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Tropic
Zoning Ordinance

An ordinance creating a zoning law, establishing zones within Tropic, Utah, regulating by districts or zones the location, height, bulk and size of buildings and structures, the percentage of lots which may be occupied, the size of yards, courts and other open spaces, the use of buildings and structures, and the use of land for trade, industry, residences, recreation, public activities, or other purposes; providing for administration and enforcement; providing penalties for violation thereof; and declaring an emergency.

be it ordained by the Town Council of the Town of Tropic, Utah, as follows:

ORDINANCE NUMBER 992004
(Zoning Ordinance)

An ordinance of the Town Council of the Town of Tropic, UT, amending the Zoning Ordinance of the Town of Tropic related to the definition of zoning districts and permitted uses in zones as well as zone boundaries.

Preamble

In order to provide for the health, safety and general welfare of the citizens of Tropic, UT, the Town Council is committed to revising the zoning ordinance in order to keep it up-to-date with current needs of the community.

WHEREAS, the Town desires to revise the Town of Tropic zoning ordinance; and

WHEREAS, the Town Council is authorized to amend the zoning ordinance; and

WHEREAS, the zoning ordinance may address issues, among others, related to the configuration of zones, permitted uses within certain zones and definition of zoning districts; and

WHEREAS, the Planning Commission has held several publicly noticed meetings in part to discuss the provisions of the zoning ordinance; and

WHEREAS, Utah State Code sections 10-9-401 through 10-9-409, set forth procedures for the adoption, amendment and content of a zoning ordinance; and

WHEREAS, the Planning Commission of the Town of Tropic, after consideration during a regularly scheduled Planning Commission Meeting, recommended the amendments to the zoning ordinance to the Town Council; and

WHEREAS, the Town Council of the Town of Tropic held a duly advertised and noticed public hearing for the purpose of receiving public comment regarding the content of the zoning ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Tropic, Utah, as follows:

Table of Contents

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Tropic, Utah, as follows: iii

Table of Contents	i
Chapter 1. General Provisions	1
1.1 Short Title.....	1
1.2 Purpose.....	1
1.3 Interpretation.....	1
1.4 Conflict.....	1
1.5 Changes and Amendments.....	1
1.6 Definitions.....	1
1.7 Building Permit Required.....	1
1.8 Occupancy Permit Required.....	1
1.9 Site Plans Required.....	2
1.10 Powers and Duties of the Building Inspector.....	2
1.11 Penalties.....	2
1.12 Validity (Severability).....	2
1.13 Licensing.....	2
1.14 Fees.....	2
Chapter 2. Supplementary And Qualifying Regulations	3
2.1 Effect of Chapter.....	3
2.2 Substandard Lots at Time of Ordinance Passage.....	3
2.3 Building Sites on Previously Subdivided Land.....	3
2.4 Every Dwelling to be on a Lot - Exceptions.....	3
2.5 Yard Space for One Building Only.....	3
2.6 Sale or Lease of Required Space.....	3
2.7 Transfer of Lots Below Minimum Space Requirements.....	3
2.8 Area of Accessory Buildings.....	3
2.9 Preservation of Buildings.....	3
2.10 Setbacks.....	3
2.11 Animals and Fowl.....	4
2.12 Yards to be Unobstructed.....	4
2.13 Minimum Height of Main Buildings.....	4
2.14 Clear View of Intersecting Street.....	4
2.15 Maximum Height of Fences, Walls, and Hedges.....	4
2.17 Curbs, Gutters and Sidewalks.....	4
2.18 Beautification.....	4
Chapter 3. Home Occupations	5
3.1 Effect of Chapter.....	5
3.2 Home Occupation Permit Required.....	5
3.3 Procedure.....	5
3.4 Conditions.....	5
3.5 Fees.....	6
3.6 Noncompliance.....	6
3.7 Appeal.....	6
3.8 Business License Required.....	6
3.9 Utah Sales Tax License.....	6
3.10 Awareness of Neighbors.....	6
Chapter 4. Planning Commission	7
4.1 Creation of a Planning Commission, Number of Members, Appointment.....	7
4.2 Terms of Office.....	7
4.3 Vacancies and Removals for Cause.....	7
4.4 Compensation.....	7
4.5 Officers.....	7
4.6 Rules and Procedures.....	7
4.7 Quorum and Vote.....	7
4.8 Employees; Expenditures.....	7
Chapter 5. Board of Adjustment	8
5.1 Board, Number of Members, Appointment, Term and Removal, Vacancies.....	8

5.2	Officers.....	8
5.4	Hearings.....	8
5.5	Notice of Hearing.....	8
5.6	Minutes.....	8
5.7	Quorum.....	8
5.8	Action to be Taken.....	9
5.9	Vote Necessary for Reversal.....	9
5.10	Appeals to Board-Time-Persons Entitled-Transmission of Papers.....	9
5.11	Stay of Proceedings Pending Appeal.....	9
5.12	Decision on Appeal.....	9
5.13	Rules.....	9
5.14	Judicial Review of Board's Decision - Time Limitations.....	9
Chapter 6. off-street parking requirements.....		10
6.1	Off-Street Parking Required.....	10
6.2	Size.....	10
6.3	Parking for Building Expansion.....	10
6.4	Number of Parking Spaces.....	10
6.5	All Other Uses Not Listed Above.....	10
6.6	Access Requirements.....	10
6.7	Location of Gasoline Pumps.....	11
6.8	Off-Street Loading and Unloading.....	11
6.9	Maintenance of Parking Lots.....	11
Chapter 7. Conditional Uses.....		12
7.1	Purpose of Conditional Use Provisions.....	12
7.2	Permit Required.....	12
7.3	Application.....	12
7.4	Fee.....	12
7.5	Public Hearing.....	12
7.6	Determination.....	12
7.7	Appeal of Decision.....	12
7.8	Inspection.....	12
7.9	Time Limit.....	12
Chapter 8. Nonconforming Buildings and Uses.....		14
8.1	Continuation.....	14
8.2	Repairs, Alterations and Enlargements.....	14
8.3	Additions.....	14
8.4	Moving of Buildings.....	14
8.5	Restoration of Damaged Buildings.....	14
8.6	Discontinuance.....	14
8.7	Change of Use.....	14
8.8	Plans Already Filed.....	14
Chapter 9. Planned Unit Development.....		15
9.1	Purpose.....	15
9.2	Definition.....	15
9.3	Planned Unit Development Permit.....	15
9.4	Required Conditions.....	15
9.5	Uses Allowed.....	16
9.6	General Site Plan.....	16
9.7	Review by Planning Commission.....	16
9.8	Scope of Planning Commission and Town Council Action.....	17
9.9	Construction Limitations.....	17
Chapter 10. Signs.....		18
10.1	Signs Allowed.....	18
10.2	Construction.....	18
10.3	Illumination.....	18
10.4	Location of Signs.....	18
Chapter 11. Design review.....		19
11.1	Purpose.....	19
11.2	Application & Review.....	19

