roof line or the parapet level, if applicable, at the location of such sign.
244. **SIGN, OFF-PREMISE.** A sign which advertises a product or service not available on the premises where the sign is located.
245. **SIGN, ON-PREMISE.** A sign which advertises products or services available on the premises where the sign is located.

246. **SIGN ORDINANCE.** The sign ordinance of East Carbon City (Chapter 4 of this Code).

247. **SIGN, PROJECTING WALL.** A sign which is affixed to an exterior wall or building or structure and which projects more than 18 inches from the building or structure wall, and which does not extend above the parapet, eaves, or building façade of the building upon which it is placed.

248. **SIGN, ROOF.** A sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

249. **SIGN, ROTATING.** A sign which revolves 360 degrees with continuing motion.

250. **SITE.** A parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots, or developed for a specific use.

251. **SITE AREA.** All land area within the site as defined in the deed and/or boundary description. Area shall be verified by a survey of the area.

252. **SITE PLAN.** A scaled drawing of and information pertaining to a proposed development site. A site plan shall include the following:

1. Address of the site.
2. The dimensions of the site,
3. North point,
4. Locations and names of existing and proposed buildings,
5. Locations and names of existing and proposed streets, addresses of individual building locations,
6. Public and private easements related to site,

7. Survey monuments,

8. Water courses and impoundments,

9. Location and description of existing and proposed vegetation,

10. Location of proposed parking,

11. Location and size of existing and proposed utility service (water, sewer, power, gas, telephone cable) lines,

12. Location of all other proposed on-site and off-site improvements.

13. Vicinity map (location in City).

253. **SKY SPACE.** That portion of the sky that must remain unobstructed for a solar collector to operate effectively. The sky space can be measured for specific time of year, use and location. (See also SOLAR ACCESS).

254. **SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

255. **SMALL RESIDENTIAL FACILITY.** Also called a Small Group Home. Authorized as a conditional use. Small Group Homes, as either a principal or accessory use, shall not exceed three (3) persons as residents for all types of facilities. No small group home shall be located within 1,260 feet of any other type or size of group home. A reasonable accommodation may be requested for potential locations not complying with the 1,260-foot rule. A small group home shall not include persons who are diagnosed with a substance abuse problem or who are staying at the home as a result of criminal offenses.

256. **SOLAR ACCESS.** The availability of sunlight to solar collectors and solar energy systems. Solar access to a site depends upon the specific system type and most often demands rooftop, south wall, south lot or detached collector protection.
257. **SOLAR ENERGY CONVERSION SYSTEM.** Includes active, passive and photovoltaic solar systems placed on (a) structures to supply energy to that structure or accessory building.
258. **SOLAR GREENHOUSE/SUN SPACE/SUN PARLOR.** An attached space to a building or residence which may provide heat and/or food to users as part of a passive solar energy system.
259. **SPECIAL DISTRICT** means all entities established under authority of Title 17A, Utah Code Annotated, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.
260. **STABLE, PRIVATE.** A detached accessory building for the keeping of livestock owned by the occupants of the premises and not kept for hire, remuneration, or sale.
261. **STABLE, PUBLIC.** A detached accessory building where horses are boarded and/or kept for hire.
262. **SLOPES.** The change in elevation along a horizontal plane; rise over run in either foot/foot or percentage.
264. **STORY, HALF.** A partial story under a gable, hip, or gambrel roof, the wall plates of which are on at least 2 opposite exterior walls, do not extend more than 4 feet above the floor of such story, and the ceiling area of which does not exceed $\frac{2}{3}$ of the floor area of the same half-story.
265. **STREET** means a right-of-way, that may include highways, avenues, boulevards, roads, lanes.
266. **STREET (FRONTAGE).** A street which is parallel to and adjacent to abutting properties.
267. **STREET (HALF)** A street where only half of the street is used.
268. **STREET, STUB.** A street that ends without an outlet to through traffic. It may be permanent or temporary. A cul-de-sac may be needed for long or lengthy stub streets.
269. **STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.
270. **STRUCTURE.** Anything constructed, the use of which requires fixed location on the ground, and supports a building or other object. That which is built or constructed or a portion thereof.
271. **STUDENT HOUSING UNIT.** A housing unit designed specifically for students with associated living, sleeping, studying, bathing, and kitchen facilities in an integrated plan approved by the Planning Commission, and City Council.
272. **SUBDIVIDER (DEVELOPER).** Any person, firm, corporation, partnership or association who causes land to be divided into a subdivision for themselves or others; a developer.
273. **SUBDIVISION (SEE ALSO DEVELOPMENT)** means any land that is divided, re-subdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots, or other

division of land. A subdivision includes:

1. the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or another recorded instrument; and
2. divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

274. **SWIMMING POOL.** An accessory use subject to all state and local regulations governing safety and health, which requires a conditional use permit.

275. **TECHNICAL REVIEW COMMITTEE.** The mayor may designate and appoint the Zoning Administrator, City Engineer and Building Inspector to serve as advisors meeting as a Technical Review Committee to assist staff for the purpose of evaluating applications for Planning and Zoning Commission and City Council action.

276. **TEMPORARY USE.** Any use of land which, in the determination of the Planning Commission, and approved by the City Council shall not extend beyond 1 year from inception of such land use. A determination as to whether or not a land use is temporary shall be based solely upon facts submitted to the Planning Commission at the time of application for a conditional use permit for a temporary use. Unless found to be temporary, any use of land shall be presumed to be permanent. Such uses include construction facilities, emergency facilities as well as interim uses of land and buildings awaiting ultimate use, i.e., pasture for a few months before construction begins, a

carnival, fair, sports field, staging area, storage, parking, etc.

277. **TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record occupying a building or portion thereof as a unit.

278. **TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

279. **TRADE OR VOCATIONAL SCHOOL.** Trade or Vocational School. A post high school educational or vocational training facility.

280. **TRANSITIONAL HOUSING FACILITY.** A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually three to twenty-four months, but in no event less than thirty days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances.

281. **ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

282. **UNBUILDABLE LAND.** (As defined by the Planning Commission) is land with a slope greater than 25%, subject to inundation, geological hazards, flooding, rock fall, faults, wetlands or other hazards and environmentally sensitive areas. Unbuildable land may be mitigated through professional evaluation and recommendation from a soils engineer.

283. **UNINCORPORATED** means the area outside of the incorporated boundaries of cities and towns.

284. **URBAN SERVICES.** Those services normally associated with urban living, including but not limited to the following: electricity, natural gas, streets, schools, drinking water, sewage collection and treatment facilities, health and medical facilities and police and fire protection.
285. **VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from any space.
286. **VICINITY MAP (LOCATION MAP).** A map or drawing, not necessarily to scale, showing where a site, development, or other property is located in the City.
287. **WEED.** A plant that is not valued where it is growing and is usually of rank growth. A plant that tends to overgrow and choke out more desirable plants. The zoning administration shall determine weed or plant (landscaping) status in the event of disagreement.
288. **WETLANDS.** Areas known as longstanding marshes, swamps, rivers that are naturally wet for most of the year and have unique vegetation and/or wildlife, or as regulated by the U.S. Army Corps of Engineers through the State Engineers office.
289. **WIND ENERGY CONVERSION SYSTEMS.** Includes structure and all apparatus to utilize wind to drive a generator.
290. **WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square in line, undamaged and without marring adjacent work.
291. **YARD.** Open space on a lot, area beyond the buildings situated on a lot. An open space on the same lot with a structure.
292. **YARD, FRONT.** A space on the same lot with a building, between the front line of the building foundation (not a porch) and the front lot line, and extending across the full width of the lot. On a corner lot there are two front yards, one side and one rear.
293. **YARD, REAR.** A space on the same lot with a building, between the rear line of the building foundation (not a patio) and the rear lot line, and extending the full width of the lot.
294. **ZONING ADMINISTRATOR.** The officially designated administrator of zoning related issues in East Carbon City, AKA Planning Commission Chair. The official, or any duly authorized representative or designee who is charged with the administration and enforcement of this Code and its Chapters.

Chapter 2

ORGANIZATION FOR ADMINISTRATION AND REVIEW

2.1 Planning and Zoning

2.2 Appeal Authorities

2.1. PLANNING AND ZONING

1. CREATION OF PLANNING COMMISSION, NUMBER OF MEMBERS, APPOINTMENT. The Planning and Zoning Commission shall consist of five (5) full members, and two (2) alternates. Each to be appointed by the mayor with the advice and consent of the City Council. All five (7) members of said commission shall be property owner or resident of, and a registered voter within East Carbon City and owners of real property within East Carbon City. No members shall hold any other public office within East Carbon City.
 1. The mayor, upon the advice and consent of the City Council, may appoint up to two standing alternate members of the Planning and Zoning Commission to serve only in the absence of any duly appointed regular member. The alternate shall serve with full rights and authority at the meeting in which he/she is in attendance. The standing alternate(s) shall serve 3 -year terms of office and serve consistent will all membership requirements.
2. TERM OF OFFICE. The initial terms of the appointed members of the Planning and Zoning Commission, shall be three years, and continue until their respective successors shall have been appointed, except that the terms of appointment shall be such that the terms of at least

two members shall expire each year. The Planning and Zoning Commission members existing at the time of passage of this Ordinance shall continue to serve, and the terms of its members shall be fixed by the City Council in such a manner as to comply with the above provisions for staggering terms of service. There shall be no limit to the number of terms of service so long as service is in good-standing and authorized by the City Council.

3. COMPENSATION. The members of the Planning and Zoning shall serve as such with sole compensation being a monthly pass to the city wellness center except that the City Council may fix per diem compensation for the members of the Planning and Zoning based on necessary and reasonable expenses for meetings actually attended and land use matters reviewed and investigated. Actual expenses, in addition to those within the per diem, incurred shall be verified by presentation of bona fide receipts and vouchers.
 1. All Planning and Zoning Commission members and alternate members shall be required to attend annual training on matters relating to the duties of the office and those matters that may be required by state law. However, allowances may be made for cases where attending training on a particular date and time would put an undue burden on a Planning and Zoning Commission member.
4. VACANCIES AND REMOVALS FOR CAUSE. Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired terms. The City Council shall have the right to remove any member of the

Planning and Zoning Commission for misconduct and may remove any member for non-performance of duty. Unexcused absences from 3 consecutive regular scheduled meetings of the Planning and Zoning may be considered by the City Council as non-performance of duty.

5. CHAIRPERSON. The Planning and Zoning shall elect from its members a chairperson and vice-chairperson who shall serve annually, and, until such time as a new chairperson is elected.
6. EMPLOYEES. The Planning and Zoning Commission shall have power and authority to employ experts and a staff, and to pay such expenses as may be reasonable and necessary for carrying out the powers hereinafter set forth, but not in excess of such sums as may be appropriated by the City Council for use by the Planning and Zoning Commission.
7. RULES AND REGULATIONS. The Planning and Zoning Commission shall adopt such rules and regulations governing its procedures as it may consider necessary or advisable, and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times. The adopted rules and regulations shall be presented to the City Council for their approval or disapproval. Only after the formal approval of the City Council shall the rules and regulations become enforceable.
8. PLANNING AND ZONING COMMISSION POWERS AND DUTIES.
 1. The Planning and Zoning Commission shall:

2. prepare and recommend a General Plan and amendments to the General Plan to the City Council;
 3. recommend zoning ordinances and maps, and amendments to zoning ordinances and maps to the City Council;
 4. administer provisions of the zoning ordinance, where specifically provided in this Code;
 5. recommend subdivision regulations and amendments to those regulations to the City Council;
 6. shall hear and decide approval or denial of subdivision applications on subdivisions fewer than 10 lots, and make recommendations to amendments of subdivision plats, and the vacation of subdivision plats.
 7. shall hear and decide conditional use permits;
 8. shall hear and decide Nonconforming Uses and Non-complying structures
 9. advise the City Council on matters as the City Council requests or directs;
 10. hear or decide any matters that the City Council designates,
 11. exercise any other powers that are necessary to enable it to perform its function; or delegated to it by the city council that are required by State Law including review and recommendation to the East Carbon City Council on matters regarding sale, disposition or transfer of real property owned by East Carbon City.
9. GENERAL PLAN
1. East Carbon City shall prepare and adopt a comprehensive, long range, general plan for:

1. the present and future needs of East Carbon City; and
2. the development of the land and growth within East Carbon City.
2. The plan may provide for:
 1. health, general welfare, safety energy conservation, transportation, storm drainage, prosperity, civic activities, and recreation, educational and cultural opportunities;
 2. the reduction of waste of physical, financial, or human resources that result from excessive congestion or excessive scattering of population;
 3. the efficient and economical use, conservation, and production of the supply of food and water, and for drainage, sanitary, and other facilities and resources;
 4. the use of energy conservation and solar and renewable energy resources; and
 5. the protection of urban development, open space and the environment, protection and promotion of air quality.
 6. the Planning and Zoning Commission with the approval of the City Council may determine the comprehensiveness, extent, and format of the general plan.
10. PLAN PREPARATION
 1. The Planning and Zoning Commission shall create and recommend to the City Council a proposed general plan for the area within East Carbon City.
 2. The plan may include areas outside the boundaries of East Carbon City if, in the Planning and Zoning's judgment, they are related to the future planning of East Carbon City's territory.
 3. Where the plan of East Carbon City involves territory outside the boundaries of East Carbon City, no action affecting that territory may be taken without the concurrence of the county unincorporated areas or other municipalities affected.
 4. The general plan, with accompanying maps, plats, charts and descriptive and explanatory information, shall show the Planning and Zoning's recommendations for the development of the territory covered by the plan, and may include, among other things:
 1. A land use element that designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and may include a statement of the standards of population density and building intensity recommended for the various land use categories covered by the plan;
 2. A transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that are appropriate, all correlated with the land use element of the plan;

3. An environmental element that addresses:
 1. the protection, conservation, development and use of natural resources, including forests, soils, rivers and other waters, harbors, fisheries, wildlife, quality of air, minerals, and other natural resources, hazards; and
 2. the reclamation of land, storm water management, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
 4. A public service and facility element showing general plans for sewage, water disposal, drainage, local utilities, rights-of-way, easements, facilities for them, police and fire protection, and other public services.
 5. A rehabilitation, redevelopment, and conservation element consisting of plans and programs for the elimination of blight and for redevelopment, including housing sites, business and industrial sites, public building sites, and historic preservation;
 6. An economic element composed of appropriate studies and an economic development plan that may include review of municipal revenue and expenditures, revenue sources, identification of base and resident industry, primary and secondary market areas, employment, and retail sales activity;
 7. Recommendations for implementing the plan, including the use of zoning ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions; and
 8. Any other elements that East Carbon City considers appropriate.
11. PLAN ADOPTION
1. After completing a proposed general plan for all or part of the area within East Carbon City, the Planning and Zoning Commission shall schedule and hold a public hearing on the proposed plan in compliance with State law, after a minimum of 10 days' notice.
 2. After the public hearing, the Planning and Zoning may make changes to the proposed general plan.
 3. The Planning and Zoning shall then forward the proposed general plan to the City Council.
 4. The City Council shall hold a public hearing, after 10 days notice, on the proposed general plan recommended to it by the Planning and Zoning.
 5. After the public hearing, the City Council may make any modifications to the proposed general plan that it considers appropriate.
 6. The City Council may:
 1. adopt the proposed general plan without amendment;

2. amend the proposed general plan and adopt or reject it as amended; or
3. reject the proposed general plan.
4. The general plan is an advisory guide for land use decisions, and compliance can be mandated by ordinance.

12. AMENDMENT OF PLAN

1. The City Council may amend the general plan by following the procedures set forth in subsection 2.1.11.4., above.

13. EFFECT OF THE PLAN ON PUBLIC USES.

1. After the City Council has adopted a general plan or any amendments to the general plan, no street, park or other public way, ground, place or space, no publicly owned building or structure, or utility, whether publicly owned or privately owned, may be constructed or authorized until and unless:
 1. it conforms to the plan; or
 2. it has been considered by the Planning and Zoning Commission and, after receiving the advice of the Planning and Zoning, approved by the City Council as an amendment to the general plan.
2. Before accepting, widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the City Council shall submit the proposal to the Planning and Zoning Commission for its review and recommendations.

3. If the City Council approves any of the items contained in subsection 2.1.13.2, above, it shall also amend the general plan.

14. ZONING – RIGHT TO REGULATE.

1. The City Council may enact a zoning ordinance establishing regulations for land use and development that furthers the intent of this chapter.

15. PREPARATION AND ADOPTION OF ZONING REGULATIONS.

1. The Planning and Zoning Commission shall prepare and recommend to the City Council a proposed zoning ordinance, including both the full text of the zoning ordinance and maps, which represent the Commission's recommendations for zoning all or any part of the area within East Carbon City.
2. The City Council shall hold a public hearing on the proposed zoning ordinance recommended to it by the Planning and Zoning Commission.
3. The City Council shall publish notice of the time, place, purpose of the public hearing in a newspaper of general circulation in East Carbon City at least 10 days before the hearing at which the proposed zoning ordinance is to be considered and public comment heard.
4. After public hearing the City Council may:
 1. adopt the zoning ordinance as proposed, or
 2. amend the zoning ordinance and adopt or reject the zoning ordinance as amended; or
 3. reject the ordinance.

16. AMENDMENTS AND REZONING.

1. The City Council may amend:
 1. the number, shape, boundaries, or area of any zoning district;
 2. any regulation of or within the zoning district; or
 3. any other provision of the zoning ordinance.
2. The City Council may not make any amendment authorized by this subsection unless the amendment was proposed by the Planning and Zoning or is first submitted to the Planning and Zoning for its approval, disapproval, or recommendations. The City Council shall comply with the procedure specified in Section 2.1.15 of this chapter, in preparing and adopting an amendment to the zoning ordinance or zoning map.

17. TEMPORARY REGULATIONS.

1. The City Council may, without a public hearing, enact ordinances establishing temporary zoning regulations for any part or all of the area within East Carbon City.
2. Those temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval.
3. The City Council shall establish a period of limited effect for the ordinances not to exceed six months from the date of enactment.
4. There shall be no claim for damages based on a temporary moratorium under this section.

18. ZONING DISTRICTS.

1. The City Council may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it

considers appropriate to carry out the purposes of this chapter.

19. CONDITIONAL USES.

1. A zoning ordinance may contain provisions for conditional uses that may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in the zoning ordinance for those uses.
2. The Appeal Authority has jurisdiction to decide appeals of the approval or denial of conditional use permits.

20. NON-COMPLYING USES AND STRUCTURES.

1. Except as provided in this section, a non-conforming use or structure may be continued.
2. a non-complying use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.
3. For purposes of this subsection, the addition of a solar energy device to a building is not a structural alteration.
4. The Planning Commission may provide in any zoning ordinance or amendment thereto for:
 1. the restoration, reconstruction, extension, alteration, expansion, or substitution of non-conforming uses upon the terms and conditions set forth in the zoning ordinance;
 2. the termination of all non-complying uses (except billboards) by providing a formula establishing a reasonable time period during which the

- owner can recover or amortize the amount of his investment in the non-conforming use, if any; and
3. the termination of a billboard that is a non-complying use by either:
 1. acquiring the billboard and associated property rights by gift, purchase, agreement, exchange, or eminent domain, provided that if the City Council acquires the billboard by eminent domain, it pays the owner just compensation; or
 2. allows the owner to recover or amortize the fair market value, in an amount that is equal to the amount by condemnation, and takes into consideration the reasonable cost of operation to the owner over the amortized period.
 3. Notwithstanding Subsection 2.1.20.2, a legislative body may remove a billboard without providing compensation or amortization if, after providing the owner with reasonable notice of proceedings and an opportunity for a hearing, the City Council finds that:
 1. the applicant for a permit made a false or misleading statement in his application;
 2. the billboard is unsafe; or
 3. the billboard is an unreasonable state of repair; or
 4. the billboard has been abandoned for at least 12 months.

7. the sign or billboard displays profane, lewd, indecent, or inflammatory content.

2.2. APPEAL AUTHORITIES

1. APPEAL AUTHORITY: Shall be the City Council.
2. APPEALS.
 1. The applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration, interpretation, or enforcement of the Land Use Development and Management Code.
 2. The City Council shall enact an ordinance establishing a reasonable time for appeal to the Appeal Authority Appeal Authority of decisions administering or interpreting the Land Use Development and Management Code.
 3. Any officer, department, board, or bureau of East Carbon City affected by the grant, or refusal of a building permit or by any other decisions of the Zoning Administrator in the enforcement and administration of the Land Use Development and Management Code may appeal any decision to the Appeal Authority.
 4. The Appeal Authority shall hear and decide appeals from the Planning and Zoning decisions regarding conditional use permits

5. The person or entity making the appeal has the burden of proving that an error has been made.
 6. Only zoning decisions applying the ordinance may be appealed to the Appeal Authority.
 7. A person may not appeal, and the Appeal Authority may not consider, any Land Use Development and Management Code amendments.
 8. Appeals may not be used to waive or modify the terms or requirements of the Land Use Development and Management Code.
3. VARIANCES.
1. Any person or entity desiring a waiver or modification of the requirements of the Land Use Development and Management Code as applied to a parcel of property that he/she owns, leases, or in which he/she holds some other beneficial interest, may apply to the Appeal Authority for a variance from the terms of the Land Use Development and Management Code. Applicants appealing to the Appeal Authority shall provide written notification to neighboring property owners within three-hundred feet (300') of the subject property of the variance, at the direction of the Zoning Administrator, if required.
 2. The Appeal Authority may grant a variance only if:
 1. literal enforcement of the Code would cause a hardship for the applicant that is not necessary to carry out the general purpose of the Code;
 2. there are special circumstances attached to the property that do not generally apply to other properties in the same district;
 3. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
 4. the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 5. the spirit of the Code is observed and substantial justice done.
 6. in determining whether or not enforcement of the Code would cause hardship, the Appeal Authority may not find an unreasonable hardship unless:
 1. the alleged hardship is located on or associated with property for which the variance is sought; and
 2. the alleged hardship comes from circumstances peculiar to the property, not from conditions that are general in the neighborhood.
 3. In determining whether or not enforcement of the Code would cause unreasonable hardship under Section 2.8.1., the Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 7. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 8. Variances run with the land.
 9. The Appeal Authority and any other body may not grant use variances.

10. In granting a variance, the Appeal Authority may impose additional conditions or requirements on the land use that will:
 1. mitigate any harmful effects of the variance; or
 2. serve the purpose of the standard or requirement that is waived or modified.
4. APPEAL OF APPEAL AUTHORITY DECISION TO DISTRICT COURT
 1. Any person adversely affected by any decision of an Appeal Authority may petition the District Court in and for Carbon County, Utah for a review of the decision.
 2. In the petition, the plaintiff may only allege that the Appeal Authority's decision was arbitrary, capricious, or illegal.
 3. The petition is barred unless it is filed within 30 days after the Appeal Authority's decision is final.
 4. The Appeal Authority shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
 5. If the proceeding was taped, a transcript of that tape proceeding is a true and correct transcript for purposes of this subsection.
 1. If there is a record, the district court's review is limited to the record provided by the Appeal Authority.
 2. The court may not accept or consider any evidence outside the Appeal Authority's record unless

that evidence was offered to the Appeal Authority and the court determines that it was improperly excluded by the Appeal Authority.

3. If there is no record, the court may call witnesses and take evidence.
 1. The court shall affirm the decision of the Appeal Authority if the decision is supported by substantial evidence in the record.
 2. The filing of a petition does not stay the decision of the Appeal Authority.
4. Before filing the petition, the aggrieved party may petition the Appeal Authority to stay its decision.
5. Upon receipt of a petition to stay, the Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds it is in the best interest of the municipality.
 1. After the petition is filed the petitioner may seek an injunction staying the Appeal Authority's decision.

5. APPEALS

1. No persons may challenge in District Court a municipality's land use decision made under this chapter or under the regulation made under authority of this chapter or this Code until they have exhausted their administrative remedies.
 1. Any person adversely affected by any decision made in the exercise of the provisions of this chapter may file a petition for review of the decision with the District

Court within 30 days after the local decision is rendered.

2. The District Court shall:
 1. presume that land use decisions and regulations are valid; and
 2. determine only whether or not the decision is arbitrary, capricious, or illegal.

6. ENFORCEMENT

1. A municipality or any owner of real estate within the municipality in which violations of this chapter or ordinances enacted under the authority of this chapter occur or are about to occur may, in addition to other remedies provided by law, institute:
 1. injunctions, mandamus, abatement, or any other appropriate actions; or
 2. Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
2. A municipality need only establish the violation to obtain the injunction.
3. A municipality may enforce the ordinance by withholding building permits.
 1. It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within a municipality without approval of a building permit.
 2. The municipality may not issue a building permit unless plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

7. PENALTIES

1. The City Council may, by ordinance, establish civil penalties for violations of any of the provisions of this chapter or of any ordinances adopted under authority of this chapter.
2. Violation of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter are punishable as a Class C misdemeanor upon conviction either;
 1. as a Class C misdemeanor; or
 - by imposing the appropriate civil penalty adopted under authority of this section.

Chapter 3

ADMINISTRATIVE PROCEDURES

- 3.1 Procedures for Amendments to Zoning and City Boundaries**
- 3.2 Document Submission and Review Procedures**
- 3.3 Step 1 – Concept Plan**
- 3.4 Step 2 – Preliminary Design Plan**
- 3.5 Step 3 – Final Design, Plan, Plats**
- 3.6 Supplemental Requirements**

3.1. PROCEDURES FOR AMENDMENTS TO ZONING AND CITY BOUNDARIES

1. The City Council may amend this code pursuant to this chapter.
2. Any resident or other person having an equitable and bona fide interest in East Carbon City may petition East Carbon City for an amendment to this Code.
3. Any person seeking to amend this code, zoning map or city boundary shall make application for such amendment by taking required actions and filing the following information and documents with the Planning Commission:
 1. A written application describing the change desired and the reasons therefore.
 2. A non returnable amendment application fee.
4. Any applicant seeking to amend the zoning map or city boundary shall mail by certified mail, and submit copies thereof, a notice of the proposed action to all owners of real property within 400 feet of the proposed zone change.
5. Zoning or City Boundary (Annexation) Amendment requirements:

1. A vicinity plan, drawing of the area, and boundary description.
2. Names of all property owners in the subject area.
3. Names of all owners within 400 feet of the subject area boundary.
4. A sufficient number of plain white legal-size envelopes, addressed to the property owners, with East Carbon City as the return address, and with proper postage.
6. All plans, plats and information shall be submitted in a neat, organized manner, prepared by individuals competent to do such work, to include licensed professional engineers, architects and land surveyors.
7. East Carbon City shall prepare and give notice of public hearings to consider the proposed amendment as provided by law for zoning amendments.
 1. At least 10 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in East Carbon City.
8. The Planning Commission shall review the application and make its recommendations concerning the proposed amendment to the City Council within 30 days from receipt of the amendment application in a regularly scheduled meeting. The Planning Commission shall recommend adoption of a proposed amendment only when the following findings are made:
 1. The proposed amendment is in accord with the comprehensive general plan, goals and policies of East Carbon City.
 2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the

purposes stated in the chapters of this code.

9. When the Planning Commission recommends the amendment the East Carbon City Council may:
 1. Adopt the amendment by majority vote.
 2. Reject the amendment.
 3. Modify the proposed amendment and refer back to the Planning Commission for its recommendation to be returned to the City Council within 30 days.
10. When the Planning Commission recommends denial of the amendment the City Council may:
 1. Reject the amendment
 2. Modify the proposed amendment and refer back to the Planning Commission for its recommendation to be returned to the City Council within 30 days.
 3. If the City Council determines that the proposed amendment may have merit in spite of the Planning Commission's negative recommendation, the City Council may adopt the amendment by an affirmative majority vote.
11. Where an application for a zoning or city boundary amendment has been denied, the Planning Commission and the City Council shall not review the same zoning amendment application within 2 years unless there is substantial change of conditions since the earlier application. A new application and fee will be required.

3.2. DOCUMENT SUBMISSION AND REVIEW PROCEDURES

1. **PRE-SUBMISSION PROCEDURES.**
To facilitate the handling of applications, the Planning Commission may adopt pre-submission procedures to allow for adequate investigations and staff review and may require compliance with such pre-submission review procedures as a prerequisite to formal receipt and action by the Planning Commission. Pre-submission review shall in no way be interpreted to mean review by the Planning Commission.
2. **SUBMISSION AND DOCKETING FOR REVIEW.** Upon receipt of application, all required fees and information for any specific step of the review procedure, the Zoning Administrator and other members of the Technical Review Committee (TRC), shall review the application for completeness and compliance with the provisions of this code and other pertinent municipal regulations. When the Zoning Administrator determines that the application is ready for Planning Commission review, the chairman of the Planning Commission will docket the application review at the next regular public meeting of the Planning Commission. Incomplete or late applications shall not be docketed for Planning Commission review.
 1. All submissions to East Carbon City must be received a minimum of ten (10) calendar days in advance of any scheduled meeting unless otherwise approved by the Zoning Administrator.
3. **APPLICABILITY OF APPLICATION AND DOCUMENT REQUIREMENTS TO TYPES OF USES.**
 1. Applications and concept plans are required for all land uses and development as indicated.

2. Applications, concept plans, preliminary design plans, and final design plans and plats may be required for all conditional uses (CU) and as deemed necessary for all other uses:

1. Planned unit developments (PUD)
2. Subdivisions (SUB) / Residential
3. Recreational vehicle parks (RVP)
4. Commercial (COM)
5. Industrial sites (IND)
6. Amendments
7. Schools
8. Churches
9. Utilities.

4. APPLICATIONS TO BE SUBMITTED AND REVIEWED IN STEPS.

Applications shall be submitted and reviewed in steps. Each step shall be reviewed by the Zoning Administrator and as appropriate, the Technical Review Committee (TRC), before an application and recommendations are forwarded to and reviewed by the Planning Commission. The necessity of submitting revised and additional information, documents, and/or drawings shall be determined by the Planning Commission and/or Zoning Administrator. The steps in the approval process are as follows:

Step 1: Concept Plan

Step 2: Preliminary design plan

Step 3: Final design, plan, and/or plat

The above steps may be combined or reviewed concurrently if all submissions and reviews are complete and approved by the Zoning Administrator prior to submission to the Planning Commission.

3.3. STEP 1 – CONCEPT PLAN:

1. SUBMIT CONCEPT PLAN TO ZONING ADMINISTRATOR.

Applicants shall submit a concept plan which will enable a review of a proposed project for general scope and conditions which might impact the proposed project and East Carbon City. The Planning Commission shall either approve or reject the concept plan.

