

Chapter 29.12. Residential and Multiple Residential Districts. ¹

Sections:

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- 29.12.100. Height Regulations.
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- 29.12.120. Special Provisions.

29.12.010. Purpose.

1. Residential District R-1-40. To provide areas for large-lot residential neighborhoods of essentially rural or estate character.
Minimum Lot Size: 40,000 sq. ft.
2. Residential District R-1-20. To provide areas for very low density, single-family residential neighborhoods of essentially spacious and uncrowded character.
Minimum Lot Size: 20,000 sq. ft.
3. Residential District R-1-12. To provide areas for low density, single-family residential neighborhoods of spacious and uncrowded character.
Minimum Lot Size: 12,000 sq. ft.
4. Residential District R-1-10. To provide areas for medium low-density, single-family residential neighborhoods where medium costs of development may occur.
Minimum Lot Size: 10,000 sq. ft.
5. Residential District R-1-8. To provide areas for medium low-density, single-family residential neighborhoods where low and medium costs of development may occur.
Minimum Lot Size: 8,000 sq. ft.
6. Multiple Residential District R-M-7. To provide areas for medium residential density with the opportunity for varied housing styles and character.
Maximum Density: 7 dwelling units per acre.
7. Multiple Residential District R-M-15. To provide areas for medium residential density with the opportunity for varied housing styles and character.
Maximum Density: 15 dwelling units per acre.
8. Multiple Residential District R-M-30. To provide areas for high residential density with the opportunity for varied housing styles and character.
Maximum Density: 30 dwelling units per acre.

29.12.020. Codes and Symbols.

In following Sections of this Chapter, uses of land or buildings which are allowed in the 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. 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 an "N". 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, "-".

29.12.030. Use Regulations.

No building, structure or land shall be used and no building or structure shall be hereafter, structurally altered, enlarged or maintained in the residential and multiple-residential districts, except as

¹ Title renumbered with Ordinance No. 07-13, dated 7/19/07

provided in this Ordinance.

A. Exception to yard requirements for public service structures. In the absence of a specific approval from the Planning Commission to the contrary, public service structures shall be subject to yard area requirements and setbacks. The Planning Commission may allow public service structures to be located within the required yard areas specified in this Chapter upon the following findings:

1. The public service structure is needed for the efficient delivery of public services to the subject property,

2. Location of the public service structure in the required yard area will be beneficial to the subject property and will not result in undue public safety, aesthetic, or functional impacts on the subject property or surrounding properties,

3. The public service structure is integrated functionally and aesthetically into the overall design of the site, and

4. Location of the public service structure outside of the required yard area would be impossible or impractical due to functional considerations or because of site specific limitations.²

² Ordinance No. 00-13A, dated 5/4/00.

	R-1-40	R-1-20	R-1-12	R-1-10	R-1-8	R-M-7	R-M-15	R-M-30
1. Accessory buildings, with a combined area less than or equal to two times the area of the primary structure main floor and attached garage, which are customarily incidental to the permitted uses, but in no case shall all accessory buildings combined area be greater than 2,000 square feet.	P	P	P	P	P	P	P	P
2. Accessory buildings, with a combined area less than or equal to two times the area of the primary structure main floor and attached garage, which are customarily incidental to the conditional use, but in no case shall all accessory buildings combined area be greater than 2,000 square feet.	C	C	C	C	C	C	C	C
3. Accessory buildings, individual or combined, that exceed the provisions of Paragraph 1 or 2 above, but due to lot size being significantly greater than the minimum required for the respective district are considered by the Planning Commission to be acceptable. ³	C	C	C	C	C	C	C	C
4. Adult Day Care Facility ⁴	C	C	C	C	C	C	C	C
5. Agriculture The tilling of the soil, the raising of crops, horticulture, and gardening	P	P	P	P	P	P	P	P
6. Assisted Living Facility ¹	N	N	N	N	N	C	C	C
7. Bed and Breakfast Subject to the conditions outlined in 29.05.240 ⁵	C	C	C	C	C	C	C	C
8. Boarding House ¹	N	N	N	N	N	N	N	N
9. Child day care or nursery (nonresidential)	N	N	N	N	N	C	C	C
10. Cluster subdivision of single-family dwellings, provided that the residential density is not increased to allow more than one (1) dwelling for each:								
30,000 sq. ft.	C	N	N	N	N	N	N	N
15,000 sq. ft.	N	C	N	N	N	N	N	N
8,000 sq. ft.	N	N	C	N	N	N	N	N
7,000 sq. ft.	N	N	N	C	N	N	N	N
6,000 sq. ft.	N	N	N	N	C	N	N	N
4,000 sq. ft.	N	N	N	N	N	C	C	C
and that the total area of the subdivision cluster be not less than five (5) acres, and that at least one-third (1/3) of the total area of the subdivision be reserved or dedicated as permanent open space for common use of the residents, under planned unit development approval	A	A	A	A	A	A	A	A
11. Crisis Nursery ⁶	C	C	C	C	C	C	C	C