11.3	Exceptions.....	19
11.4	Planning Commission Approval.....	19
11.5	Consideration in Review of Applications.....	19
11.6	Conditions.....	20
11.7	Findings and Decisions.....	20
11.8	Notification of Approval or Denial.....	20
11.9	Time Limitations on Approval.....	20
11.10	Transfer of Approval Upon Change in Use.....	20
11.11	Conformance to Approval.....	20
11.12	Modifications.....	20
Chapter 12.	Performance Standards For Industrial And Other Uses	21
12.1	Purpose.....	21
12.2	General Provisions.....	21
12.3	Performance Standards Procedure.....	21
12.4	Enforcement Provisions Applicable to All Uses.....	21
12.5	Nonconforming Uses.....	21
12.6	Locations Where Determinations are to be made for Enforcement of Performance Standards.....	21
12.7	Dangerous and Objectionable Elements.....	21
Chapter 13.	Construction Subject To Geologic, Flood, or Other Natural Hazards	23
13.1	Purpose.....	23
13.2	Requirements.....	23
13.3	Waiver Agreement.....	23
Chapter 14.	Mobile Homes, Mobile Home Parks, And Mobile Home Subdivisions	24
14.1	Purpose.....	24
14.2	Location and Use.....	24
14.3	Approval.....	24
14.4	Application.....	25
14.5	Code Compliance.....	25
14.6	Exception.....	25
14.7	Conformity with Other Ordinances.....	25
Chapter 15.	Recreational Coaches and Recreational Coach Parks	26
15.1	Purpose.....	26
15.2	Location and Use.....	26
15.3	Approval.....	26
15.4	Application.....	27
Chapter 16.	Zoning Districts	29
16.1	Establishment of Districts.....	29
16.2	Listing of Ordinance and Map.....	29
16.3	Rules for Locating Boundaries.....	29
Chapter 17.	Pristine District (P)	30
17.1	Purpose.....	30
17.2	Permitted Uses.....	30
17.3	Conditional Uses.....	30
17.4	Special Provisions.....	30
17.5	Area, Set Back, Height Regulations.....	30
17.6	Buffer.....	31
17.7	Design Review.....	31
Chapter 18.	Agricultural District (A)	32
18.1	Purpose.....	32
18.2	Permitted Uses.....	32
18.3	Conditional Uses.....	32
18.4	Height Regulations.....	32
18.5	Area, Width, and Yard Regulations.....	32
18.6	Modifying Regulations.....	32
18.7	Other Provisions.....	33
Chapter 19.	Residential District (R-1)	34
19.1	Purpose.....	34
19.2	Permitted Uses.....	34

19.3	Conditional Uses.....	34
19.4	Height Regulations.....	34
19.5	Area, Width, and Yard Regulations.....	34
19.6	Modifying Regulations.....	34
19.7	Other Provisions.....	35
Chapter 20.	Residential/Recreation Commercial District (RRC)	36
20.1	Purpose.....	36
20.2	Permitted Uses.....	36
20.3	Conditional Uses.....	36
20.5	Height Regulations.....	36
Chapter 21.	Community Commercial District (CC)	39
21.1	Purpose.....	39
21.2	Permitted Uses.....	39
21.3	Height Regulations.....	39
21.4	Minimum Area, Width, and Yard Regulations.....	39
21.5	Special Provisions.....	39
Chapter 22.	General Commercial District (GC)	40
22.1	Purpose.....	40
22.2	Permitted Uses.....	40
22.3	Conditional Uses.....	40
22.4	Height Regulations.....	41
22.5	Minimum Area, Width, and Yard Regulations.....	41
22.6	Special Provisions.....	41
Adoption	42
Appendix A-Definitions	43

Chapter 1. General Provisions

1.1 Short Title.

This Ordinance shall be known as the "Zoning Ordinance" of Tropic, and may be so cited and pleaded.

1.2 Purpose.

This Ordinance is designed and enacted to promote the health, safety, morals, convenience and general welfare of the Town of Tropic and its present and future inhabitants. The Ordinance shall encourage sanitation; prevent the overcrowding of land; reduce hazards from floods, fires, accidents, and other dangers; reduce crime and delinquency; provide adequate provisions for transportation, water, sewage disposal, schools, parks and other public conveniences and requirements; prevent excessive scattering of urban development; improve property values; promote beauty in the community; improve and safeguard the economic base; reduce the cost of providing essential public services; and development of a wholesome, well-ordered Town.

1.3 Interpretation.

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

1.4 Conflict.

This Ordinance shall not nullify the more restrictive provisions or covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

1.5 Changes and Amendments.

This Zoning Ordinance, including the Zoning Map, may be amended from time to time by the Town Council after fifteen (15) days notice and a public hearing. All proposed amendments shall be first proposed by the Planning Commission or shall be submitted to the Planning Commission for its recommendation, which shall be returned to the Town Council for its consideration within thirty (30) days. Failure of the Planning Commission to submit its recommendation within the prescribed time shall be deemed approval by such Commission of the proposed change or amendment. The Town Council may overrule the Planning Commission's recommendations by a majority vote of its members.

1.6 Definitions.

Unless the context requires otherwise, the definitions found in Appendix A , shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future and the future includes the present; singular numbers shall include the plural, and the plural the singular; the word "lot" includes the word "plot," "tract," "building site," or "parcel of land," as the sense may require it; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "zone" is synonymous with the word "district." Words not included herein but which are defined in the Building Code shall be construed as defined therein; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied.