2. DOCUMENT REQUIREMENTS. The following items shall be submitted to the Zoning Administrator for concept plan review:

1. An application and all applicable fees for concept plan approval explaining the proposed project.
2. All development activity occurring within 100 feet of a canal must notify the owner and/or operator of the canal of the development prior to commencement of the development (HB 298, 2010).
3. An environmental review of the subject development is required.
 1. For minor size developments / subdivisions (under 10 lots per project or phase) a review of the following minimum environmental impacts shall be required:
 1. Erosion, dust, soils and top soil loss
 2. Grades, slope stability and geologic hazards
 3. Ground water, drainage, water courses, flood hazards
 4. Vegetative types and landscaping
 5. Wildlife and habitat

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| <ol style="list-style-type: none"> 6. Essential urban services presently available. 7. Fire potential; Police enforcement 8. Accumulation of solid and liquid wastes, water quality, discharge of smoke, noxious odors, air quality. 9. Water quality. 10. Discharge of smoke, noxious smells. 11. Air quality. 12. Potential area-wide economic impact of the development. 13. Noise, lighting, sound, vibrations, visual impacts, etc. 14. Traffic congestion. <ol style="list-style-type: none"> 2. For moderate size developments / subdivisions (10 to 30 lots or more per project or phase) a review of the following minimum environmental impacts shall be required: <ol style="list-style-type: none"> 1. Erosion, dust, soils and top soil loss 2. Grades, slope stability and geologic hazards 3. Ground water, drainage, water courses, flood hazards 4. Vegetative types and landscaping 5. Wildlife and habitat 6. Essential urban services presently available. 7. Fire potential; Police enforcement 8. Accumulation of solid and liquid wastes, water quality, | <ol style="list-style-type: none"> discharge of smoke, noxious odors, air quality 9. Water quality. 10. Discharge of smoke, noxious smells. 11. Air quality. 12. Potential area-wide economic impact of the development. 13. Noise, lighting, sound, vibrations, visual impacts, etc. 14. Traffic congestion. <ol style="list-style-type: none"> 3. For major size developments / subdivisions (30+ lots per project or phase) an environmental impact assessment performed by a licensed professional engineer is required. 4. The applicant will address identified conflicts and propose mitigation of all adverse aspects of the plan. 5. VICINITY MAP: A map showing where the project is located in the city (on a sheet 8"x 11"). 6. A SITE PLAN: A simple neatly drawn plan (on a sheet 8"x 11") representative of the project site and proposed development that is to scale, clearly legible and includes: <ol style="list-style-type: none"> 1. Applicant name, address and phone number, date of submittal 2. Property boundaries with dimensions. 3. Street and street number and/or name. 4. Zoning designation. |
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5. Water courses
 6. General topography of the land.
 7. Proposed use, buildings and site improvements.
3. CONCEPT PLAN REVIEW
1. Upon receipt of the complete concept plan application, the Zoning Administrator shall distribute copies as necessary to the Technical Review Committee and other agencies for review and comment.
 2. The Zoning Administrator shall review the concept plan application for compliance with all applicable regulations. The Zoning Administrator shall notify the property owner or developer of approval, denial noncompliance the need for other information, which may assist staff and the Planning and Zoning Commission to evaluate the proposed development.
 3. Where it is determined by the Planning and Zoning Commission or Zoning Administrator, after review of the concept plan, that one or more of the application requirements and procedural steps are not applicable to the project under consideration, such requirements may be waived in writing.
4. CONCEPT PLAN APPROVAL
1. A denied concept plan shall not constitute an absolute disapproval of the proposed development, but rather shall operate in a manner as to give the developer guidance to the requirements and constraints for development within East Carbon City.
2. The applicant and/or developer for concept approval, may, upon concurrence by the Zoning Administrator, request review of a proposed development by the East Carbon City Design Review Committee (DRC). Application for DRC review shall be made as directed by the Zoning Administrator and all approved application fees must be paid prior to DRC consideration. The DRC shall consist of the Zoning Administrator or designee, Pubic Works Director or designee, current Mayor Pro-Tempore and a citizen at large, from those residing within East Carbon City, not affiliated with the development. Upon consideration and review by the DRC, the applicant may be provided with a recommendation of a density bonus, not to exceed, twenty percent (20%). Procedures for accommodating any recommended density bonus shall be made by the DRC. Any such recommendations must be approved by both the East Carbon City Planning and Zoning Commission and the East Carbon City Council subsequent to the recommendation and the applicant must comply with all design element recommendations stemming from the DRC review.
 3. The developer may apply for preliminary design plan approval after concept plan approval is granted. Concept plan approval shall be valid for 1 year from the date on which the concept plan was approved. Resubmission of the concept plan may be required by the Planning and Zoning Commission prior to filing an application for preliminary design approval.

3.4. STEP 2 – PRELIMINARY DESIGN PLAN

1. SUBMIT PRELIMINARY DESIGN PLAN TO THE ZONING ADMINISTRATOR. Following concept plan approval, the applicant shall submit a preliminary design plan application to the Zoning Administrator. The preliminary design plan shall provide design solutions to problems identified in the approved concept plan. The Planning Commission shall either approve or disapprove the preliminary design plan.
 1. Document Requirements. The following items shall be submitted in an application to the Zoning Administrator for preliminary design review.
 2. An application and fee together with an updated and approved concept plan to include corrected or revised maps and drawings.
 3. Evidence that the applicant has sufficient control and financial capability over the land to effectuate the proposed use.
 4. Evidence that the appropriate agencies have reviewed the development plan and will be able to provide water, sewer and electrical, natural gas, communication service to the proposed development. This does not preclude the necessity of the applicant having to upgrade the service.
 5. Statement of the estimated starting and completion dates for each phase of the development, identifying what work will take place.
 6. Copy of proposed protective covenants, articles of incorporation, association or condominium.

7. Tabulations showing the square footage and percent of total area of proposed development:
 1. Total Area
 2. Private right-of-ways
 3. Public right-of-ways
 4. On-site parking
 5. Private buildings parking lots and hard-surfaced areas
 6. Landscaping
 7. Water courses
 8. Undevelopable area
8. Appropriate supporting documents showing compliance with regulations of the State of Utah dealing with air emissions, water discharge standards, wetland mitigation and hazardous material mitigation.
9. Detailed estimate of the cost to complete the off-site (street or public right of way) improvements.
2. PROJECTS DESIGN INFORMATION AND PLANS
 1. A SITE PLAN: A neatly drawn plan (on a sheet 8x11, 11x17 or 22x34) representative of the project site that is to scale, with dimensions, clearly legible and includes important information for both pre-existing and post development conditions, demolition, fill, grading, existing improvements and proposed improvements, such as:
 1. Streets.
 2. Buildings (plan view and/or elevation view), not entire building design, that will be submitted later for a building permit).

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| <ol style="list-style-type: none"> 3. Utilities (water, sewer, storm drain, electrical). 4. Zoning designation. 5. Drainage ways, rivers, washes, canals, ditches, springs, wells, flood plain. 6. Vegetation. 7. Geologic conditions seismic zone, earthquake faults, cliffs, alluvial fans, rock falls, land slides, wet lands, subsidence, ground water, radiological, hazardous waste. 8. The name, telephone number, and business address of the applicant, developer and owner, engineer, architect, surveyor. 9. The dimensions of the site and total acreage 10. North point and scale of drawing 11. Locations, numbering and names of streets (include traffic control) 12. Right of ways and easements; widths, curves, intersections, driveways. 13. Survey monuments 14. Storm flood control and detention ponds including submission of a preliminary drainage report in compliance with the East Carbon City Drainage Design Criteria, when required. 15. Location and description of landscaping. 16. Parking. 17. Location and size of utility mains, service lines and connections for: water, sewer, | <p style="padding-left: 40px;">power, gas, telephone, cable, fiber optics.</p> <ol style="list-style-type: none"> 2. Demand for water, sewer and electrical, storm drainage (quantify in terms of gals/min, velocity, materials, peak demand, total yearly gallons, kwh, etc.) 3. Condition of existing facilities and ability to tolerate demand created by development. 4. Preliminary Geotechnical Review (see evaluation criteria under final plan submittal). 5. Mitigation of adverse conditions created by development. <p>3. REVIEW PROCEDURE FOR A PRELIMINARY DESIGN PLAN</p> <ol style="list-style-type: none"> 1. The Zoning Administrator shall upon receipt of the complete preliminary design plan submission, distribute as necessary copies of the plan to the Planning and Zoning Commission, members and to such other governmental departments and agencies for review and comment. The Zoning Administrator shall allow a reasonable time period for review. 2. Failure of any of the recipients to respond to the Zoning Administrator or Planning and Zoning Commission with comments concerning the development, within a reasonable time period, shall be construed as indicating the individual, agency or department has no adverse concern with the proposed development. 3. The Planning and Zoning Commission shall consider the application for preliminary design plan approval at its next regularly scheduled public meeting following a 30-day review and processing period, except as may be limited by |
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Planning and Zoning Commission agenda or the Zoning Administrator. This review and processing period shall be measured from the date on which the preliminary design plan application is determined by the Zoning Administrator to be substantially complete.

4. The Planning and Zoning Commission shall approve only those preliminary design plans which the Commission finds:

1. To be developed in accordance with the intent, standards, and criteria specified in this code and other applicable regulations.
2. To conform to an approved concept plan.
3. To create no substantial financial hardship to East Carbon City.
4. To create no substantial environmental consequences which will adversely impact upon adjacent properties and the health, safety or welfare of the inhabitants of East Carbon City when weighed against the positive impacts of such development.
5. To mitigate known and possible adverse impacts from the proposed development.
6. When in the opinion of the Planning and Zoning Commission public facilities should be constructed within the boundaries of a proposed development for the benefit of the community as established in the comprehensive General Plan of East Carbon City, the developer shall reserve a site appropriate in area and location

for such public facilities and services (street, pathway, park, school, community building, etc.).

5. After review of the preliminary design plan at a public meeting, the Planning Commission shall approve, disapprove or approve with conditions, the preliminary design plan and land use, notifying the developer in writing of such action, or may postpone action to allow the developer time to provide materials or additional information needed by the Planning Commission, to then determine appropriate action.
6. Preliminary plan approval constitutes acceptance of a project or development by East Carbon City and vesting in the proposed development or project. For a vested right to be established the applicant must make substantial financial expenditures in good faith reliance on final zoning approval and must further perfect a vested right by purchasing a building permit and make substantial financial expenditures in connection with the building permit. Substantial financial expenditures are generally estimated to be twenty percent (20%) or more of the total project cost. A vested right may arise in the absence of zoning or other East Carbon City approval if, at the time of the substantial financial expenditures, no prior approval was required.

3.5. STEP 3 – FINAL PLAN REQUIREMENTS

Following preliminary design plan approval, the applicant shall submit a final plan for review by the Zoning Administrator. The final plan shall contain all the information required by this

section and shall provide technical and engineering solutions to all previously identified problems.

1. DOCUMENTS FOR ZONING ADMINISTRATOR:

1. Application for final approval.
2. Required fee.
3. Drawings: Plat, Site plan, Plan & Profiles, Details, Estimated quantities.
4. Geotechnical Study.
5. Grading Plan.
6. Storm Water Management Plan.
7. Mitigation of Adverse Conditions Plan.
8. Development Agreement.

2. DRAWING REQUIREMENTS FOR ZONING ADMINISTRATOR

1. Approved preliminary plans and details shall be included in the final plans.
2. Dedication Plat
 1. Description of project boundaries, public streets, and easements (utility, drainage access, etc.) as well as other design elements.
 2. Names and addresses of the project or development, the owner or owners of record, the developers, the engineers, the surveyors and/or the architects.
 3. Astronomic north arrow and basis of bearing.
 4. Total acreage of development project including number of lots and the acreage of each.

5. Township, range, section and quarter section (if portion) information.
 6. Graphical scale.
 7. City Engineer's review certificate unless waived on plat.
 8. City Attorney's review certificate unless waived on plat.
 9. Planning Commission approval certificate on plat.
 10. City Council approval certificate.
 11. Recording procedure by the County Recorder on plat.
 12. Owner's dedication of property to the City or the Public.
 13. Any additional information required by City Ordinance, City Council or Utah State law on plat.
3. Plat/Plan Format: The dimensions and format of the plan shall conform to City requirements. Plans may be submitted on 11" x 17" sheets provided the scale does not exceed 1" = 40' the plan is legible. Plans may also be submitted on 24" x 36" sheets provided the scale does not exceed 1" = 100'. Subdivision plats shall be submitted on 24" x 36" velum, mylar or equivalent approved by the City Engineer. In addition, all the above shall be submitted on electronic disc in AutoCAD.
4. Typical Plans: All lands within the boundaries of the development shall be accounted for in the plans as lots, sidewalks, pathways, streets, alleys, excluded parcels, common areas, building areas, parking areas, drainage facilities, detention basins, bridges, landscape areas, permanent

open space, etc., and shall contain the following:

1. Lot lines, site grading, street improvements, drainage, water lines, sewer lines, electricity, natural gas, telephone, fiber optics, cable television, secondary water lines and any other public utility locations.
2. In subdivisions all blocks and lots within each block shall be consecutively numbered. Excepted parcels shall be marked "not included in this development".
3. Streets, sidewalks and alleys shall be designated as such and streets shall be numbered with bearings and dimensions given. Street names may be submitted for City approval and shall not duplicate or be similar to existing names of City or County streets. All streets shall include numerical designations. They shall not be included on the same sign blade as street names.
4. All easements shall be designated as such with bearings and dimensions given.
5. Parcels not contiguous shall not be included in one plan, nor shall more than one plan be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plan, provided all owners join in dedication and acknowledgment.
5. Cross Sections: Provide detailed design street cross section information at 100-foot intervals along all street alignments associated with the development. Refer to the City's acceptable design for typical

street cross sections. Show pavement and sub-grade design calculations (based on geotechnical study). Provide detailed cross sections for water and sewer line connections, complex valve and fitting arrangements, detention basins and catch basins, with supporting calculations and details.

6. Profiles: Provide profiles for all existing and designed streets and utilities with elevations at 50-foot intervals for: street centerline, top back of curb, water lines, sewer lines and drainage lines. The profiles shall indicate all vertical curves, grade changes, sewer manholes, water valves, clean outs and catch basins. Include sewer design, demand and capacity calculations.
7. Geotechnical: A geotechnical study shall be prepared and submitted by a qualified engineer on all developments, subdivisions, main structures, and buildings that will be occupied; exceptions: single lots in approved residential, commercial, manufacturing or industrial subdivisions and garages or carports, minor additions or remodels, and site accessory improvements or as otherwise recommended by the Zoning Administrator, City Engineer or Building Inspector and approved by the City Council.

The geotechnical study shall be derived from exploratory test pits or boring. At a minimum, one test pit from each quadrant of the proposed site and one or more from the area directly under the proposed structures shall be completed. The geotechnical study shall include the following:

1. Cover sheet and Introduction.

2. Conclusions.
3. Proposed Construction.
4. General Site Construction.
5. Subsurface Investigation.
6. Laboratory Testing.
7. Subsurface Conditions.
8. Site Grading.
9. Geological Conditions and Mitigation: seismic zone, earthquake faults, cliffs, alluvial fans, rock falls, land slides, wet lands, subsidence, ground water, radiological.
10. Foundations.
11. Subsurface Drainage; foundation drainage; sumps.
12. Floor Slabs.
13. Moisture Control and Surface drainage.
14. Pavement design.
 1. Street.
 2. Parking Lot.
15. Mass Grading, Backfill and Compaction.
16. Utility trenching, backfill and compaction.
17. General Conditions.
18. Table.
19. Laboratory Test Results.
20. Figures.
21. Vicinity Map.
22. Site Plan and location of test pits.
23. Legend.
24. Consolidation Swell Tests.
8. Storm Water Management Plan: A final drainage report shall be

prepared and submitted in accordance with the East Carbon City Drainage Design Criteria for all developments, or as otherwise required by the City Engineer. The Final Drainage Report shall include the following:

1. Topographic survey of the proposed site that shows the existing drainage and irrigation systems including all rivers, creeks, streams, washes and flood plains. Show pre-development and post-development contours at 2-foot intervals. Show locations and elevations of proposed structures. Establish and show the finished floor elevations (first and basement floors) of proposed buildings. Show elevations of all adjacent and adjoining properties. Show grades of all impervious surfaces.
2. Plan, profile and detail drawings and run-off calculations for new, temporary or modified drainage systems. This includes all detention basins, structures, catch basins, piping, open channels, bridges and other specific drainage features.
3. Drainage analysis that shows the peak flow rate and peak volume calculations for the pre-development and post-development conditions.
4. Analysis and Design Criteria.

The rational method is to be employed for watersheds less than or equal to 10 acres. Peak rate and volume calculations are to be based on the 50-year 1 hour storm for the storm drainage network. Use an intensity of 1.10

- inches per hour for 1 hour or other local reliable precipitation data.
- The Natural Resource Conservation Service (NRCS) method is to be used on watersheds larger than 10 acres. Peak rate and volume calculations are to be based on the 100-year 24-hour storm event with a type 2 distribution for the storm drainage network.
- Post development conditions shall not exceed predevelopment conditions. Check for the 5, 10-, 25-, 50- and 100-year storms and related flood routing. Delineate the watersheds for each catch basin and inlet. Design the storm sewer pipe network for the 50-year 1 hour storm. Evaluate the effects of the 100-year storm. Runoff and flooding shall be contained within the streets and storm sewer pipeline network.
- Storm water detention basins, inlets and outlets shall be designed for the 100-year storm event.
5. Each lot will be developed and built so that there is a positive grade away from all structures. Property owners shall be responsible for controlling drainage runoff that is generated onsite. Onsite detention shall be developed as necessary. Discharge of runoff from the site shall be directed towards approved street and natural drainage ways.
 6. Structures on lots shall not be built with basement garage driveways or basement stair accesses that directly connect to the street.
 7. Evaluation of potential pollution, contamination and construction site discharge through storm water runoff from the facilities or features of the development. The results of the evaluation may require source control, pre-treatment and pollution prevention practices to be implemented to control polluted storm water runoff.
 9. Survey Information: Plans for land surveying shall be prepared and certification made as to plan accuracy by a registered professional land surveyor properly licensed to do such work in the State of Utah. A workmanlike execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for final plan rejection. Engineering plans and details shall be calculated, designed, prepared or reviewed by a qualified and licensed engineer. Plans shall provide the following survey information:
 1. Bearings, distances and curve data for all perimeter boundary lines with ties to 2 existing legal survey monuments unless otherwise required by the City Engineer). A traverse of the perimeter boundary lines from the existing legal survey monuments shall have an error of closure of not greater than 3 in 100. Bearings, distances and curve data shall also be given for all interior lot lines and dimensions including irregularly shaped lots. Distances shall be given in hundredths of a foot,

- angles in decimal degrees to hundredths of a degree, and bearings in degrees-minutes-seconds of an arc.
2. Sufficient curve data shall be given to enable the reestablishment of the curves on the ground. Include a table of curve data. This curve data shall include the following information:
 1. Radius of curve.
 2. Central angle.
 3. Tangent.
 4. Arc length.
 5. Chord (bearing and distance).
 3. Parcels bounded by a body of water shall have the bearings and distances of a closing meander traverse given and notation made that the parcel includes all land to the water's edge or high-water mark or 100-year flood elevation.
 4. Legal descriptions and labels of major parcels, road dedications and parcels to be dedicated to the public.
 5. Parcels shall include area in acres.
 6. All survey work, property descriptions, parcel closure and plan/plat preparation shall be shall be double checked by the East Carbon City Engineer.
3. **AS-BUILT CONSTRUCTION DRAWINGS:**
1. As-built construction drawings shall be submitted for all required public improvements once constructed. Submission of as-built construction drawings will be required prior to the issuance of an occupancy permit or release of the development agreement. Include any common facilities that could ever apply for public acceptance or maintenance.
 2. As-built construction drawings shall be submitted in a paper copy and in an electronic format contained on a compact disc. The format shall be AutoCAD, Adobe Acrobat or another format approved by the City Engineer.
4. **FINAL PLAN REVIEW AND APPROVAL:**
1. When a final plan/plat has been received, it shall be acted upon at a Planning and Zoning Commission meeting scheduled for development review within 30 days of receipt of final plan application by the Zoning Administrator. The Planning and Zoning Commission shall not approve any final plat unless it is reviewed and approved by the City Attorney and City Engineer in the spaces provided.
 2. The Zoning Administrator will distribute copies of the final plan and/or plat for review by the Technical Review Committee (TRC) before docketing the application for final approval on the Planning and Zoning Commission agenda.
 3. The Planning and Zoning Commission shall review the final plan/plat at a regularly scheduled public meeting. If the final plan/plat and all supplementary data comply with the applicable requirements of these regulations and the requirements of the approved preliminary design plan, the Planning and Zoning Commission shall certify approval of the plan on the space provided.

4. After review of the final plan/plat at the public meeting, the Planning and Zoning Commission shall send written notification of its review and official action taken to the City Council. This notification shall specify any modifications to the final plan/plat, if any, which were made incidental to final approval of such plan/plat by the Planning and Zoning Commission.
5. The City Council shall review the final plan within 45 days of receipt of transmittal from the Planning Commission, at a regularly scheduled public meeting, or as otherwise scheduled by the City Council.
6. The only basis for rejection of a final plan/plat shall be its non conformance to adopted rules, regulations and ordinances currently in force and affecting the land and its development, its lack of conformance with the approved preliminary design plan/plat, technical inaccuracies or insufficiencies, and poor workmanship in preparation of the plans/plat and documents.
7. The City Council shall review and execute a development agreement and establish the kind, amount and method of financial security to be provided by the developer to guarantee completion of the required public improvements.
8. If the City Council determines that the final plan/plan submission complies with the applicable requirements of this code, they shall certify approval of the plan; provided

however, that the City Council shall approve no final plan/plat unless accompanied by a plat (if a subdivision), certified by the City Engineer and City Attorney.

5. SUBMIT APPROVED FINAL PLAN TO CITY COUNCIL:

1. Following final plan/plat approval by the Planning and Zoning Commission, the Zoning Administrator shall forward the approved final plan/plat to the City Council for review. The applicant shall appear before the City Council to answer questions, to negotiate any required bond or financial security, and to negotiate any proposed dedications. The City Council shall either approve or reject the final plan/plat. Upon approval, the applicant/owner shall submit the plan to the County Recorder to record the plat. The costs of recording shall be paid by the applicant/owner.

3.6. SUPPLEMENTAL REQUIREMENTS

1. **APPLICATIONS TO BE REVIEWED AT PLANNING COMMISSION MEETING.** Whenever applications to the Planning and Zoning Commission for formal action are required by this code, submission to the Planning Commission is hereby defined as submission of such application at a regularly scheduled public meeting of the Planning Commission.
2. **TIME PERIODS FOR PLANNING COMMISSION ACTION.** Time periods for Planning and Zoning Commission action shall not begin to run until after complete applications are officially received by the Planning Commission at a regularly scheduled public meeting.

3. **FEES.** Fees may be charged applicants for excavation permits, development permits, zoning permits, zoning amendments, building permits, occupancy permits, conditional use permits, design review, plan/plat review, annexation amendments, Planning and Zoning Commission and Board of Adjustment hearings, and such other services as are required by this code to be performed by public officers, City staff or agencies. Such fees shall be established by resolution of the City Council and shall be in the amounts reasonably needed to defray costs to the public.
4. **APPROVAL OR DISAPPROVAL.** At each step of the review procedure, the Planning Commission shall approve or disapprove of the plans, plats, drawings, details, writings and materials submitted to it, and where applicable, shall approve or disapprove the entire application or any portion thereof. Any approval or disapproval made by the Planning Commission shall be in the form or written findings of fact and conclusions, which findings and conclusions shall be made available to the applicant and all parties concerned by the Planning Commission within 45 calendar days of the Planning and Zoning Commission meeting at which the application was reviewed.
5. **COPIES.** A minimum of 3 copies of all required application materials shall be submitted to the Planning and Zoning Commission at each step of the review process. Additional copies may be required by the Zoning Administrator as may be needed for proper review.
6. **FORMAL ACTION.** Formal action on any application, i.e., action approving or denying an application, shall be taken only at regularly scheduled or officially called meetings of the Planning and Zoning Commission or City Council.
7. **PUBLIC HEARING.** Unless specifically required by this code or other applicable law, no public hearing need be held. However, a hearing may be held when the Planning and Zoning Commission shall deem such a hearing to be necessary and in the public interest. Whenever a public hearing is held, notice thereof shall be given as required by applicable law or if there is no otherwise applicable law, then by a method reasonably calculated to give notice to interested parties. Such notice shall be given a minimum of 10 calendar days prior to the public hearing or as required by Utah State law, whichever period of time is greater. Failure of interested parties to receive actual notice of said hearing shall in no way affect the validity of the action taken.
8. **DEDICATION OF LAND TO PUBLIC.** Acceptance of dedication of proposed public lands, utility, alleys, pathways, easements or street rights-of-way in an approved final plan/plat can be made only by the City Council. Final plan/plat approval by the City Council will be deemed an acceptance of dedication, unless streets, utilities, alleys, pathways, easements and other public spaces are shown as “not intended for dedication” or marked “private” or unless the City Council expressly rejects the proposed dedication.
9. **APPLICATION FORMS.** Application for any required Planning and Zoning Commission action shall be submitted on forms prepared for that purpose and approved by the Planning and Zoning Commission.
10. **RETENTION OF PLANS.** Plans, specifications and reports for all applications submitted to East Carbon

City shall become the property of the City and shall be retained permanently.

11. **VALIDITY.** Approval of concept plans and preliminary design plans shall remain valid for 12 months and following expiration of this time periods, said approval shall expire. Once final approvals are given, projects must be started within 12 months or said approvals shall expire and a new permit application must be submitted.

12. **PHASE DEVELOPMENT.**

1. Final plan/plat approval may be granted on less than the entire project covered by preliminary plan approval and final plan/plat approval on projects containing more than 10 lots shall be done in phases, except as provided below. Each phase shall consist of the number of lots which can be completely developed with off-site improvements within a one-year period, or as approved by conditional use permit. The development of the project shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or the grantees of any of the lands developed within the time hereinafter specified.
- 2 When the off-site improvements have been 100 percent completed within the boundaries of the approved final plan/plat of any phase and reviewed by the City Engineer, and on-site improvements are 70 percent completed, the developer may submit the next phase of the proposed development in accordance with the rules and regulations of this code. On-site improvements shall be

construed to mean the construction or placement of the dwelling or other main building and its appurtenant improvements on each lot.

- 3 A final plan/plat including more than 25 lots will be accepted only upon the submission of qualified evidence indicating that the market absorption rate and the financial ability of the developer are such that the off-site improvements for all lots in such final plan/plat will be completed within 1 year, and that on-site improvements will be completed on at least 70 percent of the lots within 2 years of such approval.

18. **APPEALS PROCEDURE.** Appeals from any final administrative or Planning and Zoning Commission decision may be made to the Board of Adjustment or other appeal authority, as designated or appropriate, such as the Variance Committee or the Hearing Officer.
19. **CHANGES.** Any significant changes, as determined by the Zoning Administrator, City Engineer or Building Inspector, that affect an approved final conditional use /drawing/plan/plat, will require resubmission of the conditional use/drawing/plan/plat for approval by the Planning and Zoning Commission and City Council.
20. **ADDITIONAL REQUIRED INFORMATION.** The Planning and Zoning Commission, City Council, Zoning Administrator, City Planner, City Engineer, Building Official / Inspector, or City Attorney may require the developer / applicant to provide such additional information as may be necessary to complete a proposal for the written record, demonstrate capability, solve anticipated problems, mitigate adverse conditions or show geotechnical

solutions to site development, problems
or concerns.

Chapter 4

SIGNS

- 4.1 Title**
- 4.2 Purpose**
- 4.3 Scope**
- 4.4 Interpretation**
- 4.5 General Regulations**
- 4.6 Inspections**
- 4.7 Enforcement**
- 4.8 Notice Requirements**
- 4.9 Sign Permit and Permit Fee Required**
- 4.10 Re-inspection Fee**
- 4.11 Sign Overlay District**
- 4.12 Codes and Symbols**
- 4.13 Sign Regulations by Overlay District**

4.1. TITLE.

The regulations contained in this chapter shall be known and may be cited as “Sign Regulations” or “Sign Code” of East Carbon City and its Land Development Code.

4.2. PURPOSE.

The purpose of sign regulations set forth in this code shall be to coordinate the type, placement, and physical dimensions of signs within East Carbon City; to recognize the various commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under law through accurate record keeping and consistent enforcement. These objectives shall be accomplished by regulation of display, erection, use, and maintenance of signs. The use and location of signs are regulated according to zoning district. The placement and physical dimensions of signs are regulated primarily by type.

Further purposes are to minimize potential hazards to motorists and pedestrians; to encourage signs which, by their design, are integrated with and harmonious to the buildings and sites which they occupy; to encourage sign legibility through the elimination of excessive and confusing sign displays; to reduce driver inattention; to preserve and improve the appearance of East Carbon City as a place in which to live and to work as an attraction to nonresidents who come to visit or trade; to safeguard and enhance property values; to limit or forbid signs which interfere with solar access of adjacent properties; to protect public and private investment in buildings and open spaces; to supplement and be a part of the regulations imposed under the zoning authority of East Carbon City.

4.3. SCOPE.

These regulations shall not relate to or regulate building design, official traffic or government signs; the copy and message of signs, signs not intended to be viewed from a public right-of-way, window displays; product dispensers and point of purchase displays, scoreboards on athletic fields, flags of any nation, government or non commercial organization, gravestones, barber poles, religious symbols, commemorative plaques, the display of street numbers, or any display or construction not defined in this code as a sign.

4.4. INTERPRETATION.

In interpreting and applying the provisions of this code, the sign regulations contained herein are declared to be the minimum standards allowable for the purpose set forth. The types of signs allowed by this code shall be unrestricted and sign types not specifically allowed as set forth within the code shall be prohibited. It is not intended by this chapter to interfere with nor repeal nor annul any easement, covenants, or other agreements between private parties

existing at the time of the effective date of this code; provided, however, that where this code imposes a greater restriction upon signs, and the location thereof requires or imposes other conditions than those required or imposed by other laws, ordinances or restrictions, the provisions of this code shall control.

4.5. GENERAL REGULATIONS.

- ~~1.~~ Except as provided in this code, no sign shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the use district in which it is located. No permit is required for the maintenance of a sign or for a change of copy.
2. All signs hereafter erected in East Carbon City shall comply with the current standards of the International Electric Code, International Building Code, ordinances of East Carbon City and Utah law. No sign shall be placed on public property or in air space within a public right-of-way except when expressly licensed by the City Council.
3. All signs shall be maintained in a condition suitable for use.
4. Signs requiring inspection of electrical connections or attachments to structures must be installed under the inspection of the East Carbon City Building Inspector.
 1. Exposed parts of signs shall be painted or treated chemically in such a manner as to preserve the condition, aesthetics, and life of such signs; moving parts shall be maintained in operable condition; and signs designed to be lighted shall be maintained with a full complement of the lighting facilities required by the design of each such sign. Failure or refusal to maintain

signs may constitute a violation of the East Carbon City Land Use Management and Development Code.

5. All signs identifying a discontinued use on the property shall be removed by the sign owner from the property within 30 calendar days of the time the use was discontinued.
 1. Signs identifying a discontinued use may be removed at the discretion of the Zoning Administrator if the sign owner fails or refuses to do so.
 2. All costs associated with removal of a sign identifying a discontinued use shall be paid by the sign owner.
6. Unless otherwise specified in this chapter, all signs may be illuminated, however no sign may utilize:
 1. An exposed incandescent lamp with an external reflector without a sun screen or comparable diffusion,
 2. Any exposed incandescent lamp in excess of 15 watts unless a screen is attached, or.
 3. Any revolving beacon light.
7. Unless otherwise specified in this chapter, any sign herein allowed may use manual or automatic changeable copy.
8. Signs not regulated by this chapter:
 1. On-premise advertising signs that are attached to windows or walls and are clearly of a temporary nature, and which promote specific sales for short periods of time, not to exceed 30 days.
 2. Signs which are associated with school, church, civic or community events and functions which are clearly of a temporary nature for short periods of time.