³ No. 1 and 2 amended, and 2a added with Ordinance No. 03-42 dated 10/30/03.

⁴ Ordinance No. 01-16, 2/15/01

⁵ Ordinance No. 00-11, 4/16/00

⁶ Ordinance No. 03-06, 2/20/03

	R-1-40	R-1-20	R-1-12	R-1-10	R-1-8	R-M-7	R-M-15	R-M-30
12. Dwellings:	C	C	C	C	C	C	C	C
a. Single-family dwelling.....	P	P	P	P	P	P	P	P
b. Two-family dwelling.....	N	N	N	N	N	P	P	P
c. Three-family dwelling.....	N	N	N	N	N	C	C	P
d. Four-family dwelling.....	N	N	N	N	N	C	C	P
e. Multiple-family dwelling.....	N	N	N	N	N	C	C	C
f. Groups of dwellings under one ownership on a single lot ⁷	N	N	N	N	N	C	C	C
g. Planned unit development	C	C	C	C	C	C	C	C
13. Educational Institution	C	C	C	C	C	C	C	C
14. Home Occupation	C	C	C	C	C	C	C	C
15. Homeless Shelter ⁸	N	N	N	N	N	N	N	N
16. Hospital; medical or dental clinic accessory to a hospital and located on the same premises	N	N	N	N	N	C	C	C
17. Household pets	P	P	P	P	P	P	P	P
18. Licensed Family Group Child Care Provider/Residential Certificate Child Care Provider ⁹	C	C	C	C	C	C	C	C
19. Model Home/Temporary Sales Office ¹⁰	C	C	C	C	C	C	C	C
20. Nursing Home	N	N	N	N	N	C	C	C
21. Private education institution having a curriculum similar to that ordinarily given in public schools	C	C	C	C	C	C	C	C
22. Private recreational grounds and facilities, not open to the general public, and to which no admission charge is made	C	C	C	C	C	C	C	C
23. Protective Housing Facility	C	C	C	C	C	C	C	C

⁷ Ordinance No. 97-11, 3/20/97

⁸ Ordinance No. 01-16, 2/15/01

⁹ Ordinance No. 02-27A, 29/19/02

¹⁰ Ordinance No. 05-17, 7/7/05

	R-1-40	R-1-20	R-1-12	R-1-10	R-1-8	R-M-7	R-M-15	R-M-30
24. Public and quasi-public buildings and uses:								
a. Cemetery ¹¹	C	C	C	C	C	C	C	C
b. Church	C	C	C	C	C	C	C	C
c. Essential service facilities	C	C	C	C	C	C	C	C
d. Golf courses.....	C	C	C	C	C	C	C	C
e. Substations or transmission lines of fifty (50) KV up to one hundred thirty eight (138) KV. Greater than one hundred thirty eight (138) KV is not permitted in districts regulated by this chapter Public Buildings (existing buildings only). No outside storage of equipment or materials that are normally prohibited by the regulating zone, correctional or jail facilities, police, fire or ambulance stations, or similar type of uses. No multi-shift hours of operation. The buildings(s) shall be used by the public for the transaction of public or quasi-public business ¹²	C	C	C	C	C	C	C	C
f. Public parks	P	P	P	P	P	P	P	P
g. Social Services Building	N	N	N	N	N	N	N	N
h. Substations or transmission lines of fifty (50) KV up to one hundred thirty-eight (138) KV. Greater than one hundred thirty-eight (138) KV is not permitted in districts regulated by this chapter	P	P	P	P	P	P	P	P
25 Recreational or ornamental structures such as gazebos, swimming pools, bath houses, tennis courts, etc., accessory to, on a lot adjacent to, and sharing a lot line with a lot occupied by a primary use when both lots are under the same ownership.. ¹³								
	P	P	P	P	P	P	P	P
26 Residential Facility for Elderly Persons								
	P	P	P	P	P	P	P	P
27 Residential Facility for Persons with a Disability								
	P	P	P	P	P	P	P	P
28 Signs. The type, size, height, location and other standards and requirements for signs shall be in accordance with regulations set forth in Chapter 29.27								
29 Trade or Vocational School ¹³								
	N	N	N	N	N	N	N	N
30 Transitional Housing Facility								
	C	C	C	C	C	C	C	C