1.7 Building Permit Required.

The construction, structural alteration, or structural repair of any building, structure, or part thereof as provided or as restricted in this Ordinance shall not be commenced or continued except after the issuance of a building permit by the Tropic Town Building Inspector. If work is not started on a structure or building within one (1) year from issuance of a permit, a new permit will be required.

1.8 Occupancy Permit Required.

Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued by the Tropic Town Building Inspector to the effect that the use, building or premises will conform to provisions of this and related ordinances prior to occupancy, for any building erected, enlarged or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses.

1.9 Site Plans Required.

All applications for building permits shall be accompanied by a site plan showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, buildings to be erected, adjacent streets, right-of-way, utility access, and drainage plan. The site plan will also show that the area of the lot or parcel of land upon which the building or structure is located conforms to the regulations of the district in which such proposed building is to be constructed. All buildings shall conform to all applicable codes including building codes, electrical codes, fire codes, etc.

1.10 Powers and Duties of the Building Inspector.

It shall be the duty of the Tropic Town Building Inspector to inspect or cause to be inspected all plans for the construction or repair of buildings, to visit all buildings during the course of construction, to enforce all provisions of this Ordinance, entering actions in the court when necessary, and his or her failure to do so shall not legalize any violation of such provisions. In any case where any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or where any building structure, or land is used in violation of this Ordinance or Amendment thereto, the Building Inspector, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation to protect the occupancy of such building, structure, of land, or to prevent any illegal act, conduct of business, or use in or about such premises.

1.11 Penalties.

It shall be unlawful for any person to violate any of the provisions of this Ordinance. Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of the provisions of this Ordinance shall be guilty of a misdemeanor, and punishable as provided by law. Each and every day during which such violation occurs may constitute a separate offense.

1.12 Validity (Severability).

If any section, sub-section, paragraph, clause, or phrase or provision of this Ordinance shall be held to be invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

1.13 Licensing.

No permit or license pertaining to the use of land or buildings shall be issued by any officer or employee of Tropic Town unless the application for the permit or license has been approved by the Building Inspector as to the conformance with the provisions of this Ordinance. Any license or permit, if issued in conflict with the provisions of this Ordinance, shall be null and void.

1.14 Fees.

Fees may be charged applicants for building, occupancy, conditional use permits, home occupation permit, Planned Unit Development approval, Tropic Town Planning Commission and Tropic Town Board of Adjustment hearings, and such other services as are required by this Ordinance to be performed by public officers and agencies. Such fees shall be established by the Town of Tropic and be in amounts reasonably needed to defray costs to the public.

Chapter 2. Supplementary And Qualifying Regulations

2.1 Effect of Chapter.

The regulations hereinafter set forth in this Chapter supplement the zone regulations appearing elsewhere in this Ordinance.

2.2 Substandard Lots at Time of Ordinance Passage.

Any lot legally held in separate ownership at the time of passage of this Ordinance, which lot is below the requirements for lot area or lot width for the district in which it is located may be used for a single-family dwelling if such lot is located in a district which permits single-family dwellings. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two (2) yards be less than five (5) feet or the total width of the two (2) yards be less than thirteen (13) feet.

2.3 Building Sites on Previously Subdivided Land.

Nothing in this Ordinance shall be construed so as to prevent the use of any lot of record at the time of passage of this Ordinance from being used as a dwelling site for a single-family dwelling in any residential, agricultural, or commercial zone, provided the frontage, yard, height, and floor area regulations are complied with.

2.4 Every Dwelling to be 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 Ordinance for the district in which the dwelling structure is located except that group dwellings, cluster dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Ordinance and which have the approval of the Tropic Town Planning Commission, may occupy one (1) lot for each such multi-structure complex.

2.5 Yard Space for One Building Only.

No required yard or other open space around any existing building, or hereafter provided around any building, for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or other open space for any other building, nor shall any yard or other required open space on any adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

2.6 Sale or Lease of Required Space.

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

2.7 Transfer of Lots Below Minimum Space Requirements.

No parcel of land which has less than the minimum frontage and area requirements for the zone in which it is located may be severed from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except as may be permitted by the Board of Adjustment.

2.8 Area of Accessory Buildings.

No accessory building or group of accessory buildings in any residential zone shall cover more than thirty (30) percent of the rear yard.

2.9 Preservation of Buildings.

The outside surface of buildings, all or part of which is constructed of wood, shall, upon completion of construction, be coated with paint or other wood preservative.

2.10 Setbacks.

Wherever a front yard is required by this Ordinance and such front yard faces on a proposed street designated as such on the official map, the depth of such front yard shall be measured from the street line as shown on the map. On one (1) side of a street between two (2) intersecting streets where twenty-five (25) percent or more of the frontage is improved, the setback may be the same as the average for the buildings along the street.

2.11 Animals and Fowl.

No barn or coop shall be constructed closer than fifty (50) feet to the nearest street or dwelling in any residential, agricultural, or commercial zone.

2.12 Yards to be Unobstructed.

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which projects into a yard not more than two and one-half (2 ½) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet.

2.13 Minimum Height of Main Buildings.

No dwelling shall be erected to a height less than one (1) story above grade.

2.14 Clear View of Intersecting Street.

In all districts which require a front yard, no obstruction to view in excess of four (4) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at forty (40) feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers; pedestal-type identification signs and pumps at gasoline stations.

2.15 Maximum Height of Fences, Walls, and Hedges.

1 Fences, walls, and hedges may be erected or allowed to the permitted building height when located within the buildable area, provided that any physical structure over four (4) feet in height shall require a building permit.

2 Fences, walls, and hedges may not exceed four (4) feet in height nor have less than sixty (60) percent transparency within any required front yard of side street side yard.

3 Fences, walls and hedges may not exceed four (4) feet in height above grade within any required rear yard or interior side yard.

4 Notwithstanding any other provisions herein, no fence, wall, or hedge exceeding four (4) feet in height shall be erected or allowed closer to any street line than the required building setback line.

5 Fencing and walls four (4) feet in height, including protective gates, shall be required around swimming pools, jacuzzies, and similar structures.