3. Interior signs
4. Real estate company “for sale” signs and owner placed “for sale” or “for rent” signs advertising specific property for sale or rent which are erected temporarily on that specific property.
5. Temporary election campaign signs, yard sale signs, night crawlers for sale signs, meeting announcements, etc. However, such signs shall be removed within 7 days following the occurrence of the announced event.
6. Directional signs (i.e., BLM, DWR, etc.), church name plate signs, etc.
7. Name plate signs less than 150 square inches in size
8. Construction signs for each street of frontage of a construction project, not to exceed 45 square feet in area. Such signs may be erected 10 days prior to beginning of construction and shall be removed 1 day following completion of construction.
9. UDOT signs
10. Banners across streets (Public right-of-way). Requires City and/or UDOT approval.
11. Signs at City owned entry way structures. Signs must be properly secured for wind load. Signs must be relevant to community, civic or charitable projects and/or events. No commercial advertising is permitted. Qualifications for placement shall be determined by the Zoning Administrator.
12. Signs on vehicles, equipment, trailers, trains, boats and airplanes.
13. Temporary commercial signage. Signs may be placed at locations pre-

approved by the Zoning Administrator or Planning Commission for a period not to exceed 14 days, with a minimum period of 30 days between any consecutive placement of the sign.

4.6. INSPECTIONS.

The Building Official or Zoning Administrator of East Carbon City shall have the following duties with regard to inspection of signs:

1. Make initial inspections of any signs upon the completion, erection, reconstruction, or remodeling of the same and notification of said completion, erection, reconstruction or remodeling. Inspections shall be made to assure compliance with the provisions of these regulations, other ordinances of East Carbon City and conditions precedent to the issuance of a conditional use permit if applicable.
2. To inspect each sign for which a complaint of non-compliance with local ordinances is made in writing to the Building Official or Zoning Administrator, or verbally documented, and maintain a log of all complaints.
3. To make routine spot checks of all signs to assure compliance with these regulations and other ordinances of East Carbon City, and conditions precedent to the issuance of a conditional use permit if applicable.

4.7.ENFORCEMENT.

The Zoning Administrator of East Carbon City is hereby vested with the duty of enforcing the sign regulations of this code and in the performance of such duty is empowered and directed:

1. To issue permits to construct, alter or repair signs which conform to the regulations of East Carbon City.
2. To ascertain that all signs, construction of, or maintenance of any sign is in conformance with regulations of East Carbon City and the conditions-imposed precedent to the issuance of a conditional use permit if applicable.
3. To issue a notice of violation to the person having charge or control or benefit of any sign determined by the Zoning Administrator or Building Official to be unsafe or dangerous, or in violation of ordinances of East Carbon City.
4. To institute any appropriate action or proceedings in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is in violation of any ordinance of East Carbon City, including but not limited to the zoning ordinance, to accomplish the following purposes:
 1. To prevent such unlawful erection construction, reconstruction, alteration, repair, conversion, maintenance or use, and
 2. To restrain, correct, or abate such violation.
5. To abate and remove any un-maintained sign, the condition of which is not corrected within 5 working days following appropriate notice to the person having charge, control, or benefit of any such sign, as provided by law.
 1. The property owner and/or occupant of any property where a sign is removed from shall pay all costs associated with the removal and any administrative costs associated with the removal.

4.8. NOTICE REQUIREMENTS.

Notification by East Carbon City to persons having charge, or control, or benefit of any sign determined by the Zoning Administrator or Building Official to be unsafe or dangerous or in violation of the zoning ordinance or other ordinances of East Carbon City and where East Carbon City is contemplating removal of said sign shall be accomplished by East Carbon City utilizing written notices sent by registered mail. Any such notice shall state the exact nature of the violation, the exact time and date by which the non-complying condition or use must be remedied, and the appeals procedure by which the person having charge, control, or benefit of such sign may appeal the decision of the Zoning Administrator.

4.9. SIGN PERMIT AND PERMIT FEE REQUIRED.

All signs hereafter erected within East Carbon City shall be erected, reconstructed, or remodeled only in accord with the authority authorized by the sign permit issued by East Carbon City. Application for a sign permit shall be made to the Zoning Administrator and shall be accompanied by a fee to defray the expenses to East Carbon City incurred in the administration of this chapter. Such fee shall be established by resolution of the City Council. A sign permit shall be issued by the Zoning Administrator within sixty (60) days of receipt of application for the sign permit if the proposed sign is found by the Zoning Administrator to be in compliance with the provisions of this code and other ordinances of East Carbon City.

4.8. RE-INSPECTION FEE.

In the event that a notice of violation is issued, a re-inspection fee shall be charged to defray the costs of re-inspection. Said re-inspection fee shall be charged for each inspection required

until compliance with applicable regulations of East Carbon City has occurred. The amount of the fee shall be established by resolution of the City Council.

4.9. SIGN OVERLAY ZONING DISTRICTS.

There are hereby created 3 overlay districts (S-1, S-2, S-3) to regulate the sign type, sign effects, sign dimensions, number of signs, and sign location in East Carbon City. Refer to special zoning map for description of districts.

4.10. CODES AND SYMBOLS.

In the following section the sign type, sign effects and copy content, sign dimensions, number of signs, and sign location which are allowed in the various districts are shown as “permitted” indicated by a “P” in the appropriate column (headed by the overlay zoning district designation), or as “conditional uses” indicated by a “C” in the appropriate

column. If an “A” appears in the column the sign permit may be issued administratively by the Zoning Administrator if all regulations relative to the sign are completed in accordance with the East Carbon City Land Use Management and Development Code. If, in the judgment of the Zoning Administrator, issues surrounding the sign require additional review by the East Carbon City Planning and Zoning Commission, the use will be considered conditional. If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required; or by the letter “M” to indicate maximum building height allowed in a particular district; or by the letter “B” to indicate the actual height of the building to which a sign is affixed or the height of the sign; or by the letter “S” to indicate the required building setback, whichever is applicable. If the regulation does not apply, or if it is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash “-”.

4.10.1.1. SIGN REGULATIONS BY OVERLAY DISTRICT

	S-1 RESIDENTIAL	S-2 General Commercial Central Commercial	S-3 I-1 Zone I-2 Zone
1. Sign Type			
1. On-Premise Signs			
1. Free Standing	C	C	C
2. Marquee	-	C	C
3. Projecting wall	C	C	C
4. Roof	-	C	C
5. Fascia	C	P	P
6. Canopy	-	P	P
7. Under canopy	-	P	P
8. Awning (electric)	-	P	P
9. Low profile	C	P	P
10. Portable & temporary	C	C	C

	S-1 RESIDENTIAL	S-2 General Commercial Central Commercial	S-3 I-1 Zone I-2 Zone
11. Window/door	P	P	P
12. home occupation	C	C	C
13. Electric reader board	-	C	C
1. electronic signs shall have 0.3-foot candles above ambient light or less and have automatic dimming capability. This standard applies to all sign types, locations, installations where illuminated, electric, flashing or digital signage is installed.			
2. Off-Premise Signs			
1. Free Standing	-	-	-
2. Roof	-	-	-
3. Fascia	-	-	-
2. Sign Effects and Copy Content			
1. On-Premise Signs			
1. Identification	P/A	P	P
2. Illuminated	-	P	P
3. Rotating	-	C	C
4. Flashing	-	C	C
5. Changeable copy	-	C	C
6. Animated	-	C	C
7. Electric reader board	-	C	C
2. Off-Premise Signs			
1. Illuminated	-	-	-
2. Rotating	-	-	-
3. Flashing	-	-	-
4. Changeable copy	-	-	-
5. Animated	-	-	-
6. Message center	-	-	-
7. Electric reader board	-	-	-
3. Sign Dimension			
1. Max. Sign Height	3 Feet	C/A	C/A
2. Max. Sign Area On-Premise	35 sq. ft.	100 sq. ft.	200 sq. ft or by CUP
3. Max. Sign Area Off-Premise	-	-	-
4. Home Occupied Business	18"x24" (432 sq. in.)	18"x24" (432 sq. in.)	18"x24" (432 sq. in.)
1. Or as permitted by conditional use permit			
4. Number of Signs (per building or lot)			
1. On-Premise Signs			
1. Free Standing	1	1	1

300 ft. apart minimum	-	2	-
500 ft. apart minimum	-	-	2
2. Marquee	-	1	1
3. Projecting Wall	-	1	1
4. Roof	-	1	1
5. Fascia (Section 4.7.5)	1	1	1
6. Windows	1	1	1
7. Canopy	-	1	1
8. Home Occupied Bus.	1	1	1
9. Combinations of Above	C/A	C/A	C/A
2. Off-Premise Signs			
1. Free Standing	-	-	-
2. Roof	-	-	-
3. Fascia	-	-	-
5. Location of Signs			
1. Min. clearance under signs	4'	4'	4'
2. Min. setback from public right-of-way	1'	1'	1'
3. Min. distance between same sign types -		300'	500'
1. or as approved by CUP	-	C/A	C/A
4. Maximum overhang of public right-of-way	-	10'	10'
5. Max. thickness of sign over right-of-way	-	1'	1'
6. Home occupied business	Window or yard only	Window or yard only	Window or yard only

- 6. General Commercial & Central Commercial Districts.** Placement of perpendicular signs in the downtown area, may occur upon review and approval by the East Carbon City Zoning Administrator and/or Planning and Zoning Commission. Signs must be attached to a permanent structure and the attachment inspected by the East Carbon City Building Inspector, if required. Blade signs may not exceed 500 square inches in size and must be placed to provide a minimum of seven (7) feet clearance above any pedestrian pathways or sidewalks.

BLADE SIGN EXAMPLES:



4.7. ADDITIONAL REQUIREMENTS:

1. Signs are not permitted on public property, within the public right-of-way, or in the air space above the public right-of-way without express license from the East Carbon City Council. Also note that signs are not permitted in the residential districts except as expressly described in these regulations. No sign shall overhang street or road surface used by motorized vehicles.
2. Except for home occupied businesses, all other signs are considered for non-residential uses and can be placed only on non-residential properties or agriculture properties.
3. On premise signs may contain references to a single business or a combination of businesses at that location only.
4. When a business vacates building or property, or otherwise ceases uses thereof, the owners of the business, building or property shall remove all signs on the building or property that are associated with that business. Removal of signs shall occur within 30 calendar days of business vacating the building or property, or cessation of the current use thereof.
 1. Signs identifying a discontinued use may be removed at the discretion of the Planning and Zoning Commission if the sign's owner fails or refuses to do so.
 2. All costs associated with removal of sign identifying a discontinued uses shall be paid by the property owner and/or sign owner.
5. Fascia signs may:
 1. Be attached to any wall of a building;
 2. Not exceed twenty percent (20%) of the wall area to which the sign is attached;
 3. Not extend above the roof line;
 4. Not be used on the same building which has a roof sign.
6. The owner(s) of a parcel that is a part of a commercial complex may have one freestanding pole or monument sign per the minimum distance requirement on the parcel for the purposes of advertising the business(es) on the parcel provided that:
 1. The applicant for the freestanding pole or monument sign owns or represents the entire ownership interest of the parcel; and
 2. The business(es) on the parcel has no other sign or signage on any pole or monument in the commercial complex, as determined by the Zoning Administrator.

Chapter 5

NON-COMPLYING USES AND STRUCTURES

- 5.1 Maintenance, Repairs and Alterations**
- 5.2 Additions, Enlargements and Moving**
- 5.3 Alteration Where Parking is Insufficient**
- 5.4 Restoration of Damaged Structures**
- 5.5 Pre-Existing Provisions**
- 5.6 Vacating and Ceasing Non-Complying Uses**
- 5.7 Effect of Change of Use**
- 5.8 Non-complying Mobile Home Units**
- 5.9 Termination of Non-complying Uses**

5.1. MAINTENANCE, REPAIRS AND ALTERATIONS.

Maintenance repairs and structural alterations may be made to a non-complying structure or to a structure housing a non-complying use.

5.2. ADDITIONS, ENLARGEMENTS, AND MOVING.

1. A building or structure occupied by a non-complying use and a building or structure non-complying as to height, area, or yard requirements shall not be added to or enlarged in any manner or moved to another location on a lot, nor shall any non-complying use of land be expanded on a lot except as provided herein.
2. A building or structure occupied by a non-complying use or a building or structure non-complying as to height, area, or yard regulations may be added to or enlarged or moved to a new location on the lot upon issuance of a conditional use permit by the Planning Commission. The Planning Commission may schedule a public hearing on a

request to add, enlarge or move a non conforming use or structure if deemed necessary.

5.3. ALTERATION WHERE PARKING IS INSUFFICIENT.

A building, structure or use lacking sufficient automobile parking space in connection therewith as required by this code may be altered or enlarged, provided additional off-street automobile parking space is supplied to meet the basic requirements of this code for such alteration or enlargement.

5.4. RESTORATION OF DAMAGED STRUCTURES.

A non-complying building or structure or a building or structure occupied by a non-complying use which is substantially damaged or is destroyed by fire, flood, wind, earthquake or other calamity or natural disaster, or vandalism, etc., may be restored. 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 365 calendar days immediately following the date of damage or destruction, and is diligently pursued to completion in conformance with the ordinances of East Carbon City within 2 years, and complies with all applicable codes.

5.5. PRE-EXISTING PROVISIONS.

A structure utilized prior to the effective date of this code for a use, which after the effective date of this code is non-complying, may continue to be utilized for such non-complying use unless the structure is vacated or the use ceased for a continuous period in excess of 365 calendar days. Land used prior to the effective date of this code for a purpose which after the effective date of this code is non-complying may

continue to be so used provided that such non-complying use is not ceased for a continuous period in excess of 365 calendar days. No such non-complying use of land may in any way be expanded or extended, either in the same or on adjoining property, except as provided under Section 5.2 above.

5.6. VACATING AND CEASING NON-COMPLYING USES.

1. A vacant structure may be occupied by a use for which the structure was previously used, designed or intended, if so occupied within a period of 365 calendar days after the use became non-complying.
2. However, a structure or any portion thereof occupied by a non-complying use which is, or hereafter becomes, vacant and remains unoccupied by said non-complying use for a continuous period in excess of 365 calendar days, shall not thereafter be occupied except by a use which conforms to the use regulations of the zoning district in which it is located.
3. Should a non-complying use of land cease for a period in excess of 365 calendar days, any future use of such land shall be in conformity with the provisions of this code, and the previously authorized non-complying use is expressly prohibited.

5.7. EFFECT OF CHANGE OF USE.

The non-complying 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 non-complying use.

5.8. NON-COMPLYING MOBILE HOME UNITS

1. If a non-complying mobile home is removed from the premises, it cannot thereafter be returned, except:
 1. If the mobile home is returned within 30 days where such removal was upon order of the building official for correction of deficiencies or by decision of the owner for the purpose of correcting deficiencies, or
 2. A new mobile home may be moved on to the premises if:
 1. Accomplished within 30 days of the removal of the removed mobile home and the restored or new mobile home is owned by the same owner as the mobile home removed, and
 2. Said mobile home is to be occupied for a continuous period of at least 6 months by the same occupant(s) of the mobile home removed.
 3. Said mobile home meets the minimum HUD requirements and all current building code requirements for mobile homes.
2. Manufactured, modular or mobile home parks and recreational coach parks shall be licensed annually by the City Council as businesses. Such licenses shall not be issued to nor renewed for mobile home and recreational coach parks that do not meet the minimum standards contained in this code or other codes, regulations or standards adopted or established by the City Council.

5.9 TERMINATION OF NON-COMPLYING USES.

The City Council may in any zoning ordinance or amendment provide for the termination of non-complying uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his/her investment in the non-complying use.

1. The termination of a billboard that is a non-complying use by the City Council may occur by acquiring the billboard and associated property rights through:
 1. gift;
 2. purchase;
 3. agreement;
 4. exchange; or
 5. eminent domain.

(See Section 10-9a-5138, Utah Code Annotated 1953 as amended)

Chapter 6

OFF-STREET PARKING REQUIREMENTS

- 6.1 Off-Street Parking Required**
- 6.2 Size of Parking Space**
- 6.3 Access to Individual Parking Space**
- 6.4 Number of Off-Street Parking Spaces Required**
- 6.5 Access Requirements**
- 6.6 On-site Traffic Management Requirements**
- 6.6 Maintenance of Parking Lots**
- 6.7 Location of Off-Street Parking**

6.1. OFF-STREET PARKING REQUIRED.

1. At the time any building or structure is erected or enlarged or increased in capacity or any use is established or re-established, there shall be provided off-street parking spaces for automobiles in accordance with the following requirements; nonetheless, sufficient parking shall be provided off street to avoid the necessity of parking on a public street except for certain areas designated by East Carbon City where off-street parking requirements cannot be met due to encroachment of earlier development and redevelopment and there are other programs in effect to mitigate the parking situation; or as may be required and established by conditional use permit.

6.2. SIZE OF PARKING SPACE.

The minimum dimensions of each off-street parking space, exclusive of access drives or aisles, shall be at least 9 feet by 18 feet for perpendicular and diagonal, and ninety-degree spaces and 9 feet by 22 feet for parallel spaces. The size of the parking stalls may be increased

special circumstances, ADA requirements, frequent use, loading, location and end of aisle, etc.

6.3. ACCESS TO INDIVIDUAL PARKING SPACE.

Except for single-family and two-family dwellings, direct access to each parking space shall be from a private driveway and not from a public street. All parking spaces shall have independent access not blocked by another parking space or other obstacle. The private driveway leading into the parking lot shall not be used for parking.

6.4. NUMBER OF OFF-STREET PARKING SPACES REQUIRED

When calculating the floor area of a building to establish parking requirements, reasonable reductions for hallways, closets and storage space, restrooms, kitchens and mechanical equipment may be deducted to obtain the net useable floor space. For all uses see the tables below for required parking spaces.

1. ALL OTHER USES NOT LISTED AND AMENDMENTS TO THE REQUIREMENTS BELOW: as determined by conditional use permit based on nearest comparable standards.
2. Sufficient parking should be provided to assure:
 1. maximum utilization of the facilities on site will not unduly impose on neighbor's rights in the vicinity:
 2. that in the future if there is a change of use that the parking is adequately related to the site so that a new use has a reasonable chance to provide satisfactory parking
3. Where precise applicable parking standards are not known or have proven unsatisfactory in other instances, the analysis of the parking requirements of

the site and its proposed use is to assure a reasonable number of parking spaces that cannot become an excuse for failure of the use on the site to perform its function properly.

4. It shall be the responsibility of the reviewing body to prepare its analysis of parking requirements in writing and make copies available to the property owner(s)/lessee(s) and other parties of interest, as well as the City Council.
5. No parking on sidewalks or designated pedestrian paths.
6. Parking for disabled individuals shall be provided in accordance with all applicable ADA requirements.
7. On street parking may be used for overflow parking only. Use of on-street parking to assist in meeting minimum parking standards herein may be considered by the Planning and Zoning Commission.
8. On street parking shall not be used for storage of vehicles, trailers, boats, equipment, etc.
9. On street parking may be used for overflow parking only. Use of on-street parking to assist in meeting minimum parking standards herein may be considered by the Planning and Zoning Commission.
10. On street parking shall not be used for storage of vehicles, trailers, boats, equipment, etc.

Use	# Of Parking Spaces
BUSINESS OR PROFESSIONAL OFFICE	1 parking space for each on duty employee plus 1 additional space per 300 square feet of net floor space
CHURCHES WITH FIXED SEATING	1 parking space for each 3.5 fixed seats, or one parking space for each 7 feet of linear pew in the main chapel, whichever is greater.
CHURCHES WITHOUT FIXED SEATS, SPORTS ARENAS, AUDITORIUMS, THEATERS, ASSEMBLY HALLS, MEETING ROOMS	1 parking space for each 3 seats of maximum seating capacity
DWELLINGS	2 parking spaces for each dwelling unit. Alternate parking capacity requirements may be considered and approved by the Planning and Zoning Commission.
STUDENT HOUSING	All student housing projects shall have at least 1 parking space per occupancy unit. An occupancy unit shall be defined as a bedroom having 100 square feet or less of floor space area. A bedroom having more than 100 square feet of floor space area shall count as 2 occupancy units.
FURNITURE AND APPLIANCE STORES	1 parking space for each on duty employee and 1 additional space for every 600 square feet of floor area
HOSPITALS AND CLINICS	1 parking space for each on duty employee and 2 parking spaces for each bed and/or examining room
HOTELS, MOTELS	1 parking space for each on duty employee for the highest employment shift plus 1 one space for each living or sleeping unit, plus parking space for all accessory uses as herein specified.

Use	# Of Parking Spaces
NURSING HOMES: four parking spaces, plus 1 space for each 5 beds.	1 parking space for each on duty employee for the highest employment shift plus 1 space for each 3 beds
RESTAURANTS, TAVERNS, PRIVATE CLUBS, AND ALL OTHER SIMILAR DINING AND/OR DRINKING ESTABLISHMENTS In addition, drive-up facilities shall provide sufficient stacking area for cars in a drive through lane in such a way as not to overhang or back up on public property or street. A parallel lane shall bypass the drive-up lane	1 parking space for each on duty employee for the highest employment shift plus 1 parking space for each 2 seats or 1 parking space for each 200 square feet of net useable floor area, whichever is greater
RETAIL STORES except furniture and appliance stores In addition, convenience stores which sell gasoline shall provide sufficient stacking area for cars in drive through lanes in such a way as not to overhang or back up on public property and streets. A parallel lane shall bypass the drive-up lane. The stacking area may be considered to help fulfill the basic parking requirements.	1 parking space for each on duty employee for the highest employment shift plus 1 parking space for each 200 square feet of retail net useable floor space.
SHOPPING CENTER OR OTHER GROUPS OF USES NOT LISTED ABOVE	1 parking space for each 200 square feet of total net useable floor space, or as determined by conditional use permit.
WHOLESALE ESTABLISHMENTS, WAREHOUSES, MANUFACTURING ESTABLISHMENTS AND ALL INDUSTRIAL USES	as determined by conditional use permit or by planned unit development requirements, if applicable, or by Planning Commission but in no case fewer than 4 customer spaces and 1 space for each employee projected for the highest employment shift.

6.5 ACCESS REQUIREMENTS

1. Adequate ingress and egress to and from all uses shall be provided by a driveway or drive approach in the public right-of-way as follows:
 1. RESIDENTIAL LOTS. For each residential lot a minimum of 1 access driveway which shall be a maximum of 25 feet wide at the top back of curb, or as specifically approved by the East Carbon City Zoning Administrator and City Engineer, to include end of taper or end of radius, except lots with a frontage greater than 100 feet have the option to provide 2 access driveways each up to 25 feet wide, or as specifically approved by the East Carbon City Zoning Administrator and City Engineer, for circular driveways and other special type circulation and parking. Driveways shall not exceed 40% of the total front yard lineal footage. Driveways shall not be closer than 3 feet to side yard at the curb line. The entire taper or radius shall fall within the right of way and not encroach into the frontage of the neighboring property.
 2. OTHER THAN RESIDENTIAL LOTS. Access shall be provided to meet the following requirements:
 1. Not more than 2 driveways shall be used for frontage greater than 100 feet unless specifically approved by the Zoning Administrator and City Engineer.
 2. No two of said driveways shall be closer to each other than 12 feet, and no driveway at the back of curb shall be closer to a side property line than 3 feet.

3. Each driveway shall be not more than 35 feet wide at the top back of curb, or as specifically approved by the East Carbon City Zoning Administrator and City Engineer, measured at right angles to the center line of the driveway, to include end of taper or end of radius, except as increased by conditional use permit. The entire flare of any return radius shall fall within the public right-of-way and not encroach into the frontage of the neighboring property.
4. No driveway shall be closer than 50 feet to the point of intersection of two property lines at any corner as measured along the property line or as specifically approved by the East Carbon City Zoning Administrator and City Engineer.
5. On a street where there are no curbs or gutters, all driveways shall be well marked and protection provided the entire length of the frontage exclusive of the driveways as per approved plans.
6. Open sight distance from the intersection of street pavement edge and driveway center line shall be at least 50 feet in each direction for residential and other driveways.

4. PUBLIC RIGHTS-OF-WAY AND EASEMENTS.

1. Public right-of-way and easements are reserved for specific uses including:
 1. public access;

2. pedestrian traffic;
 3. vehicular traffic;
 4. traffic control and devices;
 5. traffic paint striping;
 6. street and pedestrian lighting;
 7. water and sewer utilities;
 8. fire hydrants;
 9. electrical distribution utility;
 10. telephone, natural gas, cable television utilities;
 11. storm drainage utilities;
 12. irrigation systems;
 13. public signage;
 14. public snow removal/storage;
 15. curb and gutter;
 16. pavement;
 17. public parking;
 18. mail boxes and mail drops;
 19. loading and unloading;
 20. approved landscaping and trees;
 21. public benches;
 22. bicycle and pedestrian routes;
 23. ATV routes;
 24. parade routes;
 25. emergency services access and routes;
2. Public rights-of-way and easements do not allow:
 1. sports equipment placement;
 2. private snow storage;
 3. parking inhibiting public services and maintenance;
 4. obstacles having a negative impact on sight distances impacting public safety;
 5. vegetation and trees that damage public infrastructure (sidewalk, curb, gutter);
 6. long-term parking of vehicles, boats, trailers, garbage containers;
 7. cleaning out of cement or other delivery trucks;
 8. blockages of water flows in gutters, ditches and pipes;

9. unauthorized overshot style driveway approaches.
3. Other uses affecting a public right-of-way or easement may be considered by conditional use permit.

6.6 ON-SITE TRAFFIC MANAGEMENT REQUIREMENTS

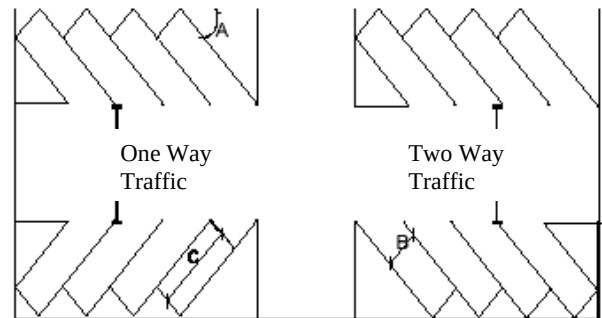
1. Dead end aisles of parking must have additional backup area such as a hammerhead of adequate size to provide sufficient radius for backup provided at the end of the aisle.
2. Backing space shall be provided for parking areas which are composed of four (4) or more spaces so that cars need not back into a public street or alley. Public sidewalks shall not be permitted to be used as part of the required backing area.
3. Acute angle parking, one (1) degree to eighty-nine (89) degrees, shall be designed for one (1) way traffic only.
4. Separate exits shall be provided for acute angle and one (1) way parallel parking of four (4) or more spaces so that cars need not exit by backing onto a street or alley.
5. All off-street parking stalls shall be designed in accordance with the dimensions and specifications set forth in Table 1 and Table 2, below.
6. A traffic control circulation plan shall be provided that includes road access placement of stop signs directional signs and speed limit signs.

TABLE 1

A (Angle)	B (Width of Stalls)	C (Length of Stalls)	D (Width of Aisle)
0°	10'	22'	20 (12'*)
30°	9'	18'	20 (15'*)
45°	9'	18'	20 (15'*)
60°	9'	18'	20*
90°	9'	18'	24'

*One way traffic only

TABLE 2



6.7 MAINTENANCE OF PARKING LOTS

1. Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements. Existing undeveloped, unimproved or unmaintained parking lots shall become compliant with the following requirements upon any change in use, occupancy or ownership of the parking lot.
 1. HARD SURFACING
 1. Each off-street parking lot shall be surfaced with an asphalt or concrete pavement and permanently maintained, unless approved otherwise by conditional use permit.
 2. The parking area shall be so graded as to dispose of all surface water. Surface water shall not be drained onto adjacent private property.

3. If such water is to be carried to adjacent streets, it shall not cause conflict with pedestrian or vehicular traffic. Said water shall be collected, detained, channeled and/or piped to existing gutters ditches or storm drains in the public right-of-way or easements and shall not overwhelm existing drainage systems, streets, irrigation ditches or alleys. Drainage sumps are optional and shall not affect building foundations, create subsidence or increase ground water levels.
4. For parking lots less than 1/4 acre in size, runoff need not be calculated; however, drainage will still be collected and discharged into existing drainage ways. For parking lots greater than 1/4 acre in size up to one acre in size surface runoff shall be calculated based a 50-year storm using local precipitation data. For parking lots that exceed one acre in size the surface runoff shall be calculated based on a 100-year storm using local precipitation data.
2. **SCREENING.** The sides and rear of any off-street parking lot which adjoin an area which is to remain primarily residential, having no nexus to the parking lot, shall be screened from such area residential by a masonry wall, chain link fence with slats or other solid visual barrier fence not less than 4 nor more than 6 feet in height. A landscaped buffer may be permissible as a substitute to a fence through conditional use permit authorization.

3. **LANDSCAPING.** Each parking lot shall be reasonably landscaped to minimum landscaping standards in compliance with a plan approved by the Planning Commission and such landscaping shall be permanently maintained.
4. **LIGHTING.** Lighting shall be used to illuminate any parking lot, to increase sight distance and increase security and shall be installed to reflect the light away from adjoining residential premises and street traffic.

6.8 LOCATION OF OFF-STREET PARKING

1. Off-premise parking in lieu of required on site parking is allowed only by conditional use permit.
2. Parking stalls in the street right of way may be used to satisfy the onsite parking requirement with the approval of the planning commission.
3. No parking on sidewalks. No parking in the park or planting strip between the sidewalk and curb, unless it is a pre-existing condition in front of an existing developed lot.

CHAPTER 7

CONDITIONAL USES

- 7.1 General**
- 7.2 Performance Standards for Conditional Uses**
- 7.3 Standards for Conditional Use Developments**
- 7.4 Planned Unit Developments – Special Requirements**
- 7.5 Manufactured / Mobile Home Parks and Recreational Vehicle Parks Special Requirements**
- 7.6 Landfills and Land Excavations – Special Requirements**
- 7.7 Subdivisions (Land Development) – Special Requirements**

7.1. GENERAL

1. **PURPOSE AND INTENT.** The purpose of this chapter and the intent of East Carbon City in its adoption is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of East Carbon City. This chapter accomplishes the aforesaid purpose and intent by providing sufficient flexibility to allow in certain areas compatible integration of uses which are related to the permitted uses of the zoning district or are of a temporary nature only, but which may be suitable and desirable only in certain locations in that zoning district due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the uses suitable and/or only if such uses are designed, laid out, and constructed on the proposed site in a particular manner. While flexibility in allowing uses which would otherwise be generally unsuitable in a given zoning district is an important goal of this chapter, it is also recognized that

constraints on governmental decision making are a legal imperative. This chapter, therefore, also provides a framework of standards within which those governmental decisions must be made.

2. **CONDITIONAL USE PERMIT REQUIRED.** A conditional use permit shall be required for all uses listed as conditional uses in this Code and any proposed uses not contemplated herein. Requirements may also be imposed upon permitted uses to the extent the requirement is consistent with 7.1.1 above.
 1. For the following types of conditional uses, final plan or plat approval shall constitute the conditional use permit:
 1. Subdivisions. Minor subdivision consisting of a one (1) lot subdivision may be approved and processed in accordance with the terms of this Code administratively.
 2. Planned unit developments.
 3. Recreation vehicle parks.
 2. For all other types of conditional or permitted uses, final plan or plat approval, a specific conditional use permit or list of Land Code compliance requirements will be issued for the particular use as appropriate or as provided for in this code.
 3. Valid conditional use permits issued by East Carbon City are considered attached to the property. Minor developments or information (name change) requiring amendment to the previously issued conditional use permit may be completed administratively, or at the direction of the Zoning Administrator. Other

substitute amendments may require additional review by the Planning and Zoning Commission

4. REVOCATION OF PERMIT.

1. In the event any person holding a conditional use permit pursuant to this section violates the terms of the permit or violates the requirements of a permitted use, or conducts or carries on said site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the property of the said permittee, a temporary suspension may be made effective immediately upon notification by the Zoning Administrator.
2. No conditional use permit shall be permanently revoked or suspended until review and approval of the revocation or suspension is completed by both the Planning and Zoning Commission and the City Council. The permittee shall be notified in writing of such review and said notification shall state:
 1. The grounds for complaint or reasons for the revocation or suspension, in clear and concise language.
 2. The time and place such review is to be held. Such notice shall be served by certified mail or personal service on the permittee at least 5 days prior to the date set for the review. At any such review hearing the permittee shall be given an opportunity to be heard, and may call witnesses and present evidence on his/her behalf. Upon conclusion of such review the City Council shall

determine whether or not the permit should be suspended or revoked.