29.12.040. Area Regulations.

The minimum lot area in square feet for any single-family dwelling structure in the districts regulated by this chapter shall be	40,000	20,000	12,000	10,000	8,000	7,000	8,000	8,000
The additional lot area for each dwelling unit in a dwelling structure shall be:.....	-	-	-	-	-	6,000	2,500	1,200
For group dwellings, each separate dwelling structure after the first dwelling structure and each additional dwelling unit in square feet shall have:	-	-	-	-	-	5,000	2,500	1,200

¹¹ Uses in R-1-8, R-M-7, R-M-15 and R-M-30 changed to conditional use with Ordinance No. 03-25 dated 6/12/03.

¹² Ordinance No. 10-15, dated 10/7/10

¹³ Ordinance No. 01-16, 2/15/01

	R-1-40	R-1-20	R-1-12	R-1-10	R-1-8	R-M-7	R-M-15	R-M-30
Minimum lot area for all main uses or buildings other than dwellings shall be:	40,000	20,000	12,000	10,000	10,000	10,000	10,000	10,000

29.12.050. Width Regulations.

The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit developments or cluster subdivisions, shall be:

	120	100	80	80	70	70	70	70
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Notwithstanding the foregoing regulations, for that area lying within the following street boundaries or their extensions, 700 North Street, 700 South Street, 600 East Street 600 West Street, which comprises most of the original platted areas of Brigham City, as of November 1, 1986, any parcel existing under common ownership containing an area of one acre or less, may be divided or developed so as to create a lot with a minimum of 60 feet width, provided all other requirements of the Zoning Ordinance are satisfied.

	R-1-40	R-1-20	R-1-12	R-1-10	R-1-8	R-M-7	R-M-15	R-M-30
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29.12.060. Frontage Regulations.

The minimum frontage in feet for any lot in the districts regulated by this chapter on a public street or a private street approved by the governing body shall be:

	60	50	45	45	40	45	45	45
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29.12.070. Front Yard Regulations

The minimum depth in feet for the front yard for main buildings in districts regulated by this chapter shall be

	30	30	30	30	25	25	25	25
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or the average of the existing buildings on the block where fifty (50) per cent or more of the frontage is developed; however, in no case shall it be less than:

	25	25	25	25	20	20	20	20
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or be required to be more than:

	30	30	30	30	30	25	25	25
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provided, however, that on corner lots the minimum depth in feet for the front yard for main buildings in districts regulated by this chapter shall be

	20	20	20	20	20	20	20	20
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Accessory buildings shall not have a front yard depth less than the main building(s).

	A	A	A	A	A	A	A	A
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29.12.080. Rear Yard Regulations

The minimum depth in feet for the rear yard in the districts regulated by this chapter shall be:

for main buildings:	30	30	30	30	25	30	20	20
for accessory buildings:	1	1	1	1	1	1	1	1
public utility easements may dictate otherwise								
provided however, that on corner lots the minimum depth in feet for the rear yard for the residential buildings in the districts regulated by this chapter shall be:	15	10	10	8	6	6	6	6
provided that on corner lots which rear on a side yard of another lot accessory buildings in all such districts shall be located not closer than six (6) feet to such side yard.....	A 6	A 6	A 6	A 6	A 6	A 6	A 6	A 6
provided that on corner lots which rear on a front yard of another lot accessory buildings in all such districts shall be located not closer than six (6) feet to such side yard. ¹⁴	A 6	A 6	A 6	A 6	A 6	A 6	A 6	A 6

29.12.090. Side Yard Regulations.

The minimum side yard in feet for any dwelling in districts regulated by this chapter shall be:

And the total width of the two (2) required side yards:

Other main buildings shall have a minimum side yard of:

And a total width of the two (2) required side yards of not less than:.....