6 Fencing with adequate screening or walls four (4) feet in height may be required in commercial/industrial and manufacturing/distribution districts that border other zones as determined by the Town Council.

2.16 Water and Sewage Requirements.

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and connection to a public sewer system as defined by the Utah State Division of Environmental Health is not available, the storage disposal and domestic water supply shall comply with the requirements of such Division and the application for a building permit shall be accompanied by a certificate of approval from said Division of Health.

2.17 Curbs, Gutters and Sidewalks.

The installation of curb, gutter and sidewalks of a type approved by the Town of Tropic may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks may be required as a condition of building or use permit approval.

2.18 Beautification.

Buildings, uses, and lots shall be maintained in such a manner as to enhance community pride and beautification. No junk, rubbish, weeds, or other unsightly material or conditions shall be permitted on any lot, right-of-way, or easement or as a part of any building or use.

Chapter 3. Home Occupations

3.1 Effect of Chapter

The regulations hereinafter set forth in this Chapter were passed by the Tropic Town Council as Ordinance No.

3.2 Home Occupation Permit Required.

To assure compliance with provisions of the Zoning Ordinance and to protect the character of residential neighborhoods in the Town of Tropic, a Home Occupation application shall be obtained from the office of the Town Administration before a dwelling unit in a residential zone may be used for business purposes.

3.3 Procedure.

The Tropic Town Planning Commission may, upon application, issue a Home Occupation Permit which shall state the home occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The permit shall not be issued unless the Planning Commission is satisfied that the applicant will meet all of the conditions listed below, and that the applicant has agreed in writing to comply with all said conditions.

3.4 Conditions.

Each and every one of the following conditions must be observed at all times by the holder of a Home Occupation Permit:

1 Not more than one person is employed in the home occupation or office of a professional person on the premises in addition to the residing family.

2 The home occupation shall be conducted wholly within the structures on the premises and shall not exceed twenty-five (25) percent of the total ground floor area of the home. The home occupation shall not occupy any area within said structures which is required for off-street parking by the provisions of this Chapter.

3 Inventory and supplies for the home occupation shall not occupy more than fifty (50) percent of the permitted area, or twelve (12) percent of the ground floor area of the home.

4 No business signs are used with the exception of one unlighted sign concerned with the home occupation or office of a professional person not to exceed one (1) square foot in area which shall be attached to and parallel with the building.

5 No display of any kind shall be visible from the exterior of the premises.

6 No mechanical or electrical apparatus, equipment, or tools shall be permitted except those items which are commonly associated with a residential use or as are customary to home crafts or home occupations.

7 The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

8 There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and local laws and ordinances.

9 The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

10 The home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises, vibrations, dust, odors, noxious fumes, etc.

11 Any special condition established by the Planning Commission and made of record in the Home Occupation Permit, as it deems necessary to carry out the intent of this Chapter shall be met.

12 All Home Occupation Permits shall be valid for one (1) year, and may be renewed annually provided there have been no reported violations, complaints, or detrimental characteristics which may, in the opinion of the Planning Commission, require termination of said home occupation, or revocation of Home Occupation Permit. Signatures and public hearing will not be needed on renewals.

13 Retail sales on the premises shall be limited to merchandise directly related to the services offered by the home occupation; otherwise, there shall be no delivery or resale to customers of retail merchandise on the premises.

14 Premises shall be subject to inspection by the Planning Commission, after reasonable notice is given with due cause.

3.5 Fees.

A fee of twenty-five dollars (\$25.00) shall accompany the initial application for a Home Occupation Permit and thereafter shall be due and payable at time of Business License renewal.

3.6 Noncompliance.

Any Home Occupation Permit shall be revoked by the Planning Commission upon violation of any requirements of this Chapter, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within ten (10) days of receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of this Chapter, notwithstanding compliance to the violation notice.

3.7 Appeal.

In the event of denial of any permit, or of the revocation thereof or of objection to the limitations placed thereon, appeal may be made to the Town Council in accordance with the provisions of this Chapter.

3.8 Business License Required.

A Home Occupation Permit is not a business license, and the granting of said permit shall not relieve the permittee of any other license requirement of the Town or of any other public agency.

3.9 Utah Sales Tax License.

If required by the State of Utah, a Utah State Sales tax license will be required with Tropic Town listed as a business location.

3.10 Awareness of Neighbors.

All applications must have signatures of neighbors within three hundred (300) feet from the exterior boundaries of the property involved. Signatures must indicate that neighbors are aware of the home occupation.

Chapter 4. Planning Commission

4.1 Creation of a Planning Commission, Number of Members, Appointment.

The Tropic Town Planning Commission shall consist of five (5) members, each to be appointed by the Mayor with the advice and consent of the Town Council. The Town Council may designate, by resolution the composition of the Planning Commission. It is the intent of this Ordinance that the Planning Commission not consist of members, all of whom are from the same field of expertise. The five (5) members of the Planning Commission shall be residents of Tropic Town and owners of property within the town. At least three (3) of the five (5) members shall hold no other public office or position within the Town of Tropic. The Town Council shall appoint a representative from among its members to act as a liaison between the Town Council and the Planning Commission. One (1) member, but not more than one (1) of the Board of Adjustment shall be a member of the Planning Commission.

4.2 Terms of Office.

The terms of office for the five (5) Tropic Town Planning Commission members shall be for six (6) years. The Planning Commission members terms shall be staggered so that no two (2) members terms shall expire at the same time. The term of office for the Town Council member designated liaison for the Planning Commission shall correspond to his tenure of office as the Town Council member.

4.3 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 un-expired term by appointment of the Town Council. The Town Council shall have the right to remove any member of the Planning Commission for misconduct and may remove any member for non-performance of duty. Non-performance of duty shall include a repeated failure to attend Planning Commission meetings.

4.4 Compensation.

The Tropic Town Planning Commission shall serve without compensation, except that the Town Council shall provide for reimbursement of the Planning Commission for actual expenses incurred, upon presentation of proper receipts and vouchers.

4.5 Officers.

The Tropic Town Planning Commission shall elect a Chairman and a Chairman Pro-Tem from among its members, whose terms shall be for one (1) year. The Planning Commission Chairman shall vote only in the case of a tie.