3. The Planning and Zoning Commission may hold a preliminary review hearing to consider its recommendations to the City Council for revocation or suspension of permits, which may already have been temporarily suspended, at the next regularly scheduled meeting of the Planning and Zoning Commission.
4. **NON-TRANSFERABLE.** Conditional use permits are non-transferable; however, they do attach to the property and may be assumed by subsequent property owners or users upon written notice of concurrence with all existing conditions of approval.
5. **EXPIRATION OF PERMIT.** Every conditional use permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within 1 year, or is not completed within 2 years from date of issue; except that the Planning and Zoning Commission may, if the permit holder presents satisfactory evidence that special circumstances or unusual difficulties have prevented work being started or completed within the specified time limits, grant a reasonable extension of time, in up to one year intervals, if written application is made and approved before the expiration of the permit.
6. **GROUND FOR DENIAL OF A CONDITIONAL USE PERMIT APPLICATION.** The following shall constitute grounds for denial of a conditional use permit application:
 1. Under circumstances of the particular case, the proposed use will be

detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity and there is no practical means available to the applicant to effectively mitigate said detrimental effects.

2. The applicant cannot or does not give the Planning and Zoning Commission reasonable assurance that conditions-imposed incident to issuance of a conditional use permit will be complied with.
 3. Unsatisfactory past performance.
 4. Requested conditional use is not permittable under the provisions of this code.
 5. Failure to complete all application requirements and/or pay all required fees.
7. **ISSUANCE OF CONDITIONAL USE PERMIT TO BE DEPENDENT ON AFFIRMATIVE FINDINGS.**
Conditional uses may be approved by the Planning and Zoning Commission upon recommendation of the Zoning Administrator, in locations permitting such uses in this Code. Before approval is granted, a report to the Planning and Zoning Commission by the Zoning Administrator shall find that the proposed development will meet the requirements of this Code.
8. **VARIANCES FROM DESIGN AND IMPROVEMENT STANDARDS.**
Where, in the opinion of the Planning and Zoning Commission, the literal enforcement of the design and improvement standards in this Code would result in an unreasonable utilization of land and water or undue hardship due to unique circumstances, variances may be issued from one or

more of the design and improvement standards according to the following procedure:

1. Application for a variance shall be made to the Planning and Zoning Commission and shall include:
 1. A description of the land to be developed.
 2. An identification of the Code provision from which the variance is requested.
 3. A description of the peculiar physical conditions pertaining to the land in question and which do not pertain to other lands in the general area.
 4. A description of the hardships which will accrue to the detriment of the property owner if the requested variance is not granted.
 5. A non-refundable variance review fee, payable to East Carbon City, in accordance with the currently applicable fee schedule as adopted by resolution of the City Council.
 6. Exception: The Planning Commission may consider and approve through issuance of a Conditional Use Permit alternate design and construction standards and requirements for special and unique pre-existing circumstances such as narrow or non-conforming streets.
2. The City Council, shall hold a public hearing, if requested or required, before granting the variance. Notice of said public hearing shall be given by at least one publication in a newspaper of general circulation in East Carbon

City. The hearing shall be held no later than 30 calendar days from receipt of the application and no less than 10 calendar days from the publication of notice.

3. Subsequent to the public hearing, and within 15 calendar days, or the next regularly scheduled council meeting whichever comes first the City Council, or identified appeal authority, shall approve or deny the request for a variance. A variance shall be granted only if the City Council makes a finding upon the record submitted to it that the issuance of a variance will be in the interest of the public safety, health or welfare of the City and the proposed development substantially complies with the City's General Plan and adopted zoning ordinance.
4. A record of all correspondence, recommendations, submissions, and official action regarding all variance applications shall be maintained by East Carbon City as a public record, consistent with records retention law.
9. **GENERAL INSPECTION.** Following the issuance of a conditional use permit by the City Council, the Zoning Administrator, City Engineer or Building Inspector, shall inspect such use to ensure that development is undertaken and completed in compliance with the conditional use permit.
10. **CONSTRUCTION SHALL MEET OR EXCEED THE CITY'S IMPROVEMENT STANDARDS.** Construction standards, including drawings, details, calculations, tables, charts, references and regulations may be adopted by resolution by the City Council, and when done so shall constitute minimum land development standards supplementing this Code.

Additional standards may be required by conditional use permit.

11. **CONFLICTING PROVISIONS.** Where specific requirements are made or exemptions allowed under other sections of this Code, those requirements or exemptions shall prevail over the land development standards supplementing this Code.
12. **IMPROVEMENT CONSTRUCTION TO BE OBLIGATION OF DEVELOPER.** Public improvements required by this Code shall be constructed at the expense of the developer and shall comply with the land development standards supplementing this Code. Public infrastructure shall be considered dedicated to the public with final approval of the conditional use permit.
13. **COMMENCEMENT OF CONSTRUCTION.** Site improvement or grading of any proposed development site prior to Preliminary Design Plan approval by the Planning and Zoning Commission is prohibited, unless specifically enumerated by the Planning and Zoning Commission in the concept approval stage.

7.2. PERFORMANCE STANDARDS FOR CONDITIONAL USES.

Applicants for conditional use permits shall meet all specific requirements made in this Code. In addition, the Planning and Zoning Commission may establish additional requirements as outlined herein to meet the concerns of safety for persons and property, health and sanitation, environment, General Plan proposals and neighborhood needs, performance, and administration. More specifically, the Planning and Zoning Commission may require:

1. CONDITIONS RELATING TO
SAFETY FOR PERSONS AND
PROPERTY.

1. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
2. The relocation, covering or fencing of canals, irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
3. Increased or decreased setback distances from lot lines where the Planning and Zoning Commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this Code.
4. Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault which may exist on the property, and limitations and/or restrictions on the use and/or location of uses due to special site conditions, including but not limited to geologically hazardous areas, flood plains, washes, fault zones, rock fall and landslide areas.
5. Limitations and control of the number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
6. Plans for the location, arrangement, and dimensions of truck loading and unloading facilities.
7. Construction of curbs, gutters, drainage culverts, sidewalks, streets,

fire hydrants, street lighting, traffic control and traffic signals.

8. Reduction of permitted street grades for winter and storm conditions, or exposure.
9. Fences shall not create visual sight distance nor other safety hazards. Backing movements, passing vehicles, sidewalk traffic, small children, bicycles, etc. shall be considered in the location of fences. If so, directed by the Planning Commission, fences shall be constructed of a design style, quality or material that mitigates land use impacts or promotes consistency within an area or neighborhood.

2. CONDITIONS RELATING TO
HEALTH AND SANITATION.

1. A guarantee of sufficient water to serve the intended land use, to provide fire protection and a water delivery system meeting standards adopted by the City Council.
2. A waste water disposal system and a solid waste disposal system meeting standards adopted by the City Council.
3. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing users in the zoning district and to provide for an orderly development of land in East Carbon City.

3. ENVIRONMENTAL CONCERNS.

1. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wetlands, ground water, wildlife and plant life.
2. Processes for the control, elimination, or prevention of land,

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| <p>water, air or light pollution; the prevention of soil erosion; and the control of objectionable odors and sounds.</p> <p>3. The planting of ground cover or other required surfacing to prevent dust and erosion.</p> <p>4. Restructuring of the land and planting of the same as directed by the Planning and Zoning Commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.</p> <p>4. CONDITIONS RELATING TO COMPLIANCE WITH INTENT OF GENERAL PLAN AND CHARACTERISTICS OF VICINITY (OR NEIGHBORHOOD)</p> <p>1. The removal of structures, debris, or plant materials, incompatible with the intended characteristics of the zoning district outlined in this Code.</p> <p>2. The screening of yards or other areas as protection from obnoxious land uses and activities.</p> <p>3. Landscaping to ensure compatibility with the intended characteristics of the zoning district as outlined in this Code.</p> <p>4. Limitations or controls on the location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.</p> <p>5. The relocation of proposed or existing structures as necessary to provide for future streets in the transportation and circulation element of the East Carbon City General Plan and Transportation</p> | <p>Master Plan, adequate sight distances for general safety, or similar problems.</p> <p>6. Provision for or construction of on or off-site recreational facilities necessary to satisfy needs of the conditional use.</p> <p>7. Population density and intensity of land use limitations where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety and welfare, or conservation of values.</p> <p>8. Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the zoning district from the proposed conditional use.</p> <p>9. Conservation of values - community, neighborhood and property values.</p> <p>10. The character of the neighborhood and aesthetics of the streetscape shall be considered in the location, design and style and construction material of fences and in determining the reduction of any front yard for fencing purposes.</p> <p>11. Individual structures and properties comprised of an individual unit of ownership shall have individual and independent utility connections. All individually owned residential or commercial properties must be individually connected to utilities including water, sewer, electricity and natural gas unless otherwise approved by both the East Carbon City Engineer and the Zoning Administrator.</p> <p>5. CONDITIONS RELATING TO PERFORMANCE</p> |
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1. Time limits on the validity of the conditional use permit. Such time limits shall be determined by the following guidelines:
 1. A conditional use permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for 2 years, whichever period of time is shorter.
 2. Unless there is substantial and positive development action under a conditional use permit within a period of one year of its issuance, said permit shall expire. The Planning and Zoning Commission and City Council may grant an extension at one-year intervals, when deemed in the public interest.
2. The work may be guaranteed by filing a surety bond or other valuable assurance in favor of and acceptable to East Carbon City in an amount to be determined by the Public Works Director or City Engineer or City Council. The amount of said surety bond or other valuable assurance shall not exceed the amount calculated by the developer's engineer and reviewed by and concurred with the City's Engineer as necessary to assure compliance with all conditions.
3. Specific short and long-range plans of development may be required to demonstrate timeliness, feasibility and impact on the public.
6. ENERGY CONSERVATION CONCERNS
 1. Solar orientation of buildings and uses.
 2. Use of renewable energy sources.
 3. Efficiency of exterior lighting
 4. Shading and protection of important buildings and paving (parking lots etc.), landscaping and trees, location of buildings and screens.
 5. Effective use of vestibules.
 6. Wind screening.
 7. Circulation (travel) efficiency.
 8. Efficiency of storm water removal and erosion control.
 9. Maintenance and efficiency for off-site improvements to be maintained by the public;
 10. Maintenance and efficiency for on-site improvements to be maintained by users, occupants and owners, etc.
7. PUBLIC HEARINGS. A public hearing may be held when deemed by the Planning and Zoning Commission or City Council to be in the public interest. However, in the following instances the holding of a public hearing shall be mandatory:
 1. The Planning and Zoning Commission determines that existing streets and thoroughfares are not suitable and adequate to carry anticipated traffic, and increased densities resulting from the proposed use may generate traffic in such amounts as to overload the street network outside the zoning district.
 2. The Planning and Zoning Commission determines that increases in miscellaneous traffic, light, odor, or environmental pollution generated by the proposed use may significantly change the intended characteristics of the zoning district as outlined in this Code.
 3. The Planning and Zoning Commission determines that the

architectural design of the proposed use varies significantly from the architectural characteristics of the zoning district (as outlined in this Code) in which such use is proposed.

7.3. STANDARDS FOR CONDITIONAL USE DEVELOPMENTS.

When applicable, the following general standards shall apply to all conditional use developments within East Carbon City, unless waived or limited in application of the development standard for good and sufficient reasons by the Planning and Zoning Commission:

1. The development shall be in single, group or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
2. Landscaping, fencing, and screening within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning and Zoning Commission for approval, together with other required plans for the development.
3. The size, location, design and nature of signs, if any, and the intensity and direction of lighting or floodlighting shall be detailed in the application.
4. A grading and drainage plan shall be submitted to the Planning and Zoning Commission with the application in compliance with the East Carbon City Drainage Design Criteria.
5. A planting / landscaping plan showing the proposed tree, shrubbery, and lawn plantings shall be prepared for the entire site to be developed, including especially the yards and parkways which abut upon

or are within the right-of-way of public streets.

6. It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity of the conditional use development.
7. All buildings used for human occupancy when completed shall be served by a central water system and central sewage disposal system which have been approved by the Building Official and which are in compliance with applicable local and state law.
8. In order to insure that the development will be constructed to completion in accordance with approved plans, the Planning and Zoning Commission shall require the developer to post a surety bond or mortgage or other valuable assurance acceptable to the City Council in an amount equal to the estimated cost, plus 10%, of constructing all required landscaping, fencing, street lighting, drainage, irrigation, road improvements, pedestrian ways, bike paths, curbs and gutters, hard surfacing, drinking water and sewer lines, fire protection, and traffic control and signals, as shown on the final site plan. Estimates of cost shall be furnished by the developer which will be checked for accuracy by the Building Official. Final determination of the amount of the surety bond or other assurance shall be approved and directed by the City Council.
 1. The duration of the bond or other assurance shall be for one or more years from the date of approval of the development by the City Council. An extension of time for completion may be granted by the City Council upon application by the developers, provided such application is

submitted at least 60 days prior to the expiration of the surety bond or other assurance and provided the issuer of the bond is willing to extend the time of the assurance. Said assurance shall not expire prior to completion of the project and approval of release by the City Council.

2. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within one year from the date of approval and approved extensions of the development by the City Council or to pay all liens in connection therewith, the City Council may declare the surety bond or other assurance forfeited and East Carbon City shall install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurance to defray the expense thereof.
3. In the event there is a development requiring a Conditional Use Permit with the stipulation that a street right-of-way be dedicated and certain improvements be completed within the right-of-way in front or adjacent to the development, then the improvement may be guaranteed by one of two options:
 1. Complete the agreement and post a surety for a guarantee and record the plat, thus allowing developer the ability to sell platted parcels and apply for a building permit to construct a building, prior to completing the improvements in the right of way. However, in no case may the house receive an occupancy permit prior to the completion of

the improvements in the right-of-way. The duration of the surety shall not expire prior to the completion of the improvements.

2. Complete the agreement without submitting a surety for a guarantee and without recording the plat, thus allowing the developer the ability to complete the improvements without the expense of a surety for a guarantee. However, the developer shall not be allowed to sell any parcels or receive apply for a valid building permit issued by East Carbon City until all of the improvements are complete, a 10% one-year guarantee is posted and the plat has been recorded. This would not apply to all conditional uses, particularly where it does not involve a street dedication and/or street improvements.
4. The developer shall be responsible for the quality of all materials installed and workmanship. At the completion of the work, or not less than 10 days prior to the release date of the surety bond or other assurance, the City's Engineer shall make a preliminary inspection of the improvements made and submit a report to the City Council setting forth the conditions of such facilities. If all liens are paid and other conditions thereof are found to be satisfactory, the City Council shall release the surety bond or other assurance. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable minimum standards, standards required by conditional use permit, or durability or if any outstanding

- liens are not paid, the City Council may declare the developer in default.
9. In the event that the land contained within a development is traversed by a proposed major street, water line, sewer line, or drainage channel shown in the General Plan or Transportation Master Plan, or described in a general plan element or map, said development shall be designed in accordance therewith. The right-of-way across the development for such transportation and circulation elements, or other right-of-way shall be deeded to the City or dedicated to the public.
 10. Grouping and spacing of buildings and dwellings in residential areas shall provide for a restful and un-crowded environment. Landscaped areas shall be encouraged as the dominant features of the development. Areas not covered by buildings or by off-street parking space or driveways shall generally be planted / landscaped into natural vegetation, lawn, trees and shrubs, and otherwise landscaped and maintained in accordance with good landscape practice as approved on the final plan. Permanent automatic irrigation systems shall be installed when required by the Planning and Zoning Commission to provide for maintenance of planted areas.
 11. Details of plans, plats, and documents to be submitted showing the size of land, size of water lines, drainage lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the quality of materials and improvements, protection from adverse influences, lighting, landscaping, off-street parking, grading and other details of design and construction shall conform to standards as set forth in such resolutions pertaining to such standards as may be adopted by the Planning and Zoning Commission.
 12. The development shall meet all standards and requirements of this Code and all requirements of applicable ordinances, and Utah law.
 13. The development shall be in keeping with the general character of the zoning district within which it is to be located.
 14. The Planning and Zoning Commission (may require) expects that details, drawings, plats and plans for the development be prepared by a qualified professional team, licensed engineers, architects and surveyors. In all cases, it is recommended that professional design and other assistance be obtained early in the project program. It is the intent of East Carbon City that the developer solves all the problems and addressed all issues before approval is given and construction begins.
 15. Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure controlled drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
 16. All structures required by this Code to have building permits and all uses required to have use permits shall be inspected by the a Building Official in accordance with procedures established by the most recent edition of the International Building Code, as adopted by East Carbon City and this Code; provided, however, that no building permit for such structures or use permits shall be issued until the Planning Commission, or the Zoning Administrator if authorized by the Planning and Zoning Commission and City Council, has issued a conditional use permit for the building site or use or

have determined that a conditional use permit is not required by this Code.

17. All development occurring within 100 feet of a canal must notify the owner or operator of the canal of the development as required by State law (HB 298, 2010)

7.4. PLANNED UNIT DEVELOPMENTS - SPECIAL REQUIREMENTS

1. **PURPOSE.** The purpose of planned unit development is to permit flexibility in land use and to allow diversification in the interrelationships of various uses and structures with their sites and thus offers an alternative method to the traditional type of development. The application of planned unit development concepts is intended to encourage neighborhoods, housing, design, open space, and facilities compatible with the present living environment in East Carbon City as described by the General Plan, while at the same time insuring compliance with practices which will assure the health, safety and public welfare of the future inhabitants of the planned unit development, as well as maximizing the energy utilization efficiency of the project. In exchange for the additional services provided by the developer in a planned unit development, this chapter will allow for increased intensity of buildings and more flexible uses of the land.
2. **CONDOMINIUMS TO BE DEVELOPED AS PLANNED UNIT DEVELOPMENT.** Where, in the opinion of the Planning and Zoning Commission, the unique features of a condominium project (i.e., ownership, financing, topography, types of land uses, etc.) require more flexibility in design solutions in order to protect the public interest, the proposed condominium project shall comply with

the provisions of this chapter. Any conflicting provision of another ordinance adopted by East Carbon City may be waived by the Planning and Zoning Commission with the approval of the City Council when the performance standards of the City are achieved.

3. **PLANNED UNIT DEVELOPMENTS TO MEET USE LIMITATIONS OF ZONING DISTRICTS WHEREIN LOCATED.** No conditional use permit for a planned unit development shall be granted unless such development will meet the use limitations of the zoning district in which it is to be located, including planned unit developments in planned districts, and meet the density and other limitations of such districts, except as such requirements may be lawfully modified (variance approved) as provided by this chapter or by zoning district regulations. Compliance with the regulations of this Code in no sense excuses the development from the applicable requirements of the subdivision regulations, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.
4. **REQUIRED CONDITIONS.**
 1. No planned unit development shall have an area less than that approved by the Planning and Zoning Commission as adequate for the proposed development.
 2. The Planning and Zoning Commission shall require such arrangements of structures and open spaces as necessary to assure that adjacent properties will not be adversely affected. In particular:
 1. Where feasible, buildings of the lowest height and the least

- intensity of buildings and uses shall be arranged around the boundaries of the development.
2. Lot area, width, yard, height, set back, and coverage requirements shall be determined by approval of the preliminary design plan.
 3. Where feasible, buildings or landscaping shall not unreasonably prohibit the free flow of air or direct exposure to sunlight, specifically in regard to solar heating and/or cooling structures by solar energy systems.
 4. The development will be planned so as to provide solar access to all of the residential units, unless specifically waived by the Planning and Zoning Commission.
 3. All plans must be prepared by a qualified professional team, licensed engineer, architect or land surveyor.
 4. Ownership of private open space reservations shall be established in a manner acceptable to the City Council and made a part of the conditions of the plan approval.
 5. **OPEN SPACE REQUIREMENTS.** Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
 1. Dedication of the land to East Carbon City as a public park or parkway system, including a certificate of title insurance; or
 2. Granting to East Carbon City a permanent and perpetual open space easement on and over the said private open spaces to guarantee that the open space remains perpetually

- in recreational or park use, with ownership and maintenance being the responsibility of an Owners Association established with articles of association and bylaws which are satisfactory to the City Council and enforceable by the City Council; or
3. Granting to East Carbon City a permanent and perpetual open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or park use, to be maintained from the proceeds of a perpetual maintenance trust fund established by the developer in an amount satisfactory to the City Council; or by
 4. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

7.5. MANUFACTURED/ MODULAR / MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS SPECIAL REQUIREMENTS

1. **PURPOSE AND INTENT.** The purpose and intent of this section is:
 1. To permit variety and flexibility in land development for residential purposes by allowing the use of manufactured /modular/mobile homes and recreational vehicles under certain conditions.
 2. To require that mobile home and recreational vehicle developments will be of such character as to promote the objectives and purposes of this Code; to protect the integrity and characteristics of the zoning

district contiguous to those in which manufactured / mobile home parks are located; and to protect other land use values contiguous to or near mobile home or recreational vehicle developments.

2. LOCATION.

1. No mobile home shall be located anywhere within the corporate boundaries of East Carbon City except in a licensed mobile home park or approved mobile home subdivision, or as temporary living quarters or office by conditional use permit. Emergency or temporary parking of any unoccupied mobile home outside a licensed mobile home park or mobile home subdivision will be permitted for a period not exceeding 24 hours. This limitation does not apply to unoccupied mobile homes in licensed mobile home sales areas. Approved manufactured or modular homes may be exempt from this requirement. Manufactured and modular homes may be allowed in traditional residential subdivisions that are specifically approved by conditional use for such homes.
2. Recreational coaches which do not include facilities necessary to be manufactured / mobile homes as defined in this Code, shall not be used at any place within the corporate boundaries of East Carbon City, at any time, for living quarters except in designated camping areas or recreational coach parks.
3. Recreational coaches which are unoccupied for living space may be stored on a private residential lot or larger parcel of land, provided they do not violate any required setbacks for front or side yards.

3. STANDARDS AND REQUIREMENTS FOR ALL MANUFACTURED / MODULAR/ MOBILE HOME PARKS, RECREATIONAL VEHICLE PARKS, AND MANUFACTURED/MODULAR / MOBILE HOME SUBDIVISIONS.

1. The Planning and Zoning Commission shall review the proposed development plan to determine its compliance with all portions of the City's General Plan and, among other things, shall attempt to make sure that such development will constitute an environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area. Standards higher than the minimum standards contained in this Code may be required if necessary for local conditions of health, safety, and protection of property, and to ensure that the development will mix harmoniously with contiguous and nearby existing and planned uses.
2. The Planning and Zoning Commission shall not approve any application for a manufactured /modular/ mobile home park, recreational vehicle park, or manufactured /modular/ mobile home subdivision conditional use permit if the developer cannot provide required water supplies and facilities, fire protection, waste disposal systems, storm drainage facilities, access or improvements, or if the developer cannot assure that the development will be completed within 12 months, or if the Planning and Zoning Commission or City Council determines there would be unusual danger of flood, wind, fire or other hazard, or if the proposed development would be of such

character or in such a location that it would:

1. Create excessive costs for public services and facilities.
 2. Endanger the health or safety of the public.
 3. Unreasonably hurt or destroy the environment.
 4. Cause excessive air or water pollution, or soil erosion or,
 5. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.
3. The development shall conform to the following standards and requirements, unless modified by an approved planned unit development plan:
1. The area shall be in single ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.
 2. A strip of land at least 15 feet wide surrounding the entire park shall be left unoccupied by manufactured /modular/ mobile homes, recreational vehicles, storage buildings, service buildings, garages or any add-ons, and shall be planted and maintained in lawn, shrubs, trees, and an irrigation /sprinkler system, with an approved durable sight obscuring permanent wall or fence designed to afford privacy to the development.
 3. All storage and solid waste receptacles outside the confines of any manufactured/modular / mobile home or recreational vehicle shall be housed in a

closed, view obscuring structure compatible in design and construction to the manufactured /modular/ mobile homes, and to any service buildings within the development; all patios, carports, garages, and other add-ons shall be compatible in design and construction with the manufactured /modular/ mobile home. The service buildings shall be constructed in accordance with standard commercial practice and kept in good repair as determined by the Zoning Administrator. In manufactured /modular/ mobile home developments where units will be situated with long axis perpendicular to the street, streets will run in a north-south direction to the greatest extent possible. This is to promote solar orientation of the units.

4. In addition to meeting the above requirements and conditions, and conforming to the other laws of East Carbon City, all manufactured /modular/ mobile home parks, recreational vehicle parks, and manufactured /modular/ mobile home subdivisions shall also conform to all applicable Utah State regulations. In the event of any conflict between said regulations and this chapter, this chapter shall take precedence where its regulations are stricter, and the provisions of the state regulations shall take precedence where such regulations are stricter.
5. Every manufactured/modular / mobile home park, recreational vehicle park, and mobile home subdivision shall provide

- underground or overhead utility service to every mobile home stand or lot as required by the Planning and Zoning Commission, including but not limited to water, sewer, electricity, natural gas, telephone, and TV.
4. COMPLIANCE WITH OTHER REGULATIONS. Any manufactured/modular / mobile home or recreational vehicle located in any permitted area shall comply with and conform to all other zoning laws, rules, regulations, and building, plumbing, electrical, fire prevention, and all other codes and requirements applicable to a structure or building erected within the zoning district in which said mobile home or recreational vehicle is located.
5. GUARANTEES
1. For manufactured /modular/ mobile home parks and recreational vehicle parks, adequate and reasonable guarantees must be provided as determined by the Planning and Zoning Commission and City Council for permanent retention of open spaces and, for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations. Guarantees shall be in the form of a surety bond, or a cash deposit, in the sum to be determined by the Planning and Zoning Commission, which form must be approved by the City Council and the City Attorney. The basis for providing assurance of compliance will be a management plan developed by the applicant and approved by the Planning and Zoning Commission and City Council that will outline standards of operation, remedies for failure to comply with those standards and a single responsible person or entity for its administration and dealing with East Carbon City.
2. In any case, when a manufactured/modular / mobile home park or recreational vehicle park is owned by more than one person, the developer shall establish and appoint a park manager. The manager shall be authorized to receive, process, and represent fully the interests of the owners in respect to continuing management and maintenance of the park.
3. Prerequisite to the operation of any manufactured/modular / mobile home park or recreational vehicle park in East Carbon City shall be the obtaining of an annual business license from East Carbon City.
4. In the event a manufactured /modular/ mobile home or recreational vehicle park is not completed according to approved plans, or operated and maintained according to the approved management plan, the annual business license may be denied or revoked. The manufactured /modular/ mobile homes or recreational vehicles and associated property and facilities shall be removed, and all services discontinued before any part of the land within the development planning area may be used for any other purpose, or be subdivided.
5. The premises on which any manufactured /modular/ mobile home is located, used, or occupied shall be maintained in a clean, orderly and sanitary condition. The accumulation of any rubbish, waste,

weeds, inoperative vehicles, or other unsightly material thereon shall constitute a public nuisance and a violation of this Code.

6. Reasonable guarantees to assure compliance with this requirement will be required of the developer and/or owner as a requirement of conditional use permit approval and ultimately the issuance of the annual City Business License.

6. **ADDITIONAL REQUIREMENTS FOR MANUFACTURED / MOBILE HOME PARKS.** In addition to the requirements for manufactured /modular/ mobile home parks outlined above in this section, mobile home parks shall meet the following requirements:

1. The number of manufactured / mobile homes shall be limited to 10 units per acre and may be limited to fewer units, depending on manufactured /modular/ mobile home size, topography, and other factors of the particular site. The mobile 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 the common use and enjoyment of occupants of the development, and the visitors thereto.
2. No home or add-on shall be located closer than 10 feet from the nearest portion of any other home or add-on. All such homes and add-ons shall be set back at least 10 feet from road curbs or walks. If a manufactured /modular/ mobile home's tongue

remains attached, it shall be set back a minimum of 6 feet from road curbs or walks. All manufactured /modular/ mobile homes, storage buildings, service buildings, garages, carports, or other add-ons, etc., shall be set back at least 15 feet from any boundary of the manufactured /modular/ mobile home park, road curb or walks.