The minimum side yard for a private garage shall be:.... except that private garages and other accessory buildings located sixty (60) feet *or more* from the front property line¹⁵ may have a minimum side yard of:..... public utility easements may dictate otherwise

provided that no private garage or other accessory buildings shall be located closer than:..... to a dwelling on an adjacent lot.

On corner lots, the side yard in feet which faces on a street for both main and accessory buildings shall not be less than:

or the average of existing buildings, but in no case shall the side yard be less than:

nor be required to be more than:

29.12.100. Height Regulations.

The maximum height for all main buildings and structures in districts regulated by this chapter shall be in feet:.....

in number of stories.....

for accessory buildings in feet

in number of stories

15	10	10	8	6	6	6	6
30	24	22	18	16	18	18	18
20	20	20	15	15	20	20	20
40	40	40	30	30	40	40	40
15	10	10	8	6	6	6	6
1	1	1	1	1	1	1	1
15	10	10	10	10	10	10	10
20	20	20	20	20	20	20	20
15	15	15	15	15	15	15	15
25	25	25	25	25	25	25	25
35	35	35	35	35	35	55	75
2	2	2	2	2	2	4	6
20	20	20	20	20	20	20	20
1	1	1	1	1	1	1	1

¹⁴ Ordinance No. 05-02, 2/3/05

¹⁵ Ordinance No. 98-42, 9/17/98

29.12.110. Coverage Regulations.

The maximum coverage in per cent for any lot in the districts regulated by this chapter shall be:..... 20 20 30 35 35 40¹⁶ 50 50

29.12.120. Special Provisions.

A. Protection of Single Family Residential Uses: Where a two-family, three-family, four-family, multiple-family, group or planned unit development adjoins any single family residential use, there shall be provided along the adjoining property line a six (6) foot solid fence or masonry wall (chain link fencing with slats is not considered a solid fence for purposes of this Section, unless the chain link has interlocking opaque vinyl, which is pre-inserted into the mesh) and a minimum twenty (20) foot wide planting strip. Trees shall be planted, evergreen and/or deciduous varieties, in the planting strip to provide a buffer between the two uses. A tree planting plan shall be submitted to the City for review and approval by the City Forester. The minimum tree size is two (2) inch caliper for deciduous trees and eight (8) feet in height for evergreen trees. A fence or wall is not required along the adjoining property line in the required front yard setback. If a fence or wall is installed along the property line in the required front yard setback it shall comply with the height and location standards as referenced in the Regulations Governing Fences and Walls Section of this Title.

B. Recreation and Playground Areas: In any residential development with four (4) or more dwelling units on a single parcel of land, there shall be provided usable recreation or playground areas outside of the front yard setback, with a total minimum area of two thousand (2,000) square feet for three (3) dwelling units and two hundred and fifty (250) additional square feet for each dwelling unit thereafter. The minimum width and length of any usable recreation or playground area shall not be less than twenty (20) feet unless a trail system is approved as part of the requirement by the Community Development Manager or designee. The on-site, above grade storm drainage detention basin may count toward a portion of the recreation area if the applicant provides sufficient evidence that the basin is safe for recreational purposes and usable pertaining to the area, slope and landscape. All recreation and playground areas shall be accessible by all dwelling units within the development. Pathways within the designated areas may be included in the calculation (sidewalks which border a parking lot and/or buildings and parking lots are not considered recreation area for the purposes of this Section).

C. Landscaping: In multiple residential developments (two-family, three-family, four-family, multiple-family, group or planned unit developments), all areas not covered by buildings, structures and parking, shall be landscaped and maintained using an underground automatic irrigation system. Areas not covered by an approved building, required parking trees or shrubs shall be covered by grass or another acceptable ground cover such as bark, wood chips or decorative rocks. Dirt, weeds and similar materials are not considered acceptable ground cover. Each project shall submit a complete landscaping plan to the City for review and approval by the City Forester. The landscaping plan shall include at least one (1) tree per unit or as approved by the City Forester. The minimum tree size is two (2) inch caliper for deciduous trees and eight (8) feet in height for evergreen trees. No species of trees or large shrub should be planted under overhead lines or over underground utilities if its natural growth may interfere with the installation or maintenance of any public or private utility. Storm drainage facilities should be incorporated into the landscape design and appear to be a part of the overall project.

¹⁶ Ordinance No. 99-34, 1/16/99