4.6 Rules and Procedures.

The Tropic Town Planning Commission may adopt such rules and procedures as it may deem necessary for the proper conduct of its business. The Planning Commission shall keep a record of its proceedings, such record shall be open to inspection by the public at all reasonable times.

4.7 Quorum and Vote.

A quorum shall consist of two (2) members and a Chairman. Evidence shall not be presented unless a quorum is present. A majority vote shall be constituted of at least a majority of members present.

4.8 Employees; Expenditures.

The Tropic Town Planning Commission may, upon the approval of the Town Council, employ experts and staff, including consultants and a secretary, and pay such expenses, exclusive of gifts, as may be reasonable and necessary for carrying out the duties defined in this Ordinance, providing that such expenditures may not exceed the amount appropriated for the operation of the Planning Commission by the Town Council.

Chapter 5. Board of Adjustment

5.1 Board, Number of Members, Appointment, Term and Removal, Vacancies.

The Tropic Town Board of Adjustment shall consist of five (5) members, each to be appointed by the legislative body for the term of five (5) years provided that the term of one (1) member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One (1) member, but not more than one (1) of the Planning Commission shall be a member of the Board of Adjustment.

5.2 Officers.

The Tropic Town Board of Adjustment shall elect a Chairman and a Chairman Pro-Tem from among its members, who shall serve for a term of one (1) year.

5.3. Duties and Powers of Board.

The Tropic Town Board of Adjustment shall have the following powers:

1 To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto.

2 To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under the provisions of this Ordinance.

3 To authorize upon appeal such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:

a. The variance will not substantially adversely affect the Master Plan or Zoning Ordinance and that adherence to the strict letter of this Ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the Master Plan.

b. Special circumstances are attached to the property covered by the application which do not generally apply to other property in the same district.

c. That because of said special circumstances, property covered by application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right that is possessed by other property in the same district.

5.4 Hearings.

Hearings of the Tropic Town Board of Adjustment shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public.

5.5 Notice of Hearing.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other motion upon which it is required to pass and shall give public notice thereof by posting a notice of hearing in a newspaper of local distribution or at least three (3) places within the Town, not less than ten (10) days from date of said hearing, as well as by mailing a post card or letter notice to the property owners within one hundred (100) feet from the exterior boundaries of the property involved.

5.6 Minutes.

The Board of Adjustment shall keep minutes of its proceedings, showing, the vote of each member on each question, or if absent or failure to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed with the Town Clerk and shall be public record.

5.7 Quorum.

A quorum shall be considered three (3) members of the Board of Adjustment, and no evidence shall be presented to the Board unless a quorum is present.

5.8 Action to be Taken.

Approval or disapproval, rejection, or modified approval of an application shall be based upon findings which shall be made a part of the official record.

5.9 Vote Necessary for Reversal.

The concurring vote of three (3) members of the Tropic Town Board of Adjustment shall be necessary to reverse any order, requirement, or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under this Ordinance or to effect any variation in the provisions of this Ordinance.

5.10 Appeals to Board-Time-Persons Entitled-Transmission of Papers.

Appeals to the Tropic Town Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Tropic Town affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

5.11 Stay of Proceedings Pending Appeal.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by district court on application and notice and on due cause shown.

5.12 Decision on Appeal.

In exercising the above-mentioned powers, the Board of Adjustment may in conformity with the provisions of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such other, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

5.13 Rules.

The Tropic Town Board of Adjustment shall adopt rules for the regulation of its procedure and the conduct of its duties not inconsistent with the provisions of this Ordinance or of the State law. Such rules, to become effective, shall be first approved by the Town of Tropic.

5.14 Judicial Review of Board's Decision - Time Limitations.

The Town of Tropic or any person aggrieved by any decision of the Tropic Town Board of Adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the Board.

Chapter 6. off-street parking requirements

6.1 Off-Street Parking Required.

There shall be provided and maintained at the time of erection of any main building or structure off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles as follows:

6.2 Size.

The dimensions of each off-street parking space shall be at least ten (10) feet by twenty (20) feet for diagonal or ninety-degree (90°) spaces, or ten (10) by twenty-two (22) feet for parallel spaces.

6.3 Parking for Building Expansion.

Whenever existing main buildings are enlarged or increased in capacity, off-street parking requirements shall apply only to the part so enlarged or increased.

6.4 Number of Parking Spaces.

Dwelling Units. At least one (1) off-street parking space for each dwelling unit.

Hotels/Motels and Tourist Homes. One (1) parking space for each living or sleeping unit.

Boarding Houses. At least one (1) off-street parking space for each two (2) rooms for sleeping purposes.

Business and Professional Offices. At least one (1) parking space for each one hundred (100) square feet of floor area.

Commercial and Retail Uses. At least one (1) parking space for each five hundred (500) square feet of floor area in the building.

Handicapped and Motorcycle Parking. Every parking lot over twenty-five (25) spaces shall, as a minimum, provide one (1) handicapped parking stall with easy access. One (1) additional handicapped stall will be provided for each fifty (50) additional parking spaces. One (1) motorcycle stall shall be provided for every twenty-five (25) parking spaces.

6.5 All Other Uses Not Listed Above.

As determined by the Tropic Town Planning Commission, based on the nearest comparable use standards.

6.6 Access Requirements.

Adequate ingress and egress to and from all uses shall be provided as follows:

1 Not more than two (2) driveways shall be used for each one hundred (100) feet or fraction thereof of frontage on any street.

2 No two (2) of said driveways shall be closer to each other than twelve (12) feet.

3 Each driveway shall be not more than thirty-five (35) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.

4 No driveway shall be closer than ten (10) feet to the point of intersection of two (2) property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.

5 In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted driveways. On the two (2) ends and street side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the town engineer.

6 Other uses similar to the above and judged by the Planning Commission to be in harmony with the character and intent of the zone.

6.7 Location of Gasoline Pumps.

Gasoline pumps shall be set back not less than fifteen (15) feet from any street line to which the pump island is perpendicular and fifteen (15) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line.