3. Off-street parking shall be provided at the rate of 2 parking spaces per manufactured /modular/ mobile home space, and each such parking space shall have a minimum width of 10 feet and minimum depth of 20 feet. In no case shall the parking space be located farther than one 100 feet from the manufactured /modular/ mobile home space it is designed to serve.
4. A security compound for storage of vehicles, boats and other large items shall be provided equivalent to a minimum of 300 square feet of paved area per manufactured /modular/ mobile home space, as approved by the Planning and Zoning Commission.
5. One-story bulk storage areas shall be provided within a manufactured /modular/ mobile home park equivalent to 60 square feet per manufactured /modular/ mobile home space. The area designated for said bulk storage shall be improved, fenced, landscaped, and screened as approved by the Planning and Zoning Commission.
6. Not less than 10% of the gross land area shall be set aside for the joint use and enjoyment of occupants in a park-like setting with both active and passive recreational accommodations. The land covered

- by vehicular roadways, sidewalks, off-street parking, storage and required setbacks shall not be construed or included as part of this 10% common area; provided, however, that in initial stages of development or special smaller developments the minimum area shall be not less than 1/2 acre or 10%, whichever is greater.
7. Yard lighting with a minimum of 0.2-foot candles of light shall be required for protective yard lighting the full length of all driveways and walkways at each space.
 8. All areas not covered by manufactured /modular/ mobile homes or recreational vehicles, hard surfacing, or buildings shall be landscaped as approved by the Planning and Zoning Commission, and such landscaping shall be permanently maintained.
 9. All off-street parking spaces and driveways shall be hard surfaced before the adjacent spaces may be occupied.
 10. The roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
 1. ONE-WAY TRAFFIC: A minimum of 15 feet in width plus extra width as necessary for maneuvering mobile homes.
 2. TWO-WAY TRAFFIC: A minimum of 30 feet in width.
 3. ENTRANCE ROADWAYS: A minimum of 36 feet in width.
 4. ROADWAYS: All roadways shall be hard surfaced and bordered by 24 inch rolled gutters or an approved equivalent.
 5. SIDEWALKS: 36-inch minimum width sidewalks shall be installed on all main roadways within the development, if required by the Planning and Zoning Commission.
 6. ACCESS: Each park shall have at least 2 accesses to public streets, unless more than one access is prohibited by a responsible public agency or immovable obstacle.
 11. Within 45 days of occupancy, each manufactured /modular/ mobile home shall be skirted, or if shields are used, they are to be anchored, fireproof, and well-painted. Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities must be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
 12. The manufactured /modular/ mobile home park shall:
 1. Be in keeping with the general character of the zoning district in which it is to be located.
 2. Be located on a parcel of land not less than 10 acres, or on two or more parcels separated by a street or alley only and totaling 10 acres, unless modified by an approved planned unit development plan.
 3. Have at least 25 spaces completed, ready for occupancy, or an approved financing plan for construction and phase

- completion, together with approved security to assure compliance, before first occupancy is permitted.
4. A laundry for convenience of park occupants, but not for the general public, may be included in manufactured /modular/ mobile home parks.
13. No manufactured /modular/ mobile home space shall be rented for a period of less than 30 days, and occupancy shall be by written lease. Leases shall be made available for inspection by the officials of East Carbon City upon demand, to review compliance with these occupancy requirements.
14. Access shall be provided to each manufactured /modular/ mobile home stand for maneuvering mobile homes into position. The access way shall be kept free from trees and other immovable obstructions. Paving under mobile homes will not be required if adequate support is provided as required by Utah State regulations. Uses of planks, steel mats, or other means to support the mobile home during placement shall be allowed, so long as the same are removed upon completion of placement.
7. **ADDITIONAL REQUIREMENTS FOR RECREATIONAL VEHICLE PARKS.** In addition to the requirements for recreational vehicle parks outlined above in this section, recreational vehicle parks shall meet the following requirements:
1. Recreational vehicle parks shall generally be located:
 1. Adjacent to or in close proximity to a collector, major traffic artery or highway.
 2. Near adequate shopping facilities.
 3. Within or adjacent to an existing or planned a mobile home park.
 2. Not less than 10% of the gross land area shall be set aside for the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking shall not be construed as part of the 10% common area required for parks and playgrounds for occupants; provided, however, that in initial stages of development or in special smaller developments the minimum area shall not be less than 1/2 acre or 10%, whichever is greater.
 3. All areas not covered by recreational vehicles, hard surfacing, or buildings shall be landscaped and permanently maintained pursuant to a plan approved by the Planning and Zoning Commission.
 4. The roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
 1. **ONE-WAY TRAFFIC:** A minimum of 15 feet in width plus extra width as necessary for maneuvering recreational vehicles.
 2. **TWO-WAY TRAFFIC:** A minimum of 30 feet in width.
 3. **ENTRANCE ROADWAYS:** Minimum of 36 feet in width.
 4. **ROADWAYS:** Roadways shall be hard surfaced bordered by 24 inch rolled gutters or an approved equivalent.
 5. **ACCESS:** Each recreational vehicle park shall have at least 2

- accesses to public streets, unless more than one is prohibited by a responsible public agency or immovable obstacle.
5. No individual space in a recreational vehicle park shall be used by one individual recreational vehicle for more than 90 days consecutively, nor shall such space be leased to any one individual for a period longer than 90 days in any one calendar year.
 6. Recreational vehicles may be stored where permitted, but not used for permanent living quarters.
 7. Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in an appropriate zoning district when such use is a permitted use or a conditional use.
 8. Recreational vehicles may be parked in an approved and licensed mobile home park provided that:
 1. The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes;
 2. The recreational vehicle use area shall have direct access to a collector or arterial street; and
 3. Separate ingress and egress shall be provided for recreational vehicles when required by the Planning and Zoning Commission.
 9. Recreational vehicle parks may be approved by the City Council in locations permitting such use in this Code. Before such approval is given, a report to the City Council by the Planning and Zoning Commission

shall be submitted with findings that the proposed development will:

1. Be placed on a parcel of land of not less than 5 acres, or within a mobile home park, unless modified by a planned unit development plan.
2. Before first occupancy, have at least 25 spaces completed (10 if in a mobile home park), or an approved schedule of financing, construction and phase completion, and approved security, to assure compliance.

7.6. LANDFILLS, GRADING EXCAVATIONS, BACKFILLING AND COMPACTION - SPECIAL REQUIREMENTS

1. **PURPOSE AND INTENT.** This section is adopted to promote public safety and the general public welfare; to protect property against loss from erosion, earth movement, rock fall, landslide, subsidence, collapse, cave-in, dust and flooding; to maintain a superior community environment; to provide for the continued orderly growth of East Carbon City; and to insure the maximum preservation of the natural scenic character of major portions of East Carbon City by establishing minimum standards and requirements relating to land grading, excavations, and fills, and procedures by which these standards and requirements may be enforced. It is intended that this section be administered with the foregoing purposes in mind and specifically in an attempt to:
 1. Ensure that the development of each site occurs in a manner harmonious with adjacent lands so as to minimize

- problems of drainage, erosion, earth movement and similar hazards.
2. Ensure the public lands and places, water courses, streets, and all other lands in East Carbon City are protected from erosion, earth movement and drainage hazards.
 3. Ensure that the planning, design and construction of all development will be done in a manner which provides maximum safety and human enjoyment and except where specifically intended otherwise, makes such construction as unobtrusive in the natural terrain as possible. Complete a geotechnical report evaluating existing conditions, develop recommendations for earthwork activity and identify precautions.
 4. Insure, where practicable, the maximum retention of natural vegetation to aid in protection against erosion, earth movement and other hazards and to aid in preservation of the natural scenic qualities of East Carbon City.
8. PERMIT REQUIRED - EXCEPTIONS.
1. No person shall commence or perform any grading or excavation, including those in gravel pits and rock quarries, in excess of the limits specified below without first obtaining a conditional use permit for such grading or excavation. Call before they dig (Blue Stakes)
 2. In this section, all references to conditional use permit shall mean a conditional use permit for grading, backfilling or excavation. (See also Chapter 18 of the International Building Code, Soils & Foundations).
3. A conditional use permit shall be required in all cases where development comes under any one or more of the following provisions unless such work is otherwise exempted elsewhere in this chapter:
 1. Excavation, fill or any combination thereof exceeding 5,000 cubic yards. Excavation or fill within a known mapped 100-year floodplain.
 2. Fill exceeding 10 feet in vertical depth at its deepest point measured from the adjacent undisturbed ground surface.
 3. An excavation exceeding 5 feet in vertical depth at its deepest point.
 4. An excavation, fill or combination thereof exceeding an area of five acres.
 5. Vegetation removal from an area in excess of five acres.
 4. A conditional use permit shall not be required in the following cases:
 1. Excavations below finished grade for which a building permit is required and has been issued by East Carbon City, including, but not limited to, the following:
 1. septic tanks and drain-fields,
 2. tanks,
 3. vaults,
 4. tunnels,
 5. equipment basements,
 6. swimming pools,
 7. cellars, or
 8. footings for buildings or structures.

2. Excavation or removal of vegetation within property owned by public utility companies or within public utility easements by public utility companies.
3. Removal of vegetation as a part of the work authorized by an approved building permit.
4. Tilling of soil or cutting of vegetation for agricultural or fire protection purposes.
5. Commercial quarries operating with valid conditional use permits and/or in appropriate industrial zones as provided for in this Code.
6. Engineered interior fills or surcharge on the property with respect to industrial development.
7. Items not covered by this chapter which are exempted from required permits by this Code and the building code of East Carbon City.
8. Grading and/or excavation done pursuant to an approved final development or subdivision plan.
9. **RESPONSIBILITY.** Failure of the City Officials to observe or recognize, excavation or fill work, hazardous or unsightly conditions, or to recommend denial of the conditional use permit, or of the Planning and Zoning Commission to deny said permit, shall not relieve the permittee from making application for a permit and from responsibility for appropriately doing the work or damages resulting there from.
10. **RETENTION OF PLANS.** Plans, specifications and reports, for all excavation or fill work and conditional

use permit applications, shall be retained by the property owner.

11. INSPECTIONS.

1. The Building Inspector shall make the inspections hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the same fails to comply with this section. Where it is found by inspection that conditions are not substantially as stated or shown in the conditional use permit application, the inspector may stop further work until and unless approval is obtained for a revised grading plan conforming to the existing conditions.
2. Plans for grading work, approved by the Planning and Zoning Commission, shall be maintained at the site during the progress of the grading.
3. In order to obtain inspections, the permittee shall notify East Carbon City at least 48 hours before said inspection is to be made.

12. STANDARDS AND SPECIFIC REQUIREMENTS.

1. **APPLICABILITY.** All grading and excavation shall comply with the requirements set forth in this chapter in addition to other requirements of this Code.
2. **HOURS OF OPERATION.** All grading and excavation in or contiguous to residential neighborhoods shall be carried on between the hours of 7:00 a.m. to 7:00 p.m., 7 days a week. The Zoning Administrator, City Engineer or Building inspector may waive this requirement if it is shown that restricting the hours of operation would unduly interfere with the

development of the property and it is shown that other properties or neighborhood values would not be adversely affected.

5. **DUST AND DIRT CONTROL.** All graded or disturbed surfaces of excavations, and all equipment materials and roadways on the site shall be dampened or suitably treated, managed, or contained to prevent clouds of dust and the deposit of dust on neighboring properties or streets; all materials transported to or from the site shall be so contained during transportation as to prevent spillage on street or other property outside of the site. Tracking of mud and debris by the wheels or tracks of vehicles and equipment will be prevented by setting up an area (drain rock pad) on site for the vehicles and equipment to drive over to loosen mud and debris. Failure to control dust and dirt may result in suspension or revocation of conditional use permit(s) and/or building permit(s).
6. **SLOPES.** The Zoning Administrator, City Engineer or Building Inspector may require the percent of slope of a cut or fill to be reduced if it is found that the cut or fill is subject to unusual or excessive erosion, caving or sliding, or if other conditions make such requirements necessary for stability. Steeper slopes may be permitted where the material being cut is unusually stable.
7. **FILL MATERIAL.** All fill, except in publicly approved refuse disposal or other landfill operations, shall be earth, rock, or other inert materials free from organic material, metal, asphalt, petroleum products, toxins

or other hazardous materials, except that topsoil spread on cut and fill surfaces may incorporate humus for desirable moisture retention and plant growth.

8. **DRAINAGE.** Drainage analysis, reports, and plans, when required, must comply with the East Carbon City Drainage Criteria. Adequate provisions shall be made to prevent any surface waters from damaging any excavation or any portion of a fill and adversely impacting adjacent properties. Discharges shall comply, when required, with the requirements of the Utah Department of Environmental Quality. Drainage structures shall be constructed or installed as necessary to prevent erosion damage or to prevent saturation of the fill or natural material, at the foot of or behind cut slopes and walls.
9. **FINISHED CUTS AND SLOPES.** The exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded. Exposed slopes of any cut or fill shall be protected by erosion control and approved planting, crib walls, retaining walls, fabrics or walls and planting, terracing, or a combination thereof.
10. **BACKFILL.** Any pipe trench or other trenching or excavation made in any slope of any excavation or filled site shall be back-filled in lifts and compacted to the level of the surrounding grade.
11. **COMPACTION OF FILLS.** Unless otherwise directed by the Zoning Administrator, City Engineer or Building Inspector, all fills governed by this Code intended to support buildings, structures, or where otherwise required to be compacted

for stability, shall be compacted, inspected and tested in accordance with the following provisions unless otherwise dictated by a geotechnical/soils report:

1. The natural ground surface shall be prepared by removal of: vegetation and, if necessary, shall be graded to a series of terraces.
2. The fill shall be spread in a series of layers, each not exceeding 12 inches in thickness, and shall be compacted by “sheepsfoot” roller compactor (after each layer is spread) or other acceptable method approved by the City Engineer.
3. The moisture content of the fill material shall be controlled at the time of spreading and compaction to obtain required maximum density.
4. The fill material after compaction shall have an average dry density of not less than 95% of maximum dry density and a minimum of 90% in all portions of the fill requiring compaction as determined by the AASHTO Soil Compaction Test Method T99-57 or T180-57, or other acceptable testing method.
5. A written report of the compaction, showing location, boundaries and depth of test holes, materials used, moisture conditions, recommended soil-bearing pressures, and relative density obtained from all tests, prepared by a civil engineer or soils engineer licensed by the State of Utah shall be submitted to the Zoning Administrator, Building Inspector or City’s Engineer.

6. The Zoning Administrator, City Engineer or Building Inspector may require additional tests or information if, in their opinion, the conditions or materials are such that additional information is necessary, and may modify or delete any of the above-listed requirements that in their opinion are unnecessary to further the purpose of this Code.

12. EROSION CONTROL AND LANDSCAPING. All cut and fill surfaces created by grading except for firebreak purposes shall be planted with a ground cover that is compatible with the natural ground covers in East Carbon City. Topsoil is to be stockpiled during rough grading and used on cut and fill slopes. When slopes too steep to support continuous ground cover have been permitted and in lieu thereof niches and ledges provided for planting, such slopes need not be planted with a continuous ground cover, but may instead be screened with vines and plantings. Cuts and fills along public roads may be required to be landscaped so as to blend into the natural surroundings.

1. No open pits or trenches shall be permissible to exist at any time that they are not being worked on. All open pits and trenches shall be filled or properly covered to prevent human or animals from falling.

13. FILLING FOR AGRICULTURAL AND FIRE PROTECTION PURPOSES. Filling of the ground for agricultural or fire protection purposes shall be accomplished with such practices as will prevent erosion

and damage to natural drainage channels.

14. FINAL INSPECTION. If upon final inspection of any grading it is found that the work authorized by the conditional use permit has been satisfactorily completed in accordance with the requirements of this Code and any other requirements imposed, the Zoning Administrator, City Engineer or Building Inspector shall so record in the record.

1. The Zoning Administrator, City Engineer or Building Inspector shall have the authority to revoke any conditional use permit whenever it is found that the work covered by the certificate has been materially extended or altered without prior approval, or that any planting, retaining walls, cribbing, drainage structures, or other protective devices as shown on the approved plans and specifications submitted with the application for a permit have not been maintained in good order and repair. Said revocation shall remain until the problems and non conformance are corrected.

15. PROHIBITED ACTIVITIES.

1. The provisions of this chapter shall not be construed as permitting the removal of topsoil solely for resale, or of permitting quarrying of any site within the limits of East Carbon City unless in a zoning district allowing such activities.
2. This chapter shall also not be construed as authorizing any person to maintain a private or public nuisance upon his or her property, and compliance with the provisions of this chapter

shall not be a defense in any action to abate such nuisance.

3. Filling the 100-year floodway.

7.7. SUBDIVISIONS (LAND DEVELOPMENT) - SPECIAL REQUIREMENTS

1. SCOPE OF SECTION

1. No person shall subdivide or otherwise develop any tract of land which is located wholly or in part within East Carbon City, except in compliance with this Code, and with the development regulations adopted by the City Council of East Carbon City.
2. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a development of a larger tract of land, nor offer for recording in the office of the County Recorder any deed conveying such parcel of land, or any interest therein, unless such development has been created pursuant to and in accordance with the provisions of this Code and local regulations;
 1. provided that this Code shall not apply to any lot or lots forming a part of a development created and recorded according to then applicable law prior to the effective date of this Code, except as specifically provided in this Code.
3. This Code shall apply, however, to lots created prior to adoption of this Code and not in compliance with then applicable law.
4. No lot within a development created and recorded prior to the effective date of this Code or approved by the

Planning and Zoning Commission and City Council and recorded in the County Recorder's office under the provisions of this Code shall be further divided, rearranged, added to or reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any non-conforming lot, without first obtaining the approval of the Planning and Zoning Commission and the City Council.

5. Restricted lots are prohibited unless flood plain and geotechnical design solutions to problems associated with such lots have been prepared by a qualified professional team and approved by the Planning and Zoning Commission.

13. INTENT AND PURPOSE. The purpose of this section and the intent of East Carbon City in its adoption is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of East Carbon City.

1. This section will accomplish this purpose by:
 1. Providing policies, standards, requirements, and procedures to regulate and control the design and improvement of all developments.
 2. Assisting in the implementation of the objectives, policies, and programs of the General Plan by ensuring that all proposed developments, together with provisions for their design and improvement, are consistent with the General Plan, Transportation Master Plan and all applicable specific plans.

2. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, beaches and natural water courses, fish and wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto.
3. Preserving and protecting the special environmental quality and aesthetic character of all hillside, flood plains and mountainous areas; preventing detrimental impacts to the soil mantle, vegetative cover, and other environmental factors; reducing the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a development to the slope of the natural terrain.
4. Encouraging the clustering of housing and building developments where subdivisions or other developments are permitted in hillside and mountainous areas, minimizing grading, preserving the natural terrain, and enlarging the open space.
5. Relating land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces.
6. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used.

7. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring maximum safety for pedestrians and users of vehicles.
8. Ensuring adequate access to each building site.
9. Providing sidewalks, pedestrian-ways, bike paths, and equestrian and hiking trails for the safety, convenience, and enjoyment of residents of new developments.
10. Providing adequate systems of water supply, sanitary sewage disposal and collection, storm drainage, street lighting, fire protection and other utilities needed for public health, safety, and convenience.
11. Providing adequate sites for public facilities needed to serve residents of new developments.
12. Ensuring that costs of providing land for streets, alleys, pedestrian-ways, bike paths, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the property owner and/or developer(s). Maintenance of street, alley and pedestrian ways, paths, easements and other rights of way fronting or abutting a parcel are the maintenance responsibility of the fronting or abutting property owner.
13. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or hazardous geological conditions, from being developed for any use or in any manner tending to create an increased detriment to the

public health, safety, or welfare and burden on the City.

14. Ensuring that, insofar as possible, land is developed in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the General Plan and Transportation Master Plan, and provide access for solar and other renewable energy sources to the maximum extent possible, and encourage energy and water conservation through design, layout, "siting" and other techniques.
15. Preserving and protecting to the maximum extent possible, solar access to structures and encourage and promote/ require energy conservation and the use of renewable energy sources.
16. Providing space for parking bays. (off-street parking as needed)
17. Providing space for bike paths and jogging trails.

14. MAPS AND PLATS REQUIRED

1. Whenever any lands are laid out and platted, the owner of those lands shall cause an accurate map or plat to be made of them that sets forth and describes:
 1. all the parcels of land laid out and platted, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes;
 2. all blocks and lots intended for sale, by number, with their precise length, width bearing and distance; and

3. all existing easements and right-of-ways.
 2. The owner of the land shall acknowledge the map or plat before a person authorized by law to acknowledge conveyances of real estate.
 1. The surveyor making the map or plat shall certify the same.
 2. Each utility company shall acknowledge the map or plat by the signature of its executive officer.
 3. The City Council and Mayor shall approve the map or plat as provided by law.
 3. After the plat map has been acknowledged, certified, approved, and a receipt received for the payment all taxes due and payable, the owner of the land shall file and record it in the Carbon County Recorder's office in the county in which the lands platted and laid out are situated.
- 15. SUBDIVISION APPROVAL PROCEDURE**
1. No one may file or record a plat of a subdivision of land or lot line adjustment or change, situated within the municipal boundaries of East Carbon City, in the County Recorder's office unless:
 1. it has been recommended for final approval by the East Carbon City Planning and Zoning Commission or Zoning Administrator; or
 1. it is a minor 1 lot subdivision or lot line adjustment completed in accordance with the terms of this Code and

- processed administratively; and,
 2. a lot line adjustment only for a real property transaction may be completed by completion of a lot line boundary adjustment agreement or by completion of a new plat indicating the lot line boundary adjustment as directed or approved by the Zoning Administrator; and,
 2. approved by the City Council; and
 3. approved by the mayor and other officers that the City Council designates in an ordinance; and
 4. the approvals are entered in writing on the boundary adjustment agreement or plat by the mayor or by other officers designated in the ordinance.
 5. Final boundary adjustment agreement or plat signatures of approval include: Mayor-with attest, County Recorder, City Engineer, City Attorney, Planning Commission Chair or Zoning Administrator-with attest, preparer of the plat prior to presentation for recording.
- 16. EXEMPTIONS FROM PLAT REQUIREMENT.** Any land divided for any purpose into 2 or more parts after the passage of this Code shall be subject to the provisions and regulations of this Code, except:
1. In subdivisions of less than 10 lots, land may be sold by metes and bounds, without the necessity of recording a plat if:

1. a recommendation has been received by the planning commission;
2. the deed contains a stamp or other mark indicating that the subdivision has been approved by:
 1. the legislative body; or
 2. other officers that the legislative body designates in an ordinance.
3. the subdivision is not traversed by the mapped lines of a proposed street as shown in the General Plan and Transportation Master Plan and does not require the dedication of any land for street or other public purposes; and
4. if the subdivision is located in a zoned area, each lot on the subdivision meets the frontage, width, and area requirements of the zoning district in which it is located or has been granted a variance from those requirements by the Appeal Authority
5. Municipalities under the council-mayor form of government shall comply with Section 10-3-121 9.5, (Utah Statutes)

17. DEDICATION OF STREETS

1. Maps and plats, when made, acknowledged, filed, and recorded according to procedures specified in this part, operate as a dedication of all streets and other public places, and vest the fee of those parcels of land in East Carbon City for the public for the uses named or intended in those maps or plats.
2. The dedication established by this section does not impose liability

upon East Carbon City for streets and other public places that are dedicated in this manner but unimproved.

18. RECORDING FINAL PLAT. The City Council shall supervise, at the direction of the owner, the recording of the Final Plat or Map with the Carbon County Recorder, which is to be done within 10 calendar days of the completed approval of the Final Plat by the City Council; the owner shall pay the expense of such recording, unless agreed upon otherwise. Failure of an owner to properly record a plat with the Carbon County Recorder may subject the project / subdivision to re-processing and the imposition of additional fees.

19. VACATING OR CHANGING A SUBDIVISION PLAT.

1. The City Council of East Carbon City may with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.
 1. If a petition is filed, the responsible body or officer shall hold the public hearing within 45 days after it is filed if:
 1. the plat change includes the vacation of a public street or alley;
 2. any owner within the plat notifies the municipality of their objection in writing within ten days of mailed notification; or
 3. a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

2. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the City Council to have the plat, or any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
3. A petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:
 1. the name and address of all owners of record of the land contained in the entire plat;
 2. the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
 3. the signature of each of those owners who consents to the petition.
4. Petitions that lack the consent of all owners referred to in Subsection 7.7.8.3 above may not be scheduled for consideration at a public hearing before the City Council until the notice required by this part is given.
 1. The petitioner shall pay the cost of the notice.
5. When the responsible body or officer proposes to vacate, alter or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this part.
6. Petitions to adjust lot lines between adjacent properties may be executed, per Utah State Code, upon the recordation of an appropriate deed if:

1. no new dwelling lot or housing unit results from the lot line adjustment;
2. the adjacent property owners' consent to the lot line adjustment;
3. the lot line adjustment does not result in remnant land that did not previously exist; and
4. the adjustment does not result in violation of current and applicable zoning requirements.

20. NOTICE OF HEARING FOR PLAT CHANGE

1. The responsible body or officer shall give notice of the proposed plat change by mailing the notice to all owners of record referred to in Section 7.7.8, addressed to their mailing addresses appearing on the rolls of the Carbon County Assessor.
 1. the responsible body or officer shall ensure that the notice includes:
 1. a statement that anyone objecting to the proposed plat change must file a written objection to the change within 10 days of the date of the notice;
 2. a statement that if no written objections are received by the responsible body or officer within the time limit, no public hearing will be held; and
 3. the date, place, and time when a hearing will be held, if one is required to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all the

landowners as required by
Section 7.7.8.

2. If the proposed change involves the vacation, alteration, or amendment of a street, the responsible body or officer shall give notice of the date, place, and time of the hearing by:

1. mailing notice as required in Subsection 7.7.9.1; and either:
 1. publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in East Carbon City in which the land subject to the petition is located; or
 2. if there is no newspaper of general circulation in East Carbon City, post the notice four consecutive weeks before the hearing in three public places in Price.

21. GROUNDS FOR VACATING OR CHANGING A PLAT

1. Within 30 days after the public hearing required by this part, the responsible body or officer shall consider the petition.
 1. If the responsible body or officer is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and there is good cause for the vacation, alteration, or amendment, the City Council, by ordinance, may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.
 2. The responsible body or officer may approve the vacation, alteration, or amendment by ordinance, amended plat,

administrative order, or deed containing the stamp or mark indicating approval by the responsible body or officer.

2. The responsible body or officer shall ensure that the vacation, alteration, or amendment is recorded in the office of County Recorder in which the land is located.
3. An aggrieved party may appeal the responsible bodies or officer's decision to the District Court, in and for Carbon County, Utah, as provided in Section 10-9-1001 (Utah Code Annotated 1953, as amended)

22. RESTRICTIONS FOR SOLAR AND OTHER ENERGY DEVICES

1. The City Council, in order to protect and ensure access to sunlight for solar energy devices, may adopt regulations governing legislative subdivision development plans that relate to the use of restrictive covenants of solar easements, height restrictions, side yard and setback requirements, street and building orientation and width requirements, height and location of vegetation, with respect to property boundary lines, and other permissible forms of land use controls,
2. The City Council may refuse to approve or renew any plat or subdivision plan, or dedication of any street or other land, if the deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat of subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, or other energy devices based on renewable resources from

being installed on buildings erected on lots or parcels covered by the plat or subdivision.

23. DESIGN STANDARDS.

1. All developments shall comply with the following standards unless a variance from one or more provisions of this section is approved by the City Council in accordance with the variance procedure of this Code.

2. GENERAL STANDARDS:

1. The design of a development shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.
2. Land subject to hazardous conditions such as slides, mud flow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall be identified and shall not be developed until the hazards have been eliminated or will be eliminated or mitigated by the proposed development and construction plans.

3. LOTS

1. No single lot shall be divided by a municipal or county boundary line.
2. A lot shall not be divided by a road, alley, or other lot.
3. No wedge-shaped lot shall be less than 30 feet in width at the front property line, or the lot frontage required in the zoning district, whichever is larger.
4. Side lot lines shall be at right angles or radial to street lines,

except were justified by the developer and approved by the Planning and Zoning Commission.

5. All residential lots in developments shall front on a public street, or on a private street approved by the Planning and Zoning Commission and the City Council of East Carbon City. Required frontage shall not be considered to be provided if vehicular access across the street-line is prohibited. Double frontage lots are allowed on corners. Triple frontage is prohibited unless approved by the Planning and Zoning Commission (does not include frontage on an alley).

6. Corner lots shall be so designed as to provide for the same quality and size of building area as interior lots by such enlargement as necessary to accommodate the increased required front setbacks and yards. The Planning and Zoning Commission may, when no adverse impact to health, safety or welfare of residents is demonstrated, approve an exception on corner lot front yard setbacks to accommodate reasonable and planned development.

4. STREET REQUIREMENTS

1. The street layout shall conform to the General Plan and Transportation Master Plan of East Carbon City.
2. Minor streets shall be laid out to discourage through traffic.
3. Stub streets shall be provided where needed to connect to adjacent undeveloped land and

- new streets must be provided where needed to connect to existing stub streets in adjacent developments. Not more than 8 lots shall front on a stub street, except where an approved temporary cul-de-sac turnaround is provided. Stub streets shall not slope downhill without a means for drainage to escape.
4. Intersections of minor streets with collector arterial streets shall be kept to the minimum.
 5. Minimum right-of-way widths for public streets shall be determined by the City Council for various categories of streets, but shall in no case be less than the following:
 1. Arterial 100 feet
 2. Collector Arterial: 80 feet
 3. Collector Street: 66 feet
 4. Local (minor) Street: 60 feet
 6. Minimum right-of-way widths for private streets shall be the same as for public streets of the same use category, unless a different width is specifically approved. The appropriate use category for a private street shall be determined by the Planning and Zoning Commission before a building or use permit is approved along such private street.
 7. Public streets shall have pavement roadway widths not less than the following:
 1. Arterial: 75 feet
 2. Collector Arterial: 55 feet
 3. Collector Street: 41 feet
 4. Local (minor) Street or Frontage Road: 35 feet
 8. Minimum improved roadway widths for private streets shall be the same as for public streets of the same use category, unless a different width is specifically approved.
 9. Where no curbs are required to be installed, a minimum of 6-foot shoulders shall be provided on each side of the street, not to exceed a 2:1 slope.
 10. No half-streets are permitted unless approved by the Planning and Zoning Commission and City Council.
 11. Dead-end or including stub streets, shall be permitted or required by the Planning and Zoning Commission only to provide future access to adjoining property, except for dead-end street systems in cluster developments, in planned unit developments, condominium developments, or similar special projects or in older sections. Said street shall not drain downhill with no outlet. The end of said dead end or stub streets shall be barricaded with fence, jersey barricades or large rock boulders with red diamond shape reflective signs.
 12. Permanent cul-de-sac on streets serving no more than 26 lots, and not more than 600 feet long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turn-around of 55 feet radius or more, and the top back of curb radius shall be 45 feet or more. Cul-de-sac streets intended to be

- only temporary must also satisfy the above requirements.
13. No more than 4 streets shall enter an intersection.
1. Roundabouts shall only be constructed with the specific approval of a conditional use permit by the East Carbon City Planning and Zoning Commission and East Carbon City Council and shall not serve more than 4 streets.
14. Streets shall intersect at 90 degrees, except where otherwise approved as necessary by the Planning and Zoning Commission.
15. The center lines of 2 subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the center lines shall be offset at least 150 feet.
5. **STREET NUMBERING (NAMES).** Street number shall be numbered based on the adopted grid system. Streets may also be named but there shall be no duplication of street names within the City or County. All street names must be approved by the Planning and Zoning Commission and shall be given to the County Recorder and County Building Official for review and recommendation prior to the approval of proposed street names by the Planning and Zoning Commission.
6. **CURVATURE AND ALIGNMENT** To ensure adequate sight distances, street roadway line connections shall be made by horizontal curves. The minimum center lines radii for minor streets shall be one hundred 150 feet and all other streets shall be 300 feet. On collector and arterial streets, a minimum tangent of 100 feet shall be required between a curve and street intersection. A minimum tangent of 100 feet shall be required between reverse curves and shall be designed to provide minimum sight distances of 200 feet for minor streets and 300 feet for all other streets, except that vertical curves for collector and arterial streets shall be as determined by the current specifications of AASHTO.
7. **FRONTAGE ON MAJOR HIGHWAYS.** Where a residential development abuts a major highway, frontage roads may be required.
8. **ROADBED CONSTRUCTION STANDARDS FOR PAVED ROADWAYS FOR PUBLIC STREETS.** Minimum roadbed grading and paving for minor, collector, and arterial streets shall be established by the City Council, unless recommended otherwise by a geotechnical report.
9. **STREET GRADES.** All street grades shall be designed as follows:
1. Arterial and collector streets shall be limited to a maximum grade of 10%. Sustained grades shall be limited to 7%.
2. Minor streets shall be limited to a maximum grade of 12%. Sustained grades shall be limited to 9%.
3. Cul-de-sacs shall not have a negative grade without adequately planned water drainage. All cul-de-sacs shall terminate with a grade not to exceed 3% for the last 100 feet of traveled surface.

4. Street intersections shall have a vertical alignment such that the grade shall not exceed 3% for a minimum distance of 50 feet each way from the centerline of the intersection.
 5. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than 600 feet.
 6. All changes in vertical alignment shall be made by vertical curves with minimum length of 50 feet for local (minor) streets and 100 feet for collector and arterial streets.
 7. Streets in mountainous terrain or on steep hillsides shall be designed at less than maximum allowable grade in order that they can be safely negotiated and that snow can be removed during winter, and that development can be adequately accessed by emergency services.
10. SIDEWALKS, CURBS AND GUTTERS.
1. Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public, unless approved otherwise by the Planning and Zoning Commission and City Council. Sidewalks, curbs and gutters may be required by the City Council on existing streets bordering the development.
 2. Sidewalks, curbs, gutters and driveway approaches, in the public right of way, shall be constructed of concrete.
- Decorative epoxy, acrylic or painted concrete or stamped concrete is not allowed. Sidewalks in commercial zones may be decorative as approved by conditional use permit.
3. Park strips shall be installed at a minimum width of 5 feet, unless otherwise approved the Planning and Zoning Commission.
 4. Park or plant strips may be landscaped with grass, trees, flowers, bushes and/or rocks or paver bricks. Solid concrete or asphalt pavement is not allowed. Vegetative hedges and trees with low-hanging branches are not allowed.
 5. Trees in the park or planting strips shall be of a variety that when full grown will not heave or otherwise negatively impact the sidewalk.
 6. Sidewalks may be placed against the top back of curb providing the sidewalk is 6 feet wide unless restricted by pre-existing conditions.
11. BLOCK STANDARDS. Block lengths shall be reasonable as approved by the Planning and Zoning Commission, and in total design shall provide for convenient access and circulation for emergency vehicles.
12. PEDESTRIAN CROSS-WALKS. Where blocks exceed 600 feet in length, pedestrian rights-of-way of not less than 10 feet in width may be required by the Planning and Zoning Commission through blocks where needed for adequate pedestrian circulation. Sidewalk improvements of no less than 4 feet in width shall

be placed within the rights-of-way, when required by the Planning and Zoning Commission.