6.8 Off-Street Loading and Unloading.

1 Bus and truck terminals shall have sufficient off-street dock and loading space to provide for normal peak movements.

2 Establishments receiving and/or delivering goods by automobile or truck shall provide sufficient off-street loading and unloading facilities to handle normal incoming and outgoing shipments.

6.9 Maintenance of Parking Lots.

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

1 Surfacing. Each off-street parking lot shall be surfaced with an asphaltic or portland cement or other binder pavement so as to provide a dustless surface. The parking area shall be so graded as to dispose of all surface water. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.

2 Screening. The sides and rear of any off-street parking lot which face or adjoin a residential district shall be screened from such district by a masonry wall or solid visual barrier fence not less than four (4) or more than six (6) feet in height.

3 Landscaping. Each parking lot shall be adequately landscaped and permanently maintained.

4 Lighting. Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining premises in any R district, and from street traffic.

Chapter 7. Conditional Uses

7.1 Purpose of Conditional Use Provisions.

Certain uses which may be harmonious under special conditions and in specific locations within a district but be improper under general conditions and in other locations are classed as conditional uses within the various districts and require conditional use permit for approval.

7.2 Permit Required.

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this Ordinance. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the certificate.

7.3 Application.

A conditional use permit application shall be made to the Planning Commission as provided in this Ordinance. The Building Inspector may submit the application to the Planning Commission, except that the Planning Commission may authorize the Building Inspector to grant or deny a conditional use permit, subject to such limitations or qualifications as are deemed necessary. Applications for a conditional use permit shall be accompanied by maps, plot plans, elevations, drawings, statements and other documents as required by the Planning Commission as set forth in Chapter 11 of this Ordinance.

7.4 Fee.

The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the Town Council.

7.5 Public Hearing.

No public hearing need be held; however, a hearing may be held when the Planning Commission shall deem a hearing to be necessary and in the public interest.

7.6 Determination.

The Planning Commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this Ordinance. In authorizing any conditional use, the Planning Commission shall not authorize a conditional use permit unless the evidence presented is such as to establish:

1 That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood; and,

2 That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and,

3 That the proposed use will comply with regulations and conditions specified in this Ordinance for such use.

7.7 Appeal of Decision.

Any person shall have the right to appeal the decision of the Planning Commission. Appeals from the decision of the Planning Commission shall be to the Town Council.

7.8 Inspection.

Following the issuance of a conditional use permit by the Planning Commission, the Building Inspector shall approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said conditional use and building permit.

7.9 Time Limit.

1 A conditional use permit for temporary uses may be issued for a maximum period of one (1) year with renewals at the discretion of the Planning Commission successive one (1) year periods thereafter.

2 Unless there is substantial action under a conditional use permit within a maximum period of one (1) year of its issuance, the conditional use permit shall expire. The Planning Commission may grant a maximum extension of more than one (1) year, when deemed in the public interest.

Chapter 8. Nonconforming Buildings and Uses

8.1 Continuation.

A nonconforming building or structure and the nonconforming use of land may be continued and maintained in the same manner and to the same extent and character as the lawful use existing at the time of the passage of the ordinance.

8.2 Repairs, Alterations and Enlargements.

Repairs, alterations, and enlargements required by law for sanitary or safety purposes, or which can be shown as being reasonably necessary for the convenience or welfare of the public shall be permitted.

8.3 Additions.

A building nonconforming only as to yard regulations may be added to, provided the portion so added conforms to the yard regulations.

8.4 Moving of Buildings.

Buildings or portions thereof nonconforming only as to yard regulations shall not be moved if to do so will increase the nonconforming portion of the building.

8.5 Restoration of Damaged Buildings.

A nonconforming building which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or Act of God may be restored to the same extent existing at the time the destruction occurred, provided such restoration shall be started within six (6) months and is diligently prosecuted to completion.

8.6 Discontinuance.

If a nonconforming use of land or use of a building is changed to conforming use or is discontinued for a period of one (1) year or more, any future use of said land or building, or construction, reconstruction, alteration, or repairs to buildings shall be in conformity with the provisions of this Ordinance.

8.7 Change of Use.

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

8.8 Plans Already Filed.

Plans for buildings and uses of land that have been filed with the Tropic Town Building Inspector prior to the effective date of this Ordinance but which do not conform to the regulations of this Ordinance, may be constructed and shall be deemed a nonconforming use within the meaning of this Ordinance, provided, however, that construction is commenced within thirty (30) days and diligently prosecuted to completion.

Chapter 9. Planned Unit Development

9.1 Purpose.

The purpose of a Planned Unit Development is to allow diversification in the relationship of various uses and structures to their sites, and to permit more flexibility in the use of such sites. The application of Planned Unit Development concepts is intended to encourage good neighborhood, housing, or area design, thus insuring substantial compliance with the intent of the district health, safety, and general welfare, and at the same time securing the advantages of large-scale site planning for residential, commercial or industrial developments, or combinations thereof.

9.2 Definition.

Planned Unit Development, for the purposes of this Ordinance, shall mean an integrated design for development of residential, commercial, or industrial uses, or combinations of such uses, in which one (1) or more of the regulations, other than use regulations, of the District in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements as specified in this Chapter.

9.3 Planned Unit Development Permit.

Planned Unit Developments may be allowed by Tropic Town Planning Commission approval of any zoning district. No such Planned Unit Development permit 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 as provided by this Chapter or by district regulations. Compliance with the regulations of this Ordinance in no sense excuses the developer from the applicable requirements of other Ordinances except as modifications thereof are specifically authorized in the approval of the application for the Planned Unit Development.

9.4 Required Conditions.

1 No Planned Unit Development shall have an area less than that approved by the Tropic Town Planning Commission as adequate for the proposed development.

2 A Planned Unit Development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a Planned Unit Development which allows residential uses and shall be governed by density, design, and other requirements of the Planned Unit Development permit.

3 The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

4 The Tropic Town Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected:

a. Density or land use intensity shall in no case be more than twenty-five (25) percent higher than allowed in the zoning district, except not more than ten (10) percent higher in residential districts.

b. Where feasible, least height and intensity of buildings and uses shall be arranged around the boundaries of the development.

c. Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.

5 Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:

a. Dedication of the land as a public park or parkway system, or,

b. Granting to the Town of Tropic a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an Owners' Association established with articles of association and by-laws which are satisfactory to the Tropic Town Council, or,

c. 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.

6 Landscaping, fencing and screening related to the several uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Tropic Town Planning Commission for approval, together with other required plans for the development.

7 The size, location, design and nature of signs, if any, and the intensity and direction of area or flood-lighting shaft be detailed in the application.

8 A grading and drainage plan shall be submitted to the Planning Commission with the application.

9 A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed.

10 The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.

11 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 Planned Unit Development.

9.5 Uses Allowed.

Subject to the review and approval of the Tropic Town Planning Commission, uses allowed in a Planned Unit Development shall be those uses allowed in the Planned District or other zoning district in which the Planned Unit Development is to be located; provided, that for the purposes of this Chapter and Ordinance, multiple-family dwellings may be allowed in a Planned Unit Development approved in a single-family zoning district, provided the overall density of the development does not exceed ten (10) percent above the density normally allowed for single-family dwellings in said District.

9.6 General Site Plan.

Application shall be accomplished by a general site plan showing, where pertinent:

1 The use or uses, dimensions, sketch elevations, and locations of proposed structures.

2 Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public use such as schools and playgrounds, landscaping, and other open spaces.

3 Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.

4 Such other pertinent information, including residential density, coverage, and open space characteristics, shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

9.7 Review by Planning Commission.

In order that it may approve a Planned Unit Development, the Tropic Town Planning Commission shall have authority to require that the following conditions (among others it deems appropriate) be met by the applicant:

1 That the proponents of the Planned Unit Development have demonstrated to the satisfaction of the Tropic Town Planning Commission that they are financially able to carry out the proposed project.

2 That the proponents intend to start construction within one (1) year of the approval of the project and any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within four (4) years from the date construction begins.

3 That application for Planned Unit Development in planned districts meet the requirements of such districts, including the requirements of the general development plan.

4 That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

5 That the development as planned will accomplish the purpose outlined in Section 9.1.

9.8 Scope of Planning Commission and Town Council Action.

In carrying out the intent of this Chapter, the Tropic Town Planning Commission shall consider the following principles:

1 It is the intent of this Chapter that site and building plans for a Planned Unit Development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Commission may require the applicant to engage such a qualified designer or design team.

2 It is not the intent of this Section that control of the design of a Planned Unit Development by Tropic Town be so rigidly exercised that individual is the intent of this Section that the control exercised be the minimum necessary to achieve the purpose of this Chapter.

3 The Tropic Town Planning Commission may recommend approval or disapproval of an application for a Planned Unit Development. In recommending approval, the Tropic Town Planning Commission may attach such recommendations as it may deem necessary to secure compliance with the proposes set forth in Section 9.1. The final approval or disapproval of a Planned Unit Development rests with the Tropic Town Council.

9.9 Construction Limitations.

1 Upon approval of a Planned Unit Development, construction shall proceed only in accordance with the plans and specifications approved by the Tropic Town Council, and in conformity with any conditions attached.

2 Amendments to approved plans and specifications for a Planned Unit Development shall be obtained only by following the procedures here outlined for first approval.

3 The Tropic Town Building Inspector shall not issue any permit for any proposed building, structure or use within the project unless such building, structure, or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

Chapter 10. Signs

10.1 Signs Allowed.

The following described signs shall be allowed as indicated in the accompanying table:

See Definitions	Maximum size in feet	Maximum height in feet*	Zone		Illumination Type of
			Permitted	Conditional	
Advertising	8 X 12	18	CC & GC		Indirect
Business		50	CC & GC	Above 40'	Indirect
Home Occupation				R-1, CC, GC, MH & A	None
Name Plate		8	All Zones		Indirect
Property, Sale, lease, rent or trespass		6	All Zones		None
Public Information		8		All Zones	Indirect
Temporary		16		All Zones	None

***The distance from the top of the sign to the ground supporting it.**

10.2 Construction.

All signs in commercial zones shall have a surface of noncombustible material; provided, however, that combustible structural trim may be used thereon.

10.3 Illumination.

All signs, except business signs, shall be illuminated by indirect lighting, the source of which shall not be visible from the street. In no case shall direct rays of light be permitted to penetrate a property in a residential zone or used for residential purposes.

10.4 Location of Signs.

All signs shall maintain a clear view of intersecting streets as provided in this Ordinance, and no sign shall be less than nine (9) feet high over public right-of-way. In any zone requiring a front yard, all ground signs in that zone shall adhere to the front yard requirements.

Chapter 11. Design review

11.1 Purpose.

The purpose and intent of design review is to secure the general purposes of this Ordinance and to insure that the general appearance of buildings and structures and the development of the land shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in the occupation of the neighborhood.

It shall not be the intent of this Chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail of design, color, or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings.

11.2 Application & Review.

All applications for building permits for all buildings and structures, except for single-family and their accessory buildings, shall be accompanied by architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, general treatment, fences, off-street parking and circulation, location and size of the adjacent streets, north arrow and property lines, drawings of the major exterior elevations, the building materials, proposed exterior color scheme, existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the Tropic Town Planning Commission, except that the review and approval of such permits by the Tropic Town Building Inspector may be authorized by the Tropic Town Planning Commission when the application meets all requirements of this Ordinance. All of the above required architectural and site development plans shall have been reviewed and approved prior to the issuance of a building permit.

11.3 Exceptions.

For buildings and uses covered by conditional use permits and Planned Unit Development, design review shall be incorporated within such conditional use permit and Planned Unit Development and need not be a separate application, provided the requirements of this Chapter are met.

11.4 Planning Commission Approval.

The Tropic Town Planning Commission, or the Tropic Town Building Inspector when authorized, shall determine whether the proposed architectural and site development plans submitted are consistent with this Chapter and with the general objectives of this Ordinance and shall give or withhold approval accordingly. Denial of approval by the Tropic Town Planning Commission may be appealed to the Tropic Town Council, as provided for in the appeals section of this Ordinance.