13. LOT SIZE STANDARDS. All lots shall conform to area requirements of any existing zoning regulations. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Planning and Zoning Commission and set by conditional use permit.

14. EASEMENT STANDARDS.

1. Whenever practical, minimum 10-foot-wide utility easements shall be placed along front lot lines. Easements shall follow rear and side lot lines only as an exception, with width to be determined.
2. Where front-line easements are required, a minimum of 10 feet shall be allocated as a utility easement. Perimeter easements shall be not less than 15 feet in width, extending throughout the peripheral area of the development, if required by the Planning Commission.
3. All easements shall be designed so as to provide efficient installation of utilities. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

15. UTILITIES TO BE UNDERGROUND. Unless the Planning and Zoning Commission

and City Council determine, upon application by the developer, and recommendation of the City's Engineer, that it is not feasible to do so, all power lines, telephone lines, and other utility lines shall be placed underground by the developer. The pattern or cross-section of utility placement will be as approved.

16. ALLEYS. The Planning and Zoning Commission may approve service or secondary access to the interior of blocks were deemed to be in the public interest, in which case such alleys must be indicated in the Preliminary Design Plans and on the Final Plat. Alleys must be labeled as either public or private. Alleys are not considered public streets. Maintenance of all public or private alleys is the responsibility of the fronting, abutting or adjacent property owner.

17. SANITARY SEWAGE DISPOSAL GENERAL REQUIREMENTS.

1. Except as otherwise provided below, the developer shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the development. The sewerage system shall meet the minimum standards and requirements of East Carbon City, the Health Department, and the Price River Water Improvement District. A sewer system capacity study shall be completed by the developer as required to determine availability of downstream sewer pipeline condition, capacity and special sewerage treatment requirements.
2. Septic tanks and/or sealed vaults may be approved only when an

existing sanitary sewer system is more than 1/2 mile from the boundary of the development and shall be disapproved in any case unless approved in writing by the Building Official and the Health Department. In order to determine the adequacy of the soil and geology involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the Natural Resources Conservation Service Soil Survey showing the suitability of the soil for septic tank fields or pits shall be submitted, along with the results of percolation tests. The results of these data will be reviewed by the Health Department and the Building Official, in addition to any other information available to them, for recommendations to the Planning and Zoning Commission. The following requirements shall be met:

1. Land altered, or filled with non-earth materials within the last 10 years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.
2. Each developed lot to be served by an on-site soil absorption sewerage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of 8 feet from the surface of the ground impermeable bedrock, and a minimum depth of 6 feet from the

surface of the ground to the groundwater surface (based on annual high-water level). Each site must also be at least 1,500 feet from any shallow water supply well and 300 feet from any stream or water course, and at least 50 feet from any dwelling or property line.

3. Soils having a percolation rate slower than or faster than standards allowed by the Building Official or the Health Department shall not be divided into building sites to be served by soil absorption sewage disposal systems.
4. Land rated as having severe limitations for septic tank absorption fields as defined by the local county soil survey, U.S. Department of Agriculture, Natural Resources Conservation Service shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless each such building site contains not less than 20,000 square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.
5. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall have additional on-site investigations made,

including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet Building Official and Utah State Division of Health standards and regulations. In addition, the Building Official and Department of Health shall find that the proposed corrective measures have overcome or will overcome the severe soil limitations.

6. Other applicable standards adopted by the City Council and local and State Division of Health.
 7. Septic systems and drain fields will not be allowed on topography, cliffs and terrain that is elevated above the surrounding area where additional development can occur.
18. **SANITARY SEWER MAINS, LATERALS, AND HOUSE CONNECTIONS - FUTURE.** Where local, county and regional master or general plans indicate that construction or extension of sanitary sewers may serve the development area within a reasonable time, the Planning and Zoning Commission may require the installation and capping of sanitary sewer mains and house connections by the developer, in addition to the installation of temporary individual on-lot sanitary disposal systems by the developer or lot purchaser. Whenever individual on-lot sanitary sewage disposal

systems are proposed, the developer shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such development that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a complete community or public sanitary system. All sewer mains shall be a minimum of 8 inches in diameter. Larger size sewer mains will be installed as recommended by sewer study.

19. **TEST PROCEDURES.** Test of sanitary sewer mains, laterals, and house connections shall be conducted in accordance with local and State health requirements. As-built drawings will be submitted along with installation and testing reports. The City's approval will be required before putting the system in service.
20. **WATER IN SUFFICIENT QUANTITY TO BE OBLIGATION OF DEVELOPER.**
 1. The procurement of water, as required by the City Council, shall be by purchase of water rights, water shares, exchange, or service agreement, and shall be the responsibility of the developer. There shall be water available for use in the development in an amount sufficient to meet minimum flows of 250 gallons per person per day plus outside irrigation

and minimum static pressures of 50 pounds per square inch (psi) with a fire flow requirements of 1000 gal per minute. The minimum pressure and flow may be increased based on project impact. There shall be adequate water resources, treatment, storage, transmission and distribution to service the project.

2. In no event shall the quantity of water provided by the developer be less than that required to meet minimum fire flow standards.

21. CULINARY WATER SYSTEM.

The culinary water delivery system shall extend to the property line of every lot and shall be capable of delivering the flows and pressures as required. All water mains shall be a minimum of 8 inches in diameter, unless required to be larger based on a water system study. Plan and profiles design drawing will be submitted. As-built drawings will be submitted along with installation and testing reports. The City's approval will be required before putting the system in service.

22. IRRIGATION SYSTEMS (INCLUDING DRAINAGE FACILITIES).

1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within 100 feet of a proposed development, complete plans for relocation, piping, covering or other safety precautions shall be submitted with an application for preliminary approval of a plat. An easement for the irrigation route shall be required.
2. In all developments, irrigation systems shall be underground

with clean-outs of a type and in such amounts as may be deemed acceptable by the City Engineer.

3. All pressure irrigation systems in or within 100 feet of a proposed development shall be identified and otherwise color coded (purple) as to pipe and valve color to meet local and State standards and regulations and to prevent cross-connections and contamination.

23. PERMIT REQUIRED. A conditional use permit shall be required prior to the construction of any development. Final plan approval shall constitute such conditional use permit for any development.

24. STORM DRAINAGE AND FLOOD PLAINS

1. Complete drainage systems for the entire development area shall be designed by an engineer licensed in the State of Utah and qualified to perform such work, and shall be shown on a drawing and shall be in compliance with the East Carbon City Drainage Design Criteria. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section, and appropriate development stages for the drainage system for each section indicated.
2. The drainage and flood plain systems shall be designed to:
 1. Permit the unimpeded flow of natural water courses.

2. Ensure adequate drainage of all low points.
3. Ensure compliance with development in designated flood plains in accordance with the National Flood Insurance Program, Rate Maps, City Flood Plain Ordinance and in other areas of suspected flooding.
 1. Construction of buildings shall not be permitted in a known or formally designated floodway.
 2. Building construction may occur in that portion of the designated flood plain (flood fringe) where the return frequency is 100-years, **provided** all usable floor space is constructed above the designated maximum probable base flood elevation.
 3. Where flow velocities in a flood plain are generally determined to be under 5 feet per second and maximum flood depth will not exceed 3 feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted. Warning signs shall be posted and maintained.
 4. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, non-cased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.
5. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated flood plain constitute an encroachment and must be approved by the Planning Commission before accomplishment.
4. The drainage basin as a whole shall accommodate not only runoff from the development area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and “upstream” from the development itself, as well as its effects on lands downstream.
5. All proposed surface drainage structures shall be indicated on the plans.
6. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans, to include on-site detention.

3. Analysis and Design Criteria.

1. The rational method is to be employed for watersheds less than or equal to 10 acres. Peak rate and volume calculations are to be based on the 50-year 1 hour storm for the storm drainage network. Use an intensity of 1.10 inches per hour for 1 hour or other local reliable precipitation data.
2. The Natural Resource Conservation Service (NRCS) method is to be used on watersheds larger than 10 acres. Peak rate and volume calculations are to be based on the 100-year 24-hour storm event with a type 2 distribution for the storm drainage network.
3. Post development conditions shall not exceed predevelopment conditions. Check for the 5, 10-, 25-, 50- and 100-year storms and related flood routing. Delineate the watersheds for each catch basin and inlet. Design the storm sewer pipe network for the 50-year 1 hour storm. Evaluate the effects of the 100-year storm. Runoff and flooding shall be contained within the streets and storm sewer pipeline network.
4. Storm water detention basins, inlets and outlets shall be designed for the 100-year storm event.
5. Each lot will be developed and built upon such that there is a positive grade away from

all structures. Property owners shall be responsible for controlling drainage runoff that is generated onsite and impacts from offsite runoff. Onsite detention shall be developed as necessary. Discharge of runoff from onsite shall be directed towards approved street and natural drainage ways.

6. Structures on lots shall not be built with basement garage driveways or basement stair accesses that directly connect to the street.
7. Evaluation of potential pollution, contamination and construction site discharge through storm water runoff from the facilities or features of the development. The results of the evaluation may require source control, pre-treatment and pollution prevention practices to be implemented to control polluted storm water runoff. Prepare and submit a 'Storm Water Pollution Protection Plan' according to local and/or State regulations.
8. On-site drainage shall not negatively impact adjacent properties or development. Alteration to existing water routes or channels shall not impact adjacent properties or development. Work within mapped flood plain areas will require a stream channel alteration permit through the State of Utah.
9. All necessary permits shall be obtained from applicable

local, state, and federal
agencies (i.e., State Engineer,
US Army Corps of
Engineers, State Division of
Health etc.)

Chapter 8

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Chapter 9**ZONING DISTRICT
ESTABLISHMENT**

- 9.1 Establishment of Zoning Districts**
- 9.2 Filing of Code and Map**
- 9.3 Rules for Locating Boundaries**
- 9.4 Authorized Uses Within Districts are Plenary**
- 9.5 Additional Requirements in Each District**
- 9.6 Zoning at Time of Annexation**

**9.1. ESTABLISHMENT OF ZONING
DISTRICTS.**

For the purposes of this code the territory of East Carbon City which has adopted this code is divided into one or more of the following listed zoning districts as shown on the zoning map(s) of East Carbon City.

1. Agricultural and Grazing Zone A & G-1 (Chapter 10)
2. Residential Zone, R-1-10000 (Chapter 10)
3. Residential Zone, R-1-7500 (Chapter 10)
4. Residential Zone, R-1-6000 (Chapter 10)
5. Residential Zone, R-2-7500 (Chapter 10)
6. Central Commercial Zone CC-1 (Chapter 11)
7. General Commercial Zone, GC-1 (Chapter 11)
8. Light Industrial Zone, I-1 (Chapter 11)
9. General Industrial Zone, I-2 (Chapter 11)
10. Sensitive Area District/Floodplain overlay zone, SA/FPO-1 (Chapter 12)
11. Governmental/Recreational (Chapter 13)

9.2. FILING OF CODE AND MAP.

This code and map or maps shall be filed in the custody of the East Carbon City Recorder and may be examined by the public subject to the reasonable regulations established by said City Recorder.

**9.3. RULES FOR LOCATING
BOUNDARIES.**

Where uncertainty exists as to the boundary of any zoning district, the following rules shall apply:

1. Wherever the district boundary is 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, block, or such property line shall be construed to be the boundary of such zoning district. The Zoning Administrator shall provide final zoning district boundary determination when uncertainty exists.
2. Whenever such boundary line of such zoning 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 river or stream, canal or waterway, or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary or such zoning district. The Zoning Administrator shall provide final zoning district boundary determination when uncertainty exists.
3. Where such zoning district boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map. The Zoning Administrator shall provide

final zoning district boundary
determination when uncertainty exists.

9.4 AUTHORIZED USES WITHIN DISTRICTS ARE PLENARY.

The uses of land allowed in each zoning district shall be plenary and uses of land not specifically allowed as set forth therein shall be prohibited (-) in the respective zoning district.

9.5 ADDITIONAL REQUIREMENTS IN EACH DISTRICT.

In addition to the requirements imposed within each zoning district, the requirements contained in each of the various chapters and sections of this Code may apply. Chapters 1, 3, 5, 6 and 16 are applicable in all zoning districts. Requirements of Chapters 4, 7, 8, 12 and 15 also may be applicable in each or any of the other zoning districts. The applicability of overlay districts shall be evidenced by notation on the zoning map.

9.6 ZONING AT TIME OF ANNEXATION

1. The legislative body of a municipality may assign a zoning designation to territory annexed to that municipality at the time the territory is annexed.
2. If the annexing municipality's zoning ordinance does not designate a zone for the territory to be annexed to the municipality, or if the legislative body does not assign a zone to territory at the time it is annexed, the territory annexed to a municipality shall be zoned according to the zone of the annexing municipality with which it has the longest common boundary.
3. The legislative body shall consider zoning designations of annexed land prior to annexation when assigning a zone to the annexed territory.

Chapter 10

RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS

- 10.1 Purpose**
- 10.2 Codes and Symbols**
- 10.3 Use Regulations**
- 10.4 Area Regulations**
- 10.5 Width Regulations**
- 10.6 Frontage Regulations**
- 10.7 Front Yard Regulations**
- 10.8 Rear Yard Regulations**
- 10.9 Side Yard Regulations**
- 10.10 Height Regulations**
- 10.11 Coverage Regulations**
- 10.12 Depth Regulations**
- 10.13 Improvements Required to be Completed or in Progress Before a Building Permit May Be Issued**
- 10.14 Residential Estate District**
- 10.15 Improvements Completion**
- 10.16 Businesses Prohibited**
- 10.17 Accessory Dwellings**

10.1.PURPOSE.

General evaluation criteria to be utilized in consideration of land use applications include:

1. The land use application complies with all applicable provisions of the East Carbon City Land Use Management and Development Code, state and federal law;
2. The proposed use is consistent with the East Carbon City General Plan;
3. Structures associated with the proposed land use are compatible with surrounding structures in terms of use, scale, mass and circulation patterns;
4. The proposed land use is not detrimental to the public health, safety and welfare. Any potential or known detrimental impacts of the proposed land use shall be mitigated through the imposition of

reasonable conditions placed on the proposed land use;

5. Vehicle and pedestrian traffic conditions are not adversely affected by the proposed land use including the existence or need for dedicated turn lanes, pedestrian access and capacity of existing streets;
6. Sufficient utility connectivity and capacity are demonstrated and confirmed;
7. Sufficient emergency vehicle access to service the proposed land use;
8. The location and design of off-street parking is included and the proposed land use is in compliance with off-street parking standards;
9. Fencing, screening and landscaping to separate the proposed land use from adjoining land uses and mitigate potential conflicts in uses is considered;
10. Exterior lighting complies with adopted lighting standards and mitigates impacts;
11. Within and adjoining the site, impacts to aquifers, slopes and flood potential have been mitigated and is appropriate to the topography of the site;
12. The land use checklist (See Section m) has been utilized in evaluation of the proposed land use.
13. Land Use Checklist:
 1. Lighting at the site
 2. Fencing at the site
 3. Utility connections and capacity at the site
 4. Traffic patterns existing and produced
 5. Ingress and egress from the site
 6. Signage, type, location, style
 7. Landscaping

8. Parking, on and off-street
9. Public infrastructure needed and/or in place
10. Need for public infrastructure development agreement
11. Need for building permit for renovation or new construction
12. State or Federal permits or licenses needed
13. Local business license needed or in place and past performance, if applicable
14. Storm water management issues
15. Geotechnical study needed or issues present
16. Building and fire safety issues present
17. Environmental impacts and mitigations
18. Easements, encroachments or rights-of-way needed, in place or required
19. Notification of surrounding property owners of activity at site
20. Variances or other adjustments needed or appropriate
21. Existing non complying uses and structures

These districts are intended to be primarily residential in character and protected from encroachment by commercial, agricultural and industrial uses. To promote and preserve the keeping of limited numbers of domestic animals, and specific farm animals in limited numbers, and low residential density.

1. R-1-10000. This zone covers the portion of the city which is most suited for the development of one-family detached dwellings on individual lots. The zone is characterized by spacious lots,

uncrowded buildings, attractively landscaped yards and open spaces, and a favorable environment for family life.

2. R-1-7500. This zone is characterized by individual dwellings on moderate sized lots, uncrowded dwellings, attractively landscaped yards, open spaces and a favorable environment for family life. This zone is intended to have a density slightly greater than the R-1-10000 zone, but to maintain a residential character comparable to that zone. High density apartment structures, commercial and industrial structures are not permitted within the zone. R-1-6000. To provide areas for medium low-density, single-family residential neighborhoods.
3. R-1-6000. This zone is characterized by individual dwellings on smaller lots with attractively landscaped yards and a favorable environment for family life. The zone is intended to have a density slightly greater than the R-1-7500 zone, but maintain a residential character which is comparable to that zone. Multi-family dwellings, commercial and industrial structures are not permitted.
4. R-2-7500. This zone covers a portion of the city that is most appropriately suited for medium density residential development and is characterized by a mixture of one, two, and multi-family dwellings. The zone is intended to provide a location for medium density residential development, that also maintains a suitable environment for family life. Retail commercial and industrial activities are not permitted.
5. A & G-1. Agricultural and Grazing Zone This zone is most appropriately suited to the raising of agricultural products and the grazing of livestock. The zone consists of tracts of the irrigated cropland and open range surrounding the urbanized portions of the community

10.2. CODES AND SYMBOLS.

In following sections of this chapter, uses of land or buildings which are allowed in various districts are shown as “permitted uses” indicated by a “P” in the appropriate column, or as “conditional uses” indicated by a “C” in the appropriate column. Permitted uses “P” shall require a letter of authorization of the land use to be issued by the East Carbon City Planning Department prior to development, installation or commencement of the land use. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash “-”. If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter “A”. If the

regulation does not apply, it is indicated in the appropriate column by a dash “-”. ADM indicates the assignment of the approval to administration under the direction of the Zoning Administrator.

10.3. USE REGULATIONS.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the rural residential district, single family residential district, or multiple residential districts except as provided in this code. (See chart below)

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.3.1						
10.3.1.1	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P
10.3.1.1.1	Residential Accessory Use when no main residential building on subject property	C/ADM	C/ADM	C/ADM	C/ADM	C/ADM
10.3.1.2	Swimming pool	C	C	C	C	C
10.3.1.3	Accessory buildings and uses customarily incidental to permitted uses and farm uses that may be used for the housing of equipment, supplies, animals, fish or fowl, shall be located at least 10 feet from a dwelling or public street	P	C	C	C	-
10.3.1.4	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.3.1.4.1	Accessory Dwelling Units (ADU) such as basement apartments, over garage apartments, cottages and other similar secondary residential uses.	C	C	C	C	C
10.3.1.5	Temporary buildings (facilities, dumpsters, storage/shipping containers, etc.) for uses incidental to construction work, including living quarters for guard or night watchman, which building must be removed upon completion or abandonment of the construction work.	C	C	C	C	C
10.3.1.6	Residential sized wind electricity generators, commonly referred to as small wind or micro wind and solar electricity generation installations	C	C	C	C	C
10.3.2						
10.3.2.1	Agriculture including raising limited numbers of animals, or fish; raising of crops, horticulture and gardening. A maximum of two large animals per lot of 1 acre or greater and one additional large animal for each 10,000 square feet over 1 acre. Large animals may include horses, cattle, goats, sheep or other animals determined by the Planning and Zoning Commission.	P	C	C	C	-

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.3.2.1.5	Keeping of fowl. No more than 6 fowl on lots less than 20,000 square feet of property. One additional fowl for each additional 2,000 square feet. Subject to the following conditions:	P	C/ADM	C/ADM	C/ADM	C/ADM
	a. Chickens and fowl will be confined within a secure, enclosed outdoor area. b. Enclosed area shall include a covered, ventilated, and predator resistant coop for the chickens or fowl. c. Coop shall have a minimum floor area of at least two (2) square feet per fowl. d. If fowl are not allowed to roam within the enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per fowl. e. The coop shall be located in a yard at least ten (10) feet from ANY dwelling located on an adjacent lot. f. The coop and enclosed area shall be maintained in a neat and sanitary condition and shall be maintained so as to not to violate the property maintenance code, the municipal code or Utah Code as they relate to noise and smell. g. No fowl shall be permitted to roam outside the coop or enclosed area. h. Feed shall be stored and dispensed in rodent-proof and predator-proof containers i. Fowl shall only be permitted to be placed on single family detached structure lots or parcels.					
10.3.2.2	Agriculture business or industry	C	C	C	C	C
10.3.2.2.5	Beekeeping and Bee Hives. 1 hive per 4,000 sq. feet. of open lot space; hive must have removable frame; hive must be 15 feet from property line; owner must provide barrier and water at hive; beekeeper must register with Utah Department of Agriculture and Food and provide certificate of compliance including detail on approved species of bee.	C	C	C	C	-
10.3.2.3	Aviary	C	C	C	C	C

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.3.2.4	Child day care, nursery or preschool	C	C	C	C	C
10.3.2.5	Fruit or vegetable stand	C	C	C	C	C
10.3.2.6	Household pets	P	P	P	P	P
10.3.2.7	The tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P
10.3.3						
10.3.3.1	Single-family dwelling	P	P	P	P	P
10.3.3.2	Two-family dwelling	C	-	-	-	C
10.3.3.3	Three-family dwelling	C	-	-	-	C
10.3.3.4	Four family dwelling	C	-	-	-	C
10.3.3.5	Multiple-family dwelling	C	-	-	-	C
10.3.3.6	Dormitories	-	-	-	-	C
10.3.3.7	Groups of dwellings (including twin homes, condominiums etc.) when approved as a planned unit development	C	C	C	C	C
10.3.3.8	Large Residential facilities (group homes) for the disabled, elderly and youth rehabilitation, provided they are separated at least 1,260 feet from another similar facility subject to Chapter 8 requirements and 500 ft from any tobacco, alcohol sales or sexually oriented business land use.	P	P	P	P	P
10.3.3.8.5	Small Residential facility for disabled, elderly or youth. Subject to Chapter 8 restrictions, provided they are separated at	P	P	P	P	P

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
	least 1,260 feet from another similar facility and 500 ft from any tobacco, alcohol sales or sexually oriented business land use.					
10.3.3.8.5.1	Adult Day Care Facility	C	C	C	C	C
10.3.3.8.5.2	Assisted Living Facility	C	C	C	C	C
10.3.3.8.5.3	Boarding House	C	C	C	C	C
10.3.3.8.5.3.5	Roommates in Single or Multiple Family Structure. Roommates not to exceed safe and sanitary capacity of structure or living quarters, one roommate per bedroom in structure or living quarters. Extra roommates requires ADMIN CUP.	P/ADM	P/ADM	P/ADM	P/ADM	P/ADM
10.3.3.8.5.4	Protective Housing Facility	C	C	C	C	C
10.3.3.8.5.5	Rehabilitation/Treatment Facility	-	-	-	-	C
10.3.3.8.5.6	Transitional Housing Facility	C	C	C	C	C
10.3.3.9	Student housing	-	-	-	-	C
10.3.3.10	Recreation Dwellings	C	C	C	C	C
10.3.3.11	Temporary shipping/storage containers and truck trailers/boxes and other non-permitted storage uses	C	C	C	C	C
10.3.3.12	Temporary street festivals, block parties, events, street markets	C/ADM	C/ADM	C/ADM	C/ADM	C/ADM
10.3.3.13	Temporary or permanent sidewalk vending operations excluding child lemonade stands	-	-	-	-	-

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.3.4	Home Operated Business	C	C	C	C	C
10.3.4.1	Home Occupied Business; Office Use Only. Includes independent contractor sales operations (candles; jewelry, etc.)	ADM	ADM	ADM	ADM	ADM
10.3.5	Hospital; medical or dental clinic accessory to a hospital and located on the same or near the premises	-	-	-	-	C
10.3.5.5	Nursing Home	C	C	C	C	C
10.3.5.7	Retirement Home	-	-	-	-	C
10.3.6	Manufactured and Modular home, (single home – various widths); No Mobile Homes. Must be compatible with the neighborhood where placed; front door oriented to frontage and street.	C/ADM	C/ADM	C/ADM	C/ADM	C/ADM
10.3.7	Manufactured, modular, mobile home parks and subdivisions (See Section 7.5)	C	C	C	C	C
10.3.8	Private educational institution having a curriculum similar to that ordinarily given in public schools	C	C	C	C	C
10.3.9	Private recreational grounds and facilities, not open to the general public, and to which admission charge is made	C	C	C	C	C
10.3.10	Professional offices when harmonious with the general character of the district where	C	C	C	C	C

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
	located.					
10.3.11	Public and quasi-public buildings and uses (cemeteries, parks, churches, essential service facilities, golf courses, substations or transmission lines 50 kv or greater capacity, recreation facilities, schools, public and private streets, railroad and utility lines, rights-of-way, and parking).	C	C	C	C	C
10.3.11.1	Public, private and quasi public social service providers	-	-	-	-	-
10.3.11.2	Placement of cellular telephone towers: height; design; aesthetic presentation to be directed by Planning Commission	C	C	C	C	C
10.3.12	Land excavations and backfilling for building, foundations, mass grading, 100 year mapped flood plains and new developments.	C	C	C	C	C
10.3.13	Subdivisions	C	C	C	C	C
10.3.13.1	Cluster or conservation subdivision	C	C	C	C	C
10.3.13.2	Traditional Neighborhood Subdivision	C	C	C	C	C
10.3.14	Planned unit developments	C	C	C	C	C
10.3.15	Recreational vehicle storage (parking)	C	C	C	C	C
10.3.16	Removal of Blighted properties and redevelopment activities	C	C	C	C	C

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.4.						
10.4.1	The minimum lot area in square feet for all uses and structures in the district regulated by this chapter shall be:	43,560	10000	7500	6000	7500
10.4.1.1	The additional lot area in square feet for each additional dwelling structure shall be:	-	-	-	-	3000
10.5.						
10.5.1	The minimum width in feet for any lot at the building setback line, except as modified by planned unit development, shall be:	200	90	75	50	65
10.6.						
10.6.1	The minimum width of any lot at the street right-of-way line in feet, except as modified by conditional use permit, shall be:	60	45	40	40	45
10.7.						
10.7.1	The minimum depth in feet for the front yard for main buildings in districts regulated by this chapter shall be from the property line or street right of way line to the main foundation wall of the dwelling or building:	25	25	25	25	25
10.7.2	Covered front porches and decks may extend beyond the building foundation wall up to 10 feet providing they are open on at least 3 sides and may not be enclosed	A	A	A	A	A

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
	by screen or grates.					
10.7.3	Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise, they shall be set back the following number of feet from the rear of the main building (minimum):	4	4	4	4	4
10.7.4	On corner lots, main buildings shall have two front yards, one rear yard, and one side yard.	A	A	A	A	A
10.8.						
10.8.1	The minimum depth in feet for the rear yard in the districts regulated by this chapter (see also Section 1.29) shall be:	50	25	15	15	15
10.8.2	Accessory buildings shall have no minimum side or rear setback provided that all drainage from them stays on the lot. If there is less than 10 feet distance to another accessory building on an adjacent lot the construction shall consist of fire resistive materials.	A	A	A	A	A
10.8.3	On corner lots which rear on a side yard of another lot, accessory buildings shall have no minimum setback provided that all drainage from them stays on the lot. If there is less than 10 feet	A	A	A	A	A

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
	distance to another accessory building on an adjacent lot the construction shall consist of fire resistive materials.					
10.9.						
10.9.1	The minimum side yard in feet for any main building in districts regulated by this chapter shall be:	15	10	6	6	6
10.9.2	The total width of the two required side yards in feet shall be:	30	20	12	12	12
10.9.10	The side yard for a corner lot in feet shall not be less than:	15	10	6	6	6
10.9.11	Carports not wider nor longer than the main building; with the front open and the side and rear sides open at least 50%; not more than 1 story in height; firmly anchored and attached to the main building and constructed of fire-resistant materials; may extend to the property line, with all drainage falling on the property; and there is at least 6 feet distance to the nearest dwelling or accessory building on the adjacent lot.	A	A	A	A	A
10.10.						
10.10.1	The maximum height for all buildings and structures in districts regulated by this chapter shall be 35 feet or 2½ stories or as specifically approved by conditional	C	C	C	C	C

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
	use permit.					
10.11.						
10.11.1	The maximum coverage in percent for any lot in the districts regulated by this chapter shall be:	20	30	35	35	35
10.12.						
10.12.1	The minimum depth of a lot in feet in districts regulated by this chapter, except as may be modified by conditional use permit, shall be:	150	130	100	95	95
10.13.						
10.13.1	Street grading	A	A	A	A	A
10.13.2	Street base	A	A	A	A	A
10.13.3	Street paving	-	A	A	A	A
10.13.4	Curb and gutter	-	A	A	A	A
10.13.5	Sidewalk	-	A	A	A	A
10.13.5.5	Alleys – maintenance of all public and private alleys is the responsibility of the adjoining, fronting or abutting property owner.	A	A	A	A	A
10.13.6	Surface drainage facilities / flood control	A	A	A	A	A
10.13.7	Wastewater disposal facilities; Sewer	C	A	A	A	A
10.13.8	Culinary water facilities	C	A	A	A	A
10.13.9	Fire fighting facilities; Fire Hydrants	C	A	A	A	A
10.13.10	Street name signs / traffic control	A	A	A	A	A
10.13.11	Street monuments	A	A	A	A	A
10.13.12	Survey monument boxes	A	A	A	A	A
10.13.13	Street lights	A	A	A	A	A

ZONING DISTRICTS APPLICABILITY		A&G-1	R1-10000	R1-7500	R1-6000	R2-7500
10.13.14	Address numbers	C	A	A	A	A
10.13.15	Public utilities (power, natural gas, telephone, cable TV, etc.). Propane tanks prohibited unless specifically approved by Conditional Use Permit in all zones.	C	A	A	A	A
10.13.16	Electric vehicle group charging stations and CNG vehicle refill stations or locations	C	C	C	C	C

10.14. RESIDENTIAL ESTATE DISTRICT, RE.

1. OBJECTIVES AND

CHARACTERISTICS: The objective in establishing the Residential Estate District, RE is to encourage the creation and maintenance of a residential environment within an area which is characterized by large lots (minimum of one acre) on which single family dwellings are situated, surrounded by settings in which the pre-development natural character of the landscape is retained. Native plant species, wildlife habitats, low water consumptive landscapes, minimum vehicular traffic, private lanes connected to public streets, featured or gated entries, building products produced from natural materials, and quiet residential conditions are also characteristic of this zone. While much of this zone is currently devoted to open land uses, it is intended that the land shall be developed into residential uses as the needs arise having characteristics as herein above set forth. The minimum area for a RE District shall be ten (10) acres and contain up to 9 individual building lots plus the public areas, such as roads and

utility rights-of-way. Representative of the uses within the RE District are one family dwellings, caretaker's cottages (not to exceed one per lot), parks and playgrounds. Boarding and lodging houses, two family dwellings, triplexes, apartment houses and other multiple dwellings representative of higher density residential areas are strictly prohibited in this zone. Commercial and industrial uses, to include home occupied businesses, are strictly prohibited. In order to accomplish the objectives and purpose of this ordinance, and to promote the characteristics of this zone the following precise regulations shall apply to the Residential Estate District, RE:

2. PERMITTED USES: The following uses shall be permitted in the Residential Estate District, RE:

1. One-family dwellings and accessory buildings and structures; including guest houses (not to exceed 1200 square feet) and subject to the setback requirements of one-family dwellings, private garage and/or barn.