11.5 Consideration in Review of Applications.

The Tropic Town Planning Commission and the Tropic Town Building Inspector, when authorized, shall consider the following matters, and others when applicable, in their review of applications:

- 1 Considerations relating to traffic safety and traffic congestion.
 - a. The effect of a site development plan on traffic conditions on abutting streets.
 - b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and wall ways.
 - c. The arrangement and adequacy of off-street parking facilities.
 - d. The location, arrangement, and dimensions of truck loading and unloading facilities.
 - e. The circulation patterns within the boundaries of the development.
 - f. The surfacing and lighting of off-street parking facilities.

- 2 Consideration relating to outdoor advertising.

The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development.

3 Consideration relating to landscaping.

- a. The location, height, and materials of walls, fences, hedges, screen plantings to insure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
- b. The planting of ground cover or other surfacing to prevent dust and erosion.
- c. The unnecessary destruction of existing healthy trees.

4 Considerations relating to buildings and site layout.

- a. Consideration of the general silhouette and mass, including location on the site, elevation, and relation to natural plant coverage, all in relationship to the neighborhood.
- b. Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street (or streets, line and pitch of roofs, and the arrangement of structures on the parcel.

11.6 Conditions.

The Tropic Town Planning Commission, or the Tropic Town Building Inspector when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the consideration of this Chapter as the Planning Commission or Building Inspector deem reasonable and necessary under the circumstances to carry out the intent of this Chapter.

11.7 Findings and Decisions.

Upon a finding by the Tropic Town Planning Commission or the Tropic Town Building Inspector, when authorized, that the application meets the intent of this Chapter, the design approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied.

11.8 Notification of Approval or Denial.

Upon the granting of design approval, the secretary of the Tropic Town Planning Commission shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereof, or the fact of denial and the reasons therefore.

11.9 Time Limitations on Approval.

If construction in harmony with the permit for any development for which design approval has been granted has not been commenced within one (1) year from date of notification of approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the Tropic Town Planning Commission or by the Tropic Town Building Inspector, when authorized.

11.10 Transfer of Approval Upon Change in Use.

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the Tropic Town Planning Commission, or the Tropic Town Building Inspector, when authorized to do so. If the transfer is not approved, a new application must be filed.

11.11 Conformance to Approval.

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

11.12 Modifications.

Upon request of the applicant, modifications in the approved plan may be made by the Tropic Town Planning Commission or the Tropic Town Building Inspector when authorized to do so, if it is found that the modifications will meet the requirements of this Chapter. The Planning Commission may revoke or modify a design approval which does not conform to any requirements of the approved permit.

Chapter 12. Performance Standards For Industrial And Other Uses

12.1 Purpose.

To permit potential nuisances from industrial or other uses to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.

12.2 General Provisions.

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbances; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements." No use shall be undertaken or maintained unless it conforms to the regulations of this Section in addition to the regulations set forth for the district in which such use is situated.

12.3 Performance Standards Procedure.

The Tropic Town Planning Commission or the Tropic Town Building Inspector, when authorized, may require performance standards review for any use in any district when he has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards of this Chapter.

12.4 Enforcement Provisions Applicable to All Uses.

Initial and continued compliance with performance standards is required of every use; and provisions for enforcement of continued compliance with said standards shall be invoked by the Tropic Town Planning Commission or the Tropic Building Inspector, when authorized, against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

12.5 Nonconforming Uses.

For purposes of this Ordinance, any use established before the effective date of this Ordinance and nonconforming as to performance standards shall have one (1) year in which to conform therewith.

12.6 Locations Where Determinations are to be made for Enforcement of Performance Standards.

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

1 In any district, except an I District, at the lot line of the establishment or use.

2 In an I District at one or more points five hundred (500) feet from the establishment or use, or at the boundary or boundaries of the district, if closer to the establishment or use, or at the closest point within an adjacent district other than an I District.

12.7 Dangerous and Objectionable Elements.

1 Odors. No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one (1) volume of odorous air to four (4) of clean air at the point of greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system, so control will be maintained if primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds," in Chapter 5, Air Pollution Abatement Manual, Copyright 1951, Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.

2 Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted. This restriction shall not apply to signs or lighting of buildings or grounds for protection as otherwise permitted by the provisions of this Ordinance.

3 Fire and Explosion Hazards. All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion.

4 Radioactivity or Electronic Disturbances. No activities shall be permitted which emit dangerous radio-activity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

5 Smoke. No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with air pollution provisions of the Utah State Division of Environmental Health.

6 Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution. No emission shall be permitted except in accordance with air pollution provisions of the Utah State Division of Environmental Health and the Clean Air Act (42 USC 1857) in conjunction with Bryce Canyon National Park.

7 Liquid or Solid Wastes. No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the Utah State Division of Environmental Health or standards equivalent to those approved by such Department. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.

Chapter 13. Construction Subject To Geologic, Flood, or Other Natural Hazards

13.1 Purpose.

To protect the general public from geologic, flood, or other natural hazards that might be detrimental to the health, safety, and general welfare of the residents of Tropic Town. Any application for a conditional use or building permit which has, in the opinion of the Tropic Town Planning Commission or the Tropic Town Building Inspector, when authorized, potential soils, earthquake, high water table, flood or other discernible hazards may be required to provide a report addressing such hazards.

13.2 Requirements.

1 The report shall be prepared at the applicant's expense by a registered or licensed geologist, soils engineer, or civil engineer, and shall show the suitability of the soils on the property to accommodate the proposed construction, and any discernible flood or earthquake hazards.

2 Whenever a professional expert indicates a parcel may be subject to a potential or actual hazard, the applicant shall meet the special conditions required by the Tropic Town Planning Commission or the Tropic Town Building Inspector, when authorized, to reduce or eliminate such hazards.

13.3 Waiver Agreement.

Under peculiar or unusual conditions, the applicant shall sign a waiver agreement which releases Tropic Town, Garfield County, the State of Utah, and other property owners from liability for construction of buildings in known geologic, flood, or other natural hazard areas.

Chapter 14. Mobile Homes, Mobile Home Parks, And Mobile Home Subdivisions

14.1 Purpose.

To require that mobile home developments will be of such character as to promote the objectives and purposes of this Ordinance; to protect the integrity and characteristics of the districts contiguous to those in which mobile home parks are located; and to protect other use values contiguous to or near mobile home park uses.

14.2 Location and Use.

With the exception cited in