2. Keeping of animals and fowl, as an accessory use to a single-family dwelling, limited to the following:
 1. Two large animals per 1 acre or larger lot, and one additional large animal for each 10,000 square feet over 1 acre. Large animals may include horses, cattle, goats, sheep or other animals determined by the Planning and Zoning Commission to be compatible with this zone.
 2. Not more than 6 fowl or rabbits shall be kept on any lot up to $\frac{1}{2}$ acre and one additional per 2000 square feet up to 12 fowl or rabbit's maximum.
3. Planned Unit Developments approved per this ordinance.
4. Residential facility for persons with a disability, elderly persons, or youth, not to exceed six (6) residents. Residential facility requirements of Chapter 8 apply.
3. CONDITIONAL USES: Fire stations, public facilities, schools may be permitted as a conditional use and shall be considered in the RE residential zone.
4. AREA REQUIREMENTS: An area of not less than one (1) acre (43,560 sq. ft) shall be provided and maintained for each dwelling and uses accessory thereto.
5. WIDTH REQUIREMENTS: The minimum width of any building site for a dwelling shall be one hundred-fifty (150) linear feet.
6. BUILDING SETBACK REQUIREMENTS:
 1. Side Setback: A minimum side yard of any building shall be twenty (20) feet, and the total width of the two required side yards shall be not less than forty (40) feet. On corner lots, the side yard which faces on a street, shall be not less than thirty (30) feet for any building.
2. Front Setbacks: The minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of twenty (20) feet shall be thirty-five (35) feet. Other private garages and all accessory buildings other than private garages shall be located at least six (6) feet in the rear of the main building.
3. Rear Setbacks: The minimum rear yard for any main building shall be thirty (30) feet.
7. BUILDING HEIGHT REQUIREMENTS: The maximum height of any building shall be two (2) stories above ground, not to exceed thirty-five (35) feet.
8. BUILDING SIZE REQUIREMENTS: The ground floor area of any one-family main dwelling shall not be less than twelve hundred fifty (1,250) square feet, exclusive of open porches and carports.
9. SPECIAL PROVISIONS:
 1. All Special Provisions in R-1 Residential Zone.
 2. Variations from development standards of other residential zones may be permitted by the City Council as part of the approval of this zone. Variations shall not include changes in the permitted uses allowed except to the extent set forth herein.
 3. The minimum area required for Residential Estate District is ten (10) acres.

4. All streets within a Residential Estate District shall meet with City Engineering Standards. Streets adjacent to a Residential Estate District and master planned arterial and collectors shall be fully improved with curb, gutter and sidewalk in accordance with City Engineering Standards.
5. The Residential Estate District is designed to be in areas where the generally uniform slope is 5% or less and therefore, would not require curb, gutter and sidewalks along public streets. Areas with slopes greater than 5% will be permitted with fully improved streets (curb, gutter and sidewalk) or as a P.U.D. Public Street shall have a minimum of one hard-surfaced sidewalk or footpath per street.
6. Areas used for animals shall be maintained so as to conform with health, sanitation, water and drainage requirements or other conditions set forth by the East Carbon City Planning and Zoning Commission and East Carbon City Council.

10. SUPPLEMENTARY DEVELOPMENT STANDARDS: See Chapter 16, Supplementary Development Standards.

10.15. IMPROVEMENTS COMPLETION.

The improvements in sections 10.13 and 10.14 shall be completed and guaranteed through a development agreement or other financial surety for a period of not less than one year from the date of substantial completion. Said improvements installed within the approved public right-of-way, City property and/or easements shall be dedicated to the City for continued ownership, maintenance and operation. Exceptions to the development

agreement shall be indicated in the conditional use permit.

10.16. BUSINESSES PROHIBITED.

1. It shall be unlawful for any person, firm or corporation, to establish, conduct, operate or maintain, or cause or permit to be established, operated or maintained within the designated residential district of said City of East Carbon, any brick yard or brick kiln, garage, undertaking parlor, or any other business which may tend to disturb the peace and quiet of the neighborhood, or endanger its health, safety or welfare.
2. It shall be unlawful for any person, firm or corporation to establish conduct, operate or maintain or cause or permit to be established, operated or maintained within said residential district or within 1,500 feet of the boundaries thereof, any circuses, carnivals, exhibitions of showmen, transient exhibitions featuring mechanical rides or amusements, traveling shows unless expressly permitted by the City Council upon recommendation of the East Carbon City Planning and Zoning Commission.

10.17. ACCESSORY DWELLINGS.

1. PURPOSE. The purpose of this Section is to establish use and development regulations for accessory dwelling units (ADU). These regulations are adopted for the following purposes:
 1. To allow City residents to house elderly parents, disabled relatives, and other family members or students under conditions where those family members can enjoy a degree of independence while also having assistance readily available when needed.

2. To accommodate such housing in single-family residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion, and compatible scale and appearance of residential buildings.
 3. To prevent the proliferation of multiple family rental dwellings, absentee ownership, property disinvestment, building code violations, and associated decline in quality of single-family residential neighborhoods.
 4. To establish uniform standards for ADUs.
2. **SCOPE.** The requirements of this Section shall apply to any approved ADU within the City. Such requirements shall not be constructed to prohibit or limit other applicable provisions of the Land Use Development and Management Code, and other laws. An ADU that conforms to the development standards of this Code shall be subject to a conditional use permit in all residential zones.
3. **DEVELOPMENT STANDARDS – PERMITTED USE.**
- The development standards set forth in this section shall apply to any ADU allowed as a conditional use.
1. **Location.** An accessory dwelling unit (ADU) shall be allowed only within an existing lot with a main building or as an attachment to an owner-occupied single-family dwelling. In addition, an ADU shall not be allowed on a lot or parcel which fronts on to a street (whether a public or private street) which has a paved roadway less than 30 feet wide.
2. **Number of Accessory Dwelling Units and/or Guest Houses.** A maximum of 1 ADU shall be allowed per legal lot when an occupied single-family dwelling exists. No lot or parcel shall simultaneously include an ADU and a recreation dwelling.
 3. **Parking.** A single-family dwelling with an ADU shall provide at least 3 off-street parking stalls conforming with the City's parking standards specified elsewhere in this Code. No more than 2 parking stalls shall be within the side or rear yard setbacks adjacent to a street. No parking for the ADU shall be allowed within the front yard setback area. Parking stalls shall be paved with concrete, masonry, or concrete pavers. Gravel parking stalls or driveways may be allowed at the discretion of the Zoning Administrator, provided that the structure to be used as an ADU was in existence at the time of the adoption of this ordinance, the structure was accessed or served by a gravel driveway and/or parking stalls at the time of adoption of this ordinance, and the surface is sufficient to allow for access by public safety vehicles.
 4. **Utility Metering.** Separate utility metering for the ADU shall be allowed and is preferred, and the utility service shall be in the property owner's name. All utility connection plans for the ADU shall be approved by the Zoning Administrator and the City Engineer.
 5. **Minimum and Maximum Size of Accessory Dwelling Unit.** An ADU shall not be larger than the single-family dwelling to which it is accessory. An ADU is not subject to

other minimum or maximum square footage requirements; provided that dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities shall comply with applicable provisions of the adopted East Carbon City Building Code. Lot coverage may be increased by 10% to accommodate ADU's.

6. Construction Codes. An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This shall include the obtaining of a building or other permits as the codes may require.

7. Building Entrances. An ADU that is added onto an existing single-family dwelling or is part of an approved new single-family dwelling shall have a separate entrance, the sole purpose of which, is to provide access to the ADU.

1. Basement apartments or over garage apartments may be approved with separate entrances by specific approval of the Planning and Zoning Commission and shall be subject to all other requirements of this Code.

8. Architecture. An ADU that is added onto an existing single-family dwelling or a new single-family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the scattered placement of garage doors, carports, or number or location of outside entries or porches. The architectural design and materials of an addition for an ADU shall match the existing single-family dwelling so that the addition

appears to be part of the original building.

9. Access Between Units. An unrestricted passage of at least six feet (6') shall exist between an ADU and the principal single-family dwelling in which it is located. Use of such passage shall not require going out-of-doors, using a key, or passing through a garage or unfinished part of the dwelling.

10. Absentee Owner. The owner of the property shall live on the property in either the main building or the ADU and compensation in the form of rent or rent equivalents may only be collected for either the main building or the ADU but not both.

11. Home Occupied Business. No Home Occupied Business or Office Use Only shall be permitted in a main building or ADU to a main building on the same property.

4. CONDITIONAL USE. No additional dwelling may be created unless a conditional use permit for a second dwelling has been approved in accordance with City regulations regarding the establishment of a second dwelling unit on property and is restricted to only 1 ADU.

5. NOTICE. Upon approval of an accessory dwelling unit permit by the City, the owner of the property where the ADU is located shall execute a notice of accessory dwelling unit approval. Such notice shall define the approved use and any restrictions or conditions of approval. The Property Owner shall record the notice with the County Recorder and provide a copy thereof to East Carbon City.

Chapter 11

COMMERCIAL AND INDUSTRIAL DISTRICTS

11.1 Purpose

11.2 Codes and Symbols

11.3 Use Regulations

11.4 Height Regulations

11.5 Area, Width, Frontage, Yard and Coverage Regulations

11.6 Improvements Required to be Completed or in Progress Before a Building Permit May Be Issued

11.7 Improvements Completion

11.1. PURPOSE

General evaluation criteria to be utilized in consideration of land use applications include:

1. The land use application complies with all applicable provisions of the East Carbon City Land Use Management and Development Code, state and federal law;
2. The proposed use is consistent with the East Carbon City General Plan;
3. Structures associated with the proposed land use are compatible with surrounding structures in terms of use, scale, mass and circulation patterns;
4. The proposed land use is not detrimental to the public health, safety and welfare. Any potential or known detrimental impacts of the proposed land use shall be mitigated through the imposition of reasonable conditions placed on the proposed land use;
5. Vehicle and pedestrian traffic conditions are not adversely affected by the proposed land use including the existence or need for dedicated turn lanes, pedestrian access and capacity of existing streets;

6. Sufficient utility connectivity and capacity are demonstrated and confirmed;
7. Sufficient emergency vehicle access to service the proposed land use;
8. The location and design of off-street parking is included and the proposed land use is in compliance with off-street parking standards;
9. Fencing, screening and landscaping to separate the proposed land use from adjoining land uses and mitigate potential conflicts in uses is considered;
10. Exterior lighting complies with adopted lighting standards and mitigates impacts;
11. Within and adjoining the site, impacts to aquifers, slopes and flood potential have been mitigated and is appropriate to the topography of the site;
12. The land use checklist (See Section m) has been utilized in evaluation of the proposed land use.
13. Land Use Checklist:
 1. Lighting at the site
 2. Fencing at the site
 3. Utility connections and capacity at the site
 4. Traffic patterns existing and produced
 5. Ingress and egress from the site
 6. Signage, type, location, style
 7. Landscaping
 8. Parking, on and off-street
 9. Public infrastructure needed and/or in place
 10. Need for public infrastructure development agreement
 11. Need for building permit for renovation or new construction

- | | |
|--|---|
| <ol style="list-style-type: none"> 12. State or Federal permits or licenses needed 13. Local business license needed or in place and past performance, if applicable 14. Storm water management issues 15. Geotechnical study needed or issues present 16. Building and fire safety issues present 17. Environmental impacts and mitigations 18. Easements, encroachments or rights-of-way needed, in place or required 19. Notification of surrounding property owners of activity at site 20. Variances or other adjustments needed or appropriate 21. Existing non complying uses and structures <ol style="list-style-type: none"> 1. GENERAL COMMERCIAL DISTRICT GC-1. To provide areas in appropriate locations where a combination of business, retail commerce, public, quasi-public, office, multiple-family uses, entertainment, and related activities may be established, maintained and protected. <ol style="list-style-type: none"> 1. All uses allowed as indicated in Section 11.3. 2. Every conditional use permit and every planned unit development approval shall be based primarily on how the development, as proposed in the application, will contribute to compatibility and mutual private and public benefit from existing, proposed, and potential buildings and uses in the area; the efficient, effective, and aesthetic use of land, | <p>buildings, landscaping, and amenities; and the improvements to be made in land use, building construction and appearance, traffic safety and control, landscaping and drainage.</p> <ol style="list-style-type: none"> 3. Area, width, frontage, yard coverage and height regulations in a GC-1 district are to be determined by conditional use permit or planned development approval. 2. CENTRAL COMMERCIAL DISTRICT CC-1. To provide areas in appropriate locations where retailing, professional offices and eating establishments may exist. The Central Commercial District is intended to be a walkable pedestrian friendly zone that is best suited for small businesses and office space. 3. INDUSTRIAL DISTRICT I-1. To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas. 4. INDUSTRIAL DISTRICT I-2. To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas. 5. MIXED USE OVERLAY ZONES. All CC-1 zoning district areas may provide for mixed use development whereby commercial, professional and residential uses are present in the same location or area of development. |
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11.2. CODES AND SYMBOLS.

In the following sections of this chapter, uses of land or buildings which are allowed in various districts are shown as “permitted uses”, indicated by a “P” in the appropriate column, or as “conditional uses”, indicated by a “C” in the appropriate column. Permitted uses “P” shall require a letter of authorization of the land use to be issued by the East Carbon City Zoning Administrator prior to development, installation or commencement of the land use. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, “- “. If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter “A”. If the regulation does not apply, it is indicated in the appropriate column by a dash, “- “. Permitted uses require a notice of zoning verification from the East Carbon City Zoning Administrator. “ADM” indicates the assignment of the approval to administration under the direction of the Zoning Administrator. The Zoning Administrator may require the proposed use be considered by the Planning Commission and City Council prior to approval of any permit or license.

11.3. USE REGULATIONS.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial and industrial districts except as provided in this Code. Accessory uses and buildings customarily incidental to uses authorized by conditional use permit in any district are also authorized by issuance of a conditional use permit in any such district. Temporary uses as defined in this Code are authorized in any district upon issuance of a conditional use permit for the same.

(See chart below)

ZONING DISTRICTS APPLICABILITY			GC-1	CC -1	I-1	I-2
11.3.1		AGRICULTURAL				
11.3.1.1	Agricultural industries		C	C	C	C
11.3.1.2	The tilling of the soil, the raising of crops, horticulture and gardening		P	P	P	P
11.3.2		COMMERCIAL				
11.3.2.1		Residential				
11.3.2.1.1	Hotels, tourist courts and motels		C	C	-	-
11.3.2.1.2	Recreation coach parks		C	C	-	-
11.3.2.1.3	Rooming and boarding houses		C	C	-	-
11.3.2.1.3.1	Short-Term Single-Family Home Rentals		C	C	-	-
11.3.2.1.3.2	Individual single or multi-family dwellings and mixed-use residential component of development and related accessory uses		C	C	-	-
11.3.2.1.4	Religious quarters		C	C	-	-
11.3.2.1.5	Large Residential Facility (Group homes) for the disabled, elderly and youth rehabilitation, provided they are separated at least 1,260 feet from another similar facility and 500ft from any tobacco, alcohol sales or sexually oriented business land use. Subject to Chapter 8 requirements.		P	P	-	-
11.3.2.1.5.1	Small Residential facility (Group Homes) for the disabled, elderly and youth rehabilitation, provided they are separated at least 1,260 feet from another similar facility and 500ft from any tobacco, alcohol sales or sexually oriented business land use. Subject to Chapter 8 requirements.		P	P	P	P
11.3.2.1.5.2	Adult Daycare Facility		P	P	-	-
11.3.2.1.5.3	Assisted Living Facility		P	P	-	-
11.3.2.1.5.4	Boarding House		C	C	-	-
11.3.2.1.5.5	Non-Residential Treatment Facility		C	C	-	-
11.3.2.1.5.6	Protective Housing Facility		P	P	P	P
11.3.2.1.5.7	Shelter for the Homeless		C	C	C	C
11.3.2.1.6	Hard surface parking, commercial		C	C	C	C
11.3.2.1.7	Private garage, for personal or private use only		P	P	P	P
11.3.2.1.8	Structure parking		C	C	C	C
11.3.2.1.9	Mixed use commercial and residential development projects		C	C	-	-
11.3.3		COMMUNICATION				

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.3.3.1	Radio and television communication facilities	C	C	C	C
11.3.4	RETAIL TRADE				
11.3.4.1	Antiques and used merchandise	P	P	C	-
11.3.4.2	Auto parts, non-mechanical repair location	P	P	P	P
11.3.4.3	Bakeries	C	C	-	-
11.3.4.4	Books and stationery	P	P	-	-
11.3.4.5	Candy, nuts and confectionery	P	P	-	-
11.3.4.6	Children and infants wear	P	P	-	-
11.3.4.7	Computer sales and service	P	P	C	-
11.3.4.8	Custom tailoring	P	P	-	-
11.3.4.9	Dairy products	P	P	-	-
11.3.4.10	Department stores	P	P	-	-
11.3.4.11	Direct selling organizations	P	P	-	-
11.3.4.12	Temporary street festivals, events, street markets	C/ADM	C/ADM	C/ADM	C/ADM
11.3.4.13	Drinking places (alcoholic beverages)	C	C	C	C
11.3.4.14	Drive-in restaurants	C	C	C	-
11.3.4.15	Drug and proprietary	C	C	-	-
11.3.4.16	Eating places (food consumed on premises)	P	P	C	C
11.3.4.16.1	Eating places, food vending trucks – temporary or permanent street and sidewalk vending operations. Impact mitigation conditions for food vending trucks: a. No overnight parking of truck. b. All food prepared on-site, in truck, not prepared off-site in commissary or other prep area. c. Truck to be self-contained for water and fuel, etc. No connection to outside services. d. Minimum distance between vending truck locations of five-hundred feet (500') and no trucks parked within five-hundred feet (500') of a public or private school. e. Must have written permission from property owner for parking location. f. Must provide garbage and trash receptacles and service to receptacles daily.	C	C	C	C

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
	g. If seating is provided adjacent to truck, must provide parking and may require restroom facilities for customers consistent with other Code requirements for on-premises eating places. h. No drive through window permitted to be operated from mobile food vending truck. i. Signage on truck only, no other permanent signage permitted. j. Truck must have own lighting; no additional exterior lighting is permitted. k. Hours of operation limited to 6:00am to 10:00pm and may be further restricted based on location of truck and adjacent land uses.				
11.3.4.17	Electrical goods	P	P	P	-
11.3.4.18	Family clothing	P	P	-	-
11.3.4.19	Farm and garden supplies & equipment	P	P	P	-
11.3.4.20	Fruits and vegetables	P	P	C	-
11.3.4.21	Furniture, home furnishings and equipment	P	P	C	-
11.3.4.22	Furriers and fur apparel	P	P	C	-
11.3.4.23	Gasoline service stations	C	C	C	C
11.3.4.24	Groceries (with or without meat)	P	P	C	-
11.3.4.25	Hardware and farm equipment	P	P	P	-
11.3.4.26	Heating and plumbing equipment	C	C	P	P
11.3.4.27	Household appliances	P	P	P	-
11.3.4.28	Ice cream establishments	P	P	-	-
11.3.4.29	Jewelry	P	P	-	-
11.3.4.30	Limited price variety stores	P	P	-	-
11.3.4.31	Liquor – package	C	C	C	C
11.3.4.32	Lumber and other building materials	C	C	P	P
11.3.4.33	Mail order house	C	C	P	-
11.3.4.34	Meats and fish	C	C	-	-
11.3.4.35	Men’s and boy’s clothing and furnishings	P	P	-	-
11.3.4.36	Merchandise vending machines operators	P	P	P	P
11.3.4.37	Motor vehicle dealers	C	C	P	P

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.3.4.38	Outlet Stores and Outlet Malls	C	C	C	C
11.3.4.39	Pets and pet supplies	P	-	P	P
11.3.4.40	Paint, glass and wallpaper	P	-	P	-
11.3.4.41	Pawnbrokers and pawn shops	C	-	C	C
11.3.4.42	Radios, televisions and music supplies	P	P	-	-
11.3.4.43	Shoes	P	P	-	-
11.3.4.44	Sporting goods and bicycles	P	P	-	-
11.3.4.45	Tires, batteries and accessory	P	P	P	P
11.3.4.46	Women's accessories and specialties	P	P	-	-
11.3.4.47	Women's ready-to-wear	P	P	-	-
11.3.4.48	Other retail trade – apparel and accessories	P	P	-	-
11.3.4.49	Other retail trade, i.e., automotive, marine craft, aircraft and accessories	C	-	C	C
11.3.4.50	Shopping complexes for retail trade	C	-	-	-
11.3.4.51	Temporary uses consistent with other permitted or conditional uses taking place at the location (fireworks stands, etc.)	C/ADM	C/ADM	C/ADM	C/ADM
11.3.4.52	Sexually oriented business when complying with the sexually oriented business ordinance	-	-	C	C
11.3.4.53	Smoke shop (retail tobacco specialty shop) providing legal tobacco and related products; no items that may be considered drug paraphernalia or items/products considered a drug or intoxicant. Must meet the Utah Statutory requirements of 2012 HB 95. 1. Not located within 1,000 feet of a community location (park, library, playground, church, etc.). 2. Not located within 600 feet of another retail tobacco specialty shop. 3. Not within 600 feet of property zoned for agriculture use or residential use.	C	-	C	C
11.3.5	SERVICES				
11.3.5.1	Administration and business office services	P	P	C	C
11.3.5.2	Advertising services	P	P	P	P
11.3.5.3	Animal clinics, animal hospitals & small animal grooming (not boarding);	C	C	C	C

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.3.5.3.1	Boarding or Kennel operation and related uses; all potential nuisance matters (noise, sight, smell, etc.) must be mitigated via conditions of land use approval	-	-	-	-
11.3.5.4	Apparel repair, alteration and cleaning, pickup services, shoe repair services	P	P	-	-
11.3.5.5	Automatic car wash, truck wash	P	C	P	P
11.3.5.6	Automobile repair and services	C		P	P
11.3.5.7	Banking and bank-related functions	P	P	-	-
11.3.5.8	Beauty and barber shops general	P	P	-	-
11.3.5.8.1	Cosmetic tattooing only (not artistic tattoo, piercing, etc.)	C	C	-	-
11.3.5.9	Carpeting and other floor coverings	P	P	-	-
11.3.5.10	Comprehensive health care facilities (centers)	C	-	-	-
11.3.5.11	Computer and software maintenance services	P	P	-	-
11.3.5.12	Consumer and mercantile credit reporting	P	-	-	-
11.3.5.13	Credit services (other than banks)	P	-	P	P
11.3.5.14	Daycare or pre-school	C	C	-	-
11.3.5.15	Dental laboratory services	C	-	P	-
11.3.5.16	Duplicating, mailing and stenographic services	P	P	-	-
11.3.5.17	Dwelling and other building maintenance services	C	-	P	-
11.3.5.18	Electrical services	C	-	P	P
11.3.5.19	Employment services	P	C	-	-
11.3.5.20	Funeral and crematory services	P	-	P	-
11.3.5.21	General contract construction services	C	-	P	P
11.3.5.22	Holding and investment services	P	P	-	-
11.3.5.23	Insurance carriers, agents, brokers and services	P	P	-	-
11.3.5.24	Laundering, dry cleaning, and dyeing services	C	C	-	-
11.3.5.25	Medical clinics – outpatient services	C	C	-	-
11.3.5.26	Medical laboratory services	C	C	-	-
11.3.5.27	News syndicate services	C	-	-	-
11.3.5.28	Painting, wall coverings and decorating services	P	-	P	P
11.3.5.29	Photographic services	P	P	C	-
11.3.5.30	Plumbing, heating and air-conditioning services	P	-	P	P

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.3.5.31	Private clubs including fraternal and sorority membership organizations with or without alcohol	C	-	-	-
11.3.5.32	Professional health and care offices and clinics – Medical offices, Dentist offices	C	C	-	-
11.3.5.33	Real estate agents, brokers, and management services	P	P	-	-
11.3.5.34	Real estate operative construction builders	C	-	P	-
11.3.5.35	Real estate subdividing and land developing services	P	-	P	-
11.3.5.36	Roofing and sheet metal services	C	-	P	P
11.3.5.37	Security services and commodity brokers, dealers, exchanges and services	P	P	-	-
11.3.5.38	Schools (commercial)	C	-	C	-
11.3.5.39	Sexually oriented business when complying with the sexually oriented business ordinance	-	-	C	C
11.3.5.40	Skin art, tattooing, piercing, body alteration. No drug paraphernalia, no sexual items or services. Must be ½ mile from other similar existing land use.	C	-	C	-
11.3.5.41	Public, private, or quasi-public social services administration and activity	C	-	C	-
11.3.6	ENTERTAINMENT				
11.3.6.1	Drive-in theaters	C	-	C	-
11.3.6.2	Legitimate theaters	C	C	-	-
11.3.6.3	Motion picture theaters	C	C	-	-
11.3.6.4	Race tracks (commercial)	C	-	C	C
11.3.6.5	Sports activities facilities	C	-	C	C
11.3.7	INDUSTRIAL				
11.3.7.1	Food products manufacturing				
11.3.7.1.1	Baker products	C	-	C	C
11.3.7.1.2	Beverage	C	-	C	C
11.3.7.1.3	Canning and preserving of fruits, vegetables, meat and seafood	C	-	C	C
11.3.7.1.4	Confectionery and related products	C	-	C	C
11.3.7.1.5	Dairy products	C	-	C	C
11.3.7.1.6	Grain mill products	C	-	C	C
11.3.7.1.7	Meat products not including butcher shops	-	-	C	C

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.3.7.1.8	Sugar	C	-	C	C
11.3.7.2	Fabricated textile products manufacturing				
11.3.7.2.1	Broad and narrow woven fabrics and other small wares (cotton, manmade fibers, soil and wool)	-	-	P	C
11.3.7.2.2	Dyeing and finishing of textiles (except wool fabrics and knit goods)	-	-	P	C
11.3.7.2.3	Knit goods, yarns and threads	C	-	P	C
11.3.7.2.4	Wearing apparel and accessories	C	-	C	C
11.3.7.3	Furniture products manufacturing				
11.3.7.3.1	Furniture- manufacturing	-	-	C	C
11.3.7.3.2	Partitions, shelving, lockers, office and store fixtures	-	-	C	C
11.3.7.3.3	Wooden containers and cabinetry	-	-	C	C
11.3.7.4	Paper products manufacturing				
11.3.7.4.1	Bookbinding and related industrial	-	-	C	C
11.3.7.4.2	Books: publishing and printing	C	-	C	-
11.3.7.4.3	Converted paper and paperboard products	-	-	C	C
11.3.7.4.4	Newspapers & Periodicals printing	-	-	C	C
11.3.7.4.5	Printing trade services, Graphic design, sign manufacturing	-	-	C	C
11.3.7.5	Precision instrument and jewelry manufacturing				
11.3.7.5.1	Costume jewelry, costume novelties, buttons and misc. notions (except precious metals)	C	-	C	C
11.3.7.5.2	Computer component manufacture or assembly	C	-	C	C
11.3.7.5.3	Jewelry, silverware and plated ware	-	-	C	C
11.3.7.5.4	Musical instruments and parts	C	-	C	C
11.3.7.5.5	Ophthalmic goods	-	-	C	C
11.3.7.5.6	Optical instruments and lenses	-	-	C	C
11.3.7.5.7	Pens, pencils and other office and art(ists) materials	-	-	C	C
11.3.7.5.8	Photographic equipment and supplies	-	-	C	C
11.3.7.5.9	Surgical, medical and dental instruments and supplies	-	-	C	C
11.3.7.5.10	Toys, amusements, sporting goods and athletic goods	-	-	C	C
11.3.7.5.11	Watches, clocks, clockwork operated devices and parts	C	-	C	C
11.3.7.6	Other products manufacturing				

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.3.7.6.1	Motion picture production	C	C	C	C
11.3.7.6.2	Pottery and related products	C	C	C	C
11.3.7.7	Wood and paper manufacturing				
11.3.7.7.1	Millwork, veneer, plywood and prefabricated structural wood products	-	-	-	C
11.3.7.7.2	Paper (except building paper)	-	-	-	C
11.3.7.7.3	Paperboard	-	-	-	C
11.3.7.7.4	Pulp	-	-	-	C
11.3.7.7.5	Sawmills and planing mills	-	-	-	C
11.3.7.8	Chemical and plastics manufacturing				
11.3.7.8.1	Agricultural chemicals	-	-	-	C
11.3.7.8.2	Drug	-	-	-	C
11.3.7.8.3	Industrial inorganic chemicals	-	-	-	C
11.3.7.8.4	Miscellaneous plastic products	-	-	-	C
11.3.7.8.5	Paints, varnishes, lacquers, enamels and allied products	-	-	-	C
11.3.7.8.6	Plastics materials and synthetic resins, synthetic and other manmade fibers (except glass)	-	-	-	C
11.3.7.8.7	Soap, detergents and cleaning preparations, perfumes, cosmetic and other toilet preparations	-	-	-	C
11.3.7.9	Petroleum products manufacturing				
11.3.7.9.1	Paving and roofing materials	-	-	-	C
11.3.7.9.2	Petroleum refining	-	-	-	C
11.3.7.9.3	Rubber footwear	-	-	-	C
11.3.7.9.4	Tires and inner tubes	-	-	-	C
11.3.7.10	Nonmetallic products manufacturing				
11.3.7.10.1	Abrasive, asbestos, and miscellaneous nonmetallic mineral products	-	-	-	C
11.3.7.10.2	Cement (hydraulic)	-	-	-	C
11.3.7.10.3	Concrete, gypsum and plaster products	-	-	C	C
11.3.7.10.4	Glass and glassware (pressed or blown)	-	-	C	C
11.3.7.10.5	Plate glass	-	-	C	C
11.3.7.10.6	Structural clay products	-	-	C	C
11.3.7.11	Metallic products manufacturing				

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.3.7.11.1	Blast furnaces, steel works and the rolling finishing of ferrous metals, etc.	-	-	-	C
11.3.7.11.2	Iron and steel foundries and manufacturing	-	-	-	C
11.3.7.11.3	Nonferrous foundries	-	-	-	C
11.3.7.11.4	Primary smelting and refining of nonferrous metals	-	-	-	C
11.3.7.11.5	Rolling, drawing and extruding of nonferrous metals	-	-	-	C
11.3.7.11.6	Secondary smelting and refining of nonferrous metals and alloys	-	-	-	C
11.3.7.12	Machine products manufacturing				
11.3.7.12.1	Electrical machinery, equipment and supplies	-	-	C	P
11.3.7.12.2	Engineering, laboratory and scientific research instruments and associated equipment	-	-	C	P
11.3.7.12.3	Instruments for measuring, controlling and indicating physical characteristics	-	-	C	P
11.3.7.12.4	Machinery (except electrical)	-	-	C	P
11.3.7.12.5	Maker Spaces	C	C	P	P
11.3.7.12.6	Transportation equipment	-	-	C	P
11.3.8	TRANSPORTATION				
11.3.8.1	Staging for trucking, local and long distance (terminals)	-	-	C	C
11.3.9	WHOLESALE TRADE AND WAREHOUSING				
11.3.9.1	Drugs, chemicals, and allied products	-	-	C	C
11.3.9.2	Dry goods and apparel	-	C	C	C
11.3.9.3	Electrical goods	-	C	C	C
11.3.9.4	Farm products and equipment	-	C	C	C
11.3.9.5	Groceries and related products	-	C	C	C
11.3.9.6	Hardware, plumbing, heating equipment, and supplies	-	C	C	C
11.3.9.7	Machinery, equipment and supplies	-	C	C	C
11.3.9.8	Motor vehicles and automotive equipment	-	C	C	C
11.3.9.9	Petroleum products distribution warehouses and bulk plants	-	-	C	C
11.3.9.10	Research and development	C	C	C	C
11.3.9.11	Storage facility:				

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.3.9.11.1	Multiple units with 6' barb wire or spiral wire fence, hard paved surface yard (concrete or asphalt), security yard lighting and full fire truck accessibility	-	-	C	C
11.3.9.11.3	Setback in feet:				
11.3.9.11.3.1	from property line to front fence	5	5	5	5
11.3.9.11.3.2	from property line to side or rear fence	0	0	0	0
11.3.9.11.3.3	from front fence to building or stall	15	15	15	15
11.3.9.11.3.4	from side or rear fence to building or stall	10	10	10	10
11.3.9.11.4	Temporary, not to exceed 1 year, shipping/storage containers and truck trailers/boxes and other non-permitted storage uses	C	C	C	C
11.3.9.11.5	Enclosed storage units	-	-	C	C
11.3.9.11.6	Outside storage stalls	-	-	C	C
11.3.9.11.7	Maximum size of unit or stall in square feet	600	800	800	800
11.3.9.11.8	Maximum height of building in feet or as specifically approved by conditional use permit	20	30	30	30
11.3.9.11.9	Warehousing business or associated with	-	-	C	C
11.3.9.12	Industrial Services				
11.3.9.12.1	Concrete services and batching plants	-	-	C	C
11.3.9.12.2	General contract on construction services	-	C	C	C
11.3.9.12.3	Masonry, stonework, tile setting, and plastering services	-	C	C	C
11.3.9.12.4	Roofing and sheet metal services	-	C	C	C
11.3.9.12.5	Water and well drilling services	-	C	C	C
11.3.9.13	Mining				
11.3.9.13.1	Chemical and fertilizers (mineral) mining	-	-	C	C
11.3.9.13.2	Coal mining	-	-	C	C
11.3.9.13.3	Crude petroleum and natural gas. Well drilling is a temporary use, 6 months or less. Well operation is a permanent use. Must be 600 feet or more from any residential land use.	-	-	C	C
11.3.9.13.4	Dimension stone	-	-	C	C
11.3.9.13.5	Land excavations	C	C	C	C
11.3.9.13.6	Metal ore mining	-	-	C	C

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.3.9.13.7	Sand and gravel – quarrying	-	-	C	C
11.3.9.13.8	Other mining and quarrying of nonmetallic minerals (except fuels)	-	-	C	C
11.3.9.14	Outdoor Storage				
11.3.9.14.1	Auto wrecking yards	-	-	C	C
11.3.9.14.2	Outdoor storage (non-auto)	-	-	C	C
11.3.9.14.3	Petroleum products bulk plants	-	-	C	C
11.3.10	INSTITUTIONAL				
11.3.10.1	Health services				
11.3.10.1.1	Hospital services	C	C	C	-
10.3.10.1.2	Nursing Home	C	C	-	-
10.3.10.1.3	Rehabilitation/Treatment Facility	C	C	-	-
11.3.10.1.4	Sanitariums, convalescent centers and facilities	C	C	-	-
11.3.10.1.5	Retirement Home	C	C	-	-
11.3.10.1.6	Sheltered Workshop	C	C	C	-
11.3.10.2	Government services				
11.3.10.2.1	Correctional institutions	-	-	C	C
11.3.10.2.2	Executive, legislative and judicial functions	C	C	C	C
11.3.10.2.3	Postal services	C	C	C	C
11.3.10.2.4	Protective functions and their related activities e.g., Police, Fire, EMS services	C	C	C	C
11.3.10.3	Educational services				
11.3.10.3.1	Special training and schooling	C	-	C	C
11.3.10.3.1.5	Public or Private School – K to 12	C	-	C	C
11.3.10.3.1.6	Public or Private School – Higher Education (College & University)	C	-	C	C
11.3.10.3.2	Trade or Vocational School	C	-	C	C
11.3.10.4	Religious and welfare services				
11.3.10.4.1	Churches, synagogues, and temples, chapels, etc.	C	C	C	C
11.3.10.4.2	Welfare and charitable services	C	C	C	C
11.3.10.5	Public and quasi-public				
11.3.10.5.1	Art galleries	P	P	-	-

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.3.10.5.2	Fairgrounds	C		C	C
11.3.10.5.3	Libraries	P	P	C	-
11.3.10.5.4	Museums	P	P	-	-
11.3.10.5.5	Nature exhibitions	C	C	-	-
11.3.10.5.6	Public assembly, misc. purposes	C	C	C	-
11.3.10.5.7	Public information centers	P	P	-	-
11.3.10.6	Entertainment, recreation and open space group or organized camps				
11.3.10.6.1	Gymnasiums and athletic clubs	C	C	C	-
11.3.10.6.2	Parks – general recreation	P	P	-	-
11.3.10.6.3	Parks – leisure and ornamental	P	P	C	C-
11.3.10.6.4	Playgrounds	C	C	-	-
11.3.10.6.5	Play lots or tot lots	C	C	-	-
11.3.10.6.6	Recreation centers (general)	C	C	C	C
11.3.10.6.7	Swimming pools	C	C	-	-
11.3.10.7	Streets and other circulation elements				
11.3.10.7.1	Airports	-	-	C	C
11.3.10.7.2	Alleys – maintenance of alleys is the responsibility of the adjoining, fronting or abutting property owner(s)	C	C	C	C
11.3.10.7.3	Freeways	C	C	C	C
11.3.10.7.4	Streets, public	C	C	C	C
11.3.10.7.5	Streets, private	C	C	C	C
11.3.10.7.6	Railroads and appurtenances	C		C	C
11.3.11	LAND DEVELOPMENTS				
11.3.11.1	Subdivisions	C	C	-	-
11.3.11.2	Planned unit developments	C	C	C	-
11.3.11.3	Industrial parks	-	-	C	C
11.3.11.4	Shopping centers	C	C	-	-
11.3.11.5	Land development for:				
11.3.11.5.1	Various commercial	C	C	C	-
11.3.11.5.2	Industrial and manufacturing	-	-	C	C
11.3.12	UTILITIES				
11.3.12.1	Communication				

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.3.12.1.1	Radio and television facilities	C	C	C	C
11.3.12.1.2	Telephone and telegraph	C	C	C	C
11.3.12.1.3	Cable television	C	C	C	C
11.3.12.1.4	Other communications services	C	C	C	C
11.3.12.1.5	Placement of cellular telephone towers: height; design; aesthetic presentation to be directed by Planning Commission	C	C	C	C
11.3.12.2	Utilities lines and rights-of-way				
11.3.12.2.1	Culinary water	P	P	P	P
11.3.12.2.2	Electricity (substations or facilities)	C	C	C	C
11.3.12.2.2.1	Electric generation by wind or solar means, small and micro wind installations of appropriate size	C	C	C	C
11.3.12.2.3	Irrigation water	C	C	C	C
11.3.12.2.4	Natural gas; propane tanks prohibited unless specifically approved by Conditional Use Permit	C	C	C	C
11.3.12.2.5	Pipelines (oil and gas transmission)	C	C	C	C
11.3.12.3	Other facilities				
11.3.12.3.1	Sewage disposal	-	-	C	C
11.3.12.3.2	Solid waste disposal	-	-	C	C
11.3.12.3.3	Storm water drainage facilities	C	C	C	C
11.4	HEIGHT REGULATIONS				
11.4.1	The maximum height for any building in districts regulated by this chapter shall be:				
11.4.1.1	in feet	35	35	No limit	No limit
11.4.1.2	in number of stories	2½	2 ½	7	7
11.4.1.2.1	Except as determined by conditional use permit	A	A	A	A
11.4.1.3	in structures with more than 2½ stories, fire protection design, evacuation facilities, and automatic fire sprinkling systems will be required to mitigate the additional potential of loss of life and/or property. In any structure in excess of 2 ½ stories there shall be no space intended for human occupation including: living space, sales floor space, office space or any other space that would permit people to be there for extended amounts of time.	A	A	A	A

ZONING DISTRICTS APPLICABILITY			GC-1	CC -1	I-1	I-2
11.5		AREA, WIDTH, FRONTAGE, YARD AND COVERAGE REGULATIONS				
11.5.1		The minimum depth and/or length for yards in the districts regulated by this chapter shall be:				
11.5.1.1	Front yard		15	15	25	25
11.5.1.2	Rear yard		15	15	20	20
11.5.1.3	Side yards		10	10	10	10
11.5.1.4	Setbacks may be reduced to 0 feet if the structure is built with a minimum 2-hour fire wall on all sides that have a reduced setback, and the applicant can demonstrate that the safety and aesthetics of the property will not be compromised					
11.6.		IMPROVEMENTS REQUIRED TO BE COMPLETED OR IN PROCESS BEFORE A BUILDING PERMIT MAY BE ISSUED FOR A NEW PRIMARY BUILDING AND OR LAND USE. ACCESSORY BUILDINGS MAY REQUIRED IMPROVEMENTS ¹ . Improvements are to be in compliance with standards adopted by the municipality. Exception: Does not apply to garages, carports, additions, remodels or accessory improvements.				
11.6.1	Street grading		B	B	A	A
11.6.2	Street base		AB	B	A	A
11.6.3	Street paving		AB	B	A	A
11.6.4	Curb and gutter		AB	B	A	A
11.6.5	Sidewalk		AB	B	A	A
11.6.6	Surface drainage facilities / flood control		AB	B	A	A
11.6.7	Waste water disposal facilities; Sewer		AB	B	A	A
11.6.8	Culinary water facilities		AB	B	A	A
11.6.9	Fire fighting facilities; fire hydrants		AB	B	A	A
11.6.10	Street name and traffic control signs		AG	G	A	A
11.6.11	Street monuments		AG	G	A	A
11.6.12	Survey monuments boxes		AG	G	A	A
11.6.13	Street lights		AG	G	A	A
11.6.14	Address numbers		AG	G	A	A
11.6.15	Public utilities – power, gas, telephone, cable TV, etc.		AU	U	A	A

¹ 7-30-13

ZONING DISTRICTS APPLICABILITY		GC-1	CC -1	I-1	I-2
11.6.15.5	Electric Vehicle group and individual charging stations and CNG vehicle filling stations/locations	CB	B	C	C
11.6.16	General planned landscaping – 5% of total land area	APC	PC	A	A
11.6.17	Other infrastructure and land use impact mitigation improvements as deemed necessary by the city	APC	PC	A	A
11.6.18	Removal and redevelopment of blighted properties	CG	G	C	C

B = Building Inspector, G = Appropriate Government Entity, U = Appropriate Utility Provider, PC = Planning Commission

11.7. IMPROVEMENTS COMPLETION.

The improvements in section 11.6 shall be completed and guaranteed through a development agreement and a form of guarantee (financial surety) which is acceptable by the City for a minimum period of one year from substantial completion. Exceptions shall be indicated in the conditional use permit and expressly approved by the East Carbon City Council. Said improvements installed within the approved public right-of-way, City property and/or easements shall be dedicated to the City for continued ownership, maintenance and operation.

Chapter 12

SENSITIVE AREA DISTRICT, SA

- 12.1 Purpose and Intent**
- 12.2 Permitted Uses**
- 12.3 Conditional Uses**
- 12.4 General**

12.1 PURPOSE AND INTENT.

1. The purpose of the SA overlay district is to designate and describe those areas within the municipality that possess physical and/or environmental characteristics which require special public consideration of use applications which might affect the structure or the land, the management of surface or subsurface water, safety of future land occupants due to increased fire, earthquake, rock fall, flooding or storm hazards within the proposed development, or the uneconomic extension of public facilities and services. Of specific concern is development in flood prone areas, earthquake zones, landslide areas, areas of steep slope or unstable soils, rock fall, wetlands, and other sensitive areas requiring careful assessment prior to alteration.
 1. It is the intent of these regulations to permit the widest possible latitude in the use of property, while at the same time requiring design solutions which will avoid detrimental impacts on sensitive natural areas, as well as provide protection from adverse natural forces and hazards.

12.2 PERMITTED USES.

The following uses are permitted in the SA overlay district:

1. Tilling of the soil
2. Raising of crops

3. Horticulture and gardening, excluding agricultural industries.

12.3 CONDITIONAL USES.

The SA overlay district is an overlay district whose sole effect is to require additional review of proposed uses in the underlying districts. To this end, any permitted use in a district overlaid by an SA overlay district, with the exception of those uses permitted in section 13.2 above, is a conditional use. Conditional uses authorized in districts overlaid by the SA overlay district remain conditional uses.

12.4 GENERAL.

The “Sensitive Area District, SA” zoning district, if not marked on the zoning map, shall nonetheless include areas of East Carbon City designated as:

1. 100 year mapped flood plain according to the National Flood Insurance Program.
2. Geologic hazards areas including earthquake areas/faults, unstable soil conditions, subsidence, slopes in excess of 25%, rock fall areas, cliffs, unstable slopes and areas subject to flooding.
3. Areas of high-water table and ground water including wetlands, high water table, perched water, floodway, drainage ways and swampy conditions.
4. Areas adjacent to or within one-hundred feet (100’) of any high-pressure natural gas transmission line. Inspection by a qualified provider and the East Carbon City engineer must accompany any development plans, utility installations or construction activity taking place.

Other environmentally sensitive areas as may be identified by the Zoning Administrator, Maintenance superintendent, City Engineer or Building Inspector

Chapter 13

RECREATIONAL/ GOVERNMENTAL USE

RECREATIONAL: (These definitions are for Land Use Code only)

1. **LAND** within the territorial limits of the CITY of East Carbon and includes roads, water, water courses, private ways and buildings, structures, and machinery or equipment when attached to the party.
2. **OWNER** the possessor of any interest in the land, whether public or private land, a tenant, a lessor, a lessee, and an occupant or person in control of the premises.
3. **RECREATIONAL PURPOSE** any of the following or any combination thereof: hunting, fishing, swimming, skiing, snowshoeing, camping, picnicking, hiking, studying nature, waterskiing engaging in water sports, using boats, mountain biking, using off-highway vehicles or recreational vehicles, and viewing or enjoying historical archaeological, scenic, or scientific sites.
4. **CHARGE** the admission price or fee asked in return for permission to enter or go upon the land.
5. **PERSON** any person, regardless of age, maturity, or experience, who enters upon or uses land for recreational purposes.

GOVERNMENTAL: (These definitions are for Land Use Code only)

1. **LAND USE** the human use of land. It represents the economic and cultural activities (e.g., agricultural, residential, industrial, mining, and recreational uses) that are practiced at a given place. Public and private lands frequently represent very different uses. Land use on private lands is determined by the county, or incorporated municipalities, it is determined by the municipality through land use and zoning ordinances.

Chapter 14

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Chapter 15

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Chapter 16

**SUPPLEMENTARY
DEVELOPMENT STANDARDS**

- 16.1 Building Permits – Site Plan Required**
- 16.2 Building, Use and Occupancy Permits**
- 16.3 Building Permit Approval Conditions**
- 16.4 Inspection and Approval Required**
- 16.5 Conditional Use Permit Required for Restricted Lots**
- 16.6 Substantial Lots at Time of Code Passage**
- 16.7 Non-Conforming Lots Prohibited**
- 16.8 Lot Standards and Street Frontage**
- 16.9 Every Dwelling on Lot – Exceptions**
- 16.10 Lots and Dwellings Fronting on Private Streets – Special Provisions**
- 16.11 Yard Space for One Building Only**
- 16.12 Yards to be Unobstructed – Exceptions**
- 16.13 Exceptions to Height Limitations**
- 16.14 Additional Height Allowed**
- 16.15 Minimum Height of Dwellings**
- 16.16 Maximum Height and Floor Area of Accessory Buildings**
- 16.17 Area of Accessory Buildings**
- 16.18 Accessory Building Architectural Requirements**
- 16.19 Water and Sewerage Requirements**
- 16.20 Clear View of Intersecting Streets**
- 16.21 Fences May Be Required**
- 16.22 Maximum Height of Fences, Walls and Hedges**
- 16.23 Sale or Lease of Required Space**
- 16.24 Construction Subject to Geologic or Flood Hazards**
- 16.25 Location of Gasoline Pumps**
- 16.26 Property Divided by Zoning District Boundaries**
- 16.27 Utility Extensions Authorized**
- 16.28 Utilities Responsible for Excavations**
- 16.29 Property Owned by Other Government Units**
- 16.30 Transportation Master Plan Effects**
- 16.31 Conservation of Values**

**16.1 BUILDING PERMITS – SITE PLAN
REQUIRED**

An application for a building or use permit shall be made to the East Carbon City Zoning Administrator and Building Inspector and shall include a site plan and such other information as may be required by ordinance in East Carbon City. (See latest edition of IBC as adopted)

**16.2 BUILDING, USE, AND OCCUPANCY
PERMITS**

1. No building or structure shall be constructed, reconstructed, structurally altered, or moved and no land shall be used except after the issuance of a Building, Use, and Occupancy Permit for the same by the Building Inspector of East Carbon City.
2. Building, Use, and Occupancy Permits shall not be granted for the construction or alteration of any building or structure, for the moving or removal of a building onto or from a lot or for the use or occupancy of a building or land if such structure, construction, alteration, moving, use, or occupancy would be in violation of any of the provisions of this Code. Permits issued in violation of any provision of this Code, whether intentional or otherwise, shall be null and void.
3. An occupancy permit shall not be issued until the Zoning Administrator, City Engineer and/or Building Inspector, shall have filed on record a report or other verified official comment (respective to their responsibilities) finding that the structures and intended uses are in compliance with the provisions of this Code and specifically as to location and completion of both off-site (curb, gutter, sidewalk, paving, utilities, fences, ditches, etc.) and on-site (buildings, etc.) improvements.

**16.3 BUILDING PERMIT APPROVAL
CONDITIONS**

The installation of curb, gutter, sidewalks, street paving, drainage culverts, and covered or fenced irrigation ditches of a type approved by the City Council are required on any existing or proposed street adjoining a lot on which a building is to be established-except as may be provided otherwise elsewhere in this code. Such curbs, gutters, sidewalks, paving, drainage culverts, and safety features for irrigation ditches and canals, etc., are required as a condition of building permit approval, when East Carbon City adopts a policy that such street is to be improved according to an adopted plan.

**16.4 INSPECTION AND APPROVAL
REQUIRED**

Buildings and structures requiring a building permit pursuant to the provisions of this Code shall not be occupied nor put into use until the City Building Inspector, has inspected such building or structure, finds compliance with the Code and the building code of East Carbon City, and gives a written certificate of use and/or occupancy and use to the owner or his agent to occupy and/or use the building or structure in the manner approved by the issuance of a valid building permit.

**16.5 CONDITIONAL USE PERMIT
REQUIRED FOR RESTRICTED
LOTS**

No building permits shall be issued for construction of any building or structure to be located on a restricted lot unless a valid Conditional Use Permit for the same has previously been issued pursuant to this Code.

**16.6 SUBSTANDARD LOTS AT TIME OF
CODE PASSAGE**

Any lot legally held in separate ownership at the time of adoption of this Code, which lot is below the requirements for lot area or lot width or depth for the district in which it is located and on which lot a dwelling would be permitted if the lot met the area requirements of the Code, may be used for a single-family dwelling if such a lot is located in a residential district. The front, side and rear set backs shall meet the distances specified in the code. When this Code replaces a previously adopted zoning ordinance, if a lot was legally created under the provisions of that ordinance, it shall be classified as a legal non complying lot under this Code.

**16.7 NON-CONFORMING LOTS
PROHIBITED**

After adoption of this Code, no lot having less than the minimum width, depth and area required in the zoning district in which it is located may be created nor shall building permits be issued for construction on such non conforming lots created subsequent to adoption of this Code.

**16.8 LOT STANDARDS AND STREET
FRONTAGE**

Except for planned unit developments, condominiums, legal non complying lots and as otherwise provided in this Code, every lot hereafter created shall have such area, width, and depth as required by this Code for the zoning district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the Planning Commission, before a building permit may be issued, provided that no lot containing 5 acres or less shall be created which is more than 3 times as long as it is wide.

**16.9 EVERY DWELLING ON A LOT –
EXCEPTIONS**

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Code for the zoning district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Code and have approval from the Planning Commission, may occupy a single lot.

16.10 LOTS AND DWELLINGS FRONTING ON PRIVATE STREETS – SPECIAL PROVISIONS

Lots and any dwellings thereon, with frontage only on private streets, shall be allowed by conditional use permit procedure only, and shall be subject to all applicable requirements of this Code.

16.11 YARD SPACE FOR ONE BUILDING ONLY

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 the Code 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 considered as providing a yard or open space on a lot whereon a building is to be erected or established.

16.12 YARDS TO BE UNOBSTRUCTED – EXCEPTIONS

Every part of a required yard shall be open to the sky, unobstructed except for permitted accessory buildings in a rear yard, the ordinary architectural projections of skylight, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than 2-1/2 feet, and open or lattice-

enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than 5 feet.

16.13 EXCEPTIONS TO HEIGHT LIMITATIONS

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, radio, or television masts, theater lofts, silos, energy generation and conservation apparatus, or similar structures may be erected above the height limits herein prescribed. Nonetheless no space above the height limit shall be allowed for purposes of providing additional floor space, nor shall such increased height be in violation of and other ordinances or regulations of East Carbon City.

16.14 ADDITIONAL HEIGHT ALLOWED

Public buildings and utility buildings, when authorized in a zoning district, may be erected to a height greater than the district's height limit by conditional use permit.

16.15 MINIMUM HEIGHT OF DWELLINGS

No dwelling shall be erected to a height less than 1 story above grade, except in a planned unit development. No below grade (basement) single dwelling.

16.16 MAXIMUM HEIGHT AND FLOOR AREA OF ACCESSORY BUILDINGS

No building which is an accessory to a one-family, two-family, three-family, or four-family dwelling shall be erected to a height greater than

2 stories or feet 35, whichever is lower, nor contain greater square foot floor area than the principal building to which it is accessory.

16.17 AREA OF ACCESSORY BUILDINGS

No accessory building or group of accessory buildings in any residential district shall cover more than 25 percent of the rear yard.

16.18 ACCESSORY BUILDING ARCHITECTURAL REQUIREMENTS

If the total footprint area of an accessory building/structure exceeds 500 square feet or 50% of the footprint area of the primary structure (whichever is less), the accessory structure must:

1. Have any fences, walls, etc. be designed with residential styling, including:
 1. A roof pitch which matches that of the primary structure, but not to be less than 2½ feet of rise to 12 feet of run, and
 2. Exterior finishing materials similar to the exterior finishing materials used on the primary structure or primary structures on any surrounding residential property within a 300-foot radius; and
2. Have design characteristics that are in harmony with existing residential buildings in the neighborhood; and
3. Create no substantial adverse aesthetic or economic impacts on the neighborhood.

16.19 WATER, ELECTRIC AND SEWAGE REQUIREMENTS

All developments constructed within East Carbon City shall connect to City utilities, including water, sewer, electric, storm drainage,

unless otherwise approved by conditional use permit.

16.20 CLEAR VIEW OF INTERSECTING STREETS

In all zoning districts which require a front yard, no obstruction (natural grade, vegetation, sign, wall or fence) to view in excess of 2 feet in height, above the street pavement or sidewalk, shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points 40 feet from the intersection of the street lines/property lines. Exception: pedestal type identification signs (base not to exceed 12 inches in any direction and bottom of sign clearance of 7 feet), and a single tree (that does not exceed 12 inches of trunk diameter pruned with a minimum of 7 feet of limb or branch clearance). There shall be a clear view of intersecting streets that connect with driveways, alleys, sidewalks and pathways. There shall be an adequate sight distance of 50 feet in each direction, at a point 15 feet back from the street right of way line. The view of automobile drivers shall not be obstructed. Maintenance of alley ways is the responsibility of property owners with property that fronts, is adjacent to, or abuts any public or private alley way.

16.21 FENCES MAY BE REQUIRED

When approved by the City Council, the Planning Commission may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit where, in the opinion of said Commission, this is necessary to protect life and property, or to prevent conflict of uses. Such fences shall be of a type, design and construction material and size necessary, in the opinion of the Planning Commission, to accomplish the above-stated purpose.

16.22 MAXIMUM HEIGHT OF FENCES, WALL, AND HEDGES

1. Fences, walls, and hedges may be erected or allowed to the permitted building heights in the district when located within the required buildable area beyond the required setbacks.
2. Fences, walls, and hedges may not exceed 6 feet in height within any required rear yard or interior side yard and no permit shall be issued for a fence exceeding 6 feet in height except for below:
 1. The Planning Commission may require installation of a fence or other separation between properties or land uses higher than 6 feet for the express purpose of protecting property values or mitigating adverse land use impacts.
 2. The Planning Commission may consider requests from property owners within East Carbon City requesting fences or other separations in excess of 6' in height if expressly for protection of property values or mitigation of an adverse land impact.
3. Notwithstanding any other provisions herein, no view-obscuring (less than 50% open) fence, wall or hedge exceeding 3 feet in height shall be erected or allowed closer to any street line than the required building setback line. Non-view-obscuring (50% or more open) fences or walls may be erected to a maximum height of 4 feet within the front yard.
4. For the purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any 2 plants is and remains at least 5 feet.
5. Where a fence, wall, or hedge is located along a property line separating 2 lots and there is a difference in the grade of the properties on the two sides of the

property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

6. All fence construction requires review and issuance of a zoning permit and approval by the Zoning Administrator, City Engineer or Building Inspector. Building permits for fences are required only when required by the Building Inspector to conform with adopted building code(s).
7. There shall be no fence nor hedge within 5 feet of any fire hydrant, mail box, utility pole or driveway.
8. Fences, walls, hedges, signs, trees shall not obstruct the view of automobile drives at intersecting streets, alleys, driveways, sidewalks, pathways, trail heads and stop signs. Trees and vegetation shall be trimmed and pruned to prevent obstruction of a safe view and adequate sight distance. Maintenance of all property fronting, adjacent to, or abutting intersecting streets, alleys, driveways, sidewalks, pathways, trail heads and stop signs is the responsibility of the property owner whose real property abuts, fronts or is adjacent to intersecting streets, alleys, driveways, sidewalks, pathways, trail heads and stop signs.

16.23 SALE OR LEASE OF REQUIRED SPACE

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Code for lot or building may be sold or leased away from such lot or building.

16.24 CONSTRUCTION SUBJECT TO GEOLOGIC OR FLOOD HAZARDS

Whenever development or construction is or may be subject to geologic or floor hazards, the

Planning Commission may require the applicant to submit a geologic and soils survey report prepared by a licensed professional engineer.

1. When such report indicates a lot to be subject to unusual, potential or actual geologic or flood hazards, the applicant shall meet the special conditions required by the Planning Commission to mitigate, reduce or eliminate such hazard, or if such conditions cannot be met or will not be met, the application for a building or conditional use permit shall be denied.

16.25 LOCATION OF GASOLINE PUMPS

Gasoline pumps shall be set back no less than 18 feet from any street line (property line) to which the pump island is perpendicular, and 18 feet from any street line to which the pump island is parallel, and not less than 18 feet from any residential 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. Pumps shall not be located in the corner clearance boundary, see section 16.20, Clearview of Intersecting Streets.

16.26 PROPERTY DIVIDED BY ZONING DISTRICT BOUNDARIES

Where a zoning district boundary cuts through a lot existing at the time of adoption of this Code, the use regulations governing the portion of the lot located within the more restrictive zone shall govern the use and development of the entire lot, unless a variance has been granted by the Board of Adjustment in accordance with the limitations of Chapter 2 – Board of Adjustment. Legally existing non conforming uses and buildings on the lot, and lots that can be legally subdivided into two or more legal conforming, lots are exempt.

16.27 UTILITY EXTENTIONS AUTHORIZED

No sewer service line, water service line, electrical nor gas utility line shall be installed by a public or private company to a building, structure, or use which does not comply with the provisions of this Code or other local regulations.

16.28 UTILITIES RESPONSIBLE FOR EXCAVATIONS

It is the intent of this Code to hold franchised utilities responsible for all excavations, backfilling and paving. To this end all such work, whether done by a private or public entity, shall be commenced only pursuant to the issuance of a permit (see Chapter 7 of this Code). Cuts and fills shall be constructed according to standards established by East Carbon City, or in compliance with existing franchise agreements.

16.29 PROPERTY OWNED BY OTHER GOVERNMENT UNITS

1. Each government entity (local, state, federal) school district, special district, and political subdivision of Utah shall conform to the land use and development ordinances of East Carbon City when installing, constructing, operating, or otherwise using any area, land, or building situated within the municipality only in a manner or for a purpose that conforms to East Carbon City's ordinances.
1. East Carbon City may waive fees associated with development and construction for other governmental units upon request by the governmental unit. Development conditions and requirements of this code cannot be waived.

2. A school district or charter school is subject to East Carbon City's land use regulations as required by state statute, except that East Carbon City may not:
 1. Impose any special requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, building codes, building use for education purposes, or the placement or use of temporary classroom facilities on school property;
 2. Require a school district to participate in the cost of any roadway or sidewalk not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;
 3. Require a school district to pay fees not authorized by state statute;
 4. Provide for inspection of school construction or assess a fee or other charges for inspection, unless neither the school district nor the state superintendent has provided for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent with the approval of the state building board and state fire marshal;
 5. Require a school district to pay any impact fee for improvements not reasonably related to the impact of the project upon the need which the improvement is to address; or
 6. Impose regulations upon the location of a project except as necessary to avoid unreasonable risks to health or safety.

16.30 TRANSPORTATION MASTER PLAN EFFECTS

Wherever a lot is adjacent to a mapped street on the adopted Transportation Master Plan or General Plan of East Carbon City, there shall be a front yard provided which is measured from the planned edge of the future right-of-way.

16.31 CONSERVATION OF VALUES

The appearance and condition of premises has a significant effect on property values, wholesomeness of surroundings and moral values. Accordingly, the following regulations shall apply: The outside surface of buildings shall be constructed with an architectural finish and materials that are weather resistant and permanently secured to the building.

1. The outside surface of buildings shall include at a minimum: siding, paint, sealers, wood, metal or brick, and roofing, soffit, fascia, doors, and drainage control etc.
2. Whenever a front yard is required, such yard shall be landscaped. Landscaping may include trees, lawn, shrubbery, drought tolerant plants, brick pavers, rocks and xeriscaping. No asphalt or concrete is allowed except for walks and driveways.
3. No vehicle parking shall be allowed in the front yard area except in approved driveways.
4. Trash, weeds or other materials liable to contribute to a fire hazard, infestation by rodents or insects shall not be allowed to remain on any lot outside of approved containers in East Carbon City and no junk, debris, abandoned or dismantled vehicles, or similar refuse material shall be stored or allowed to remain outdoors except in a zoning district wherein such land use is permissible by conditional use permit.

5. Site obscuring fences (less than 50% open) shall be installed by the property owner to block the view from the public right-of-way, or from neighboring properties and uses; and whenever uses of land are found by the Planning Commission to be offensive, detracting, obnoxious, visually polluting or otherwise visually devaluing to the community.
6. Confirmed violations of this Section may result in the issuance of a citation to the property owner and/or occupant of said property by East Carbon City.

This Land Use Ordinance was approved and passed by East Carbon City Council on May 21, 2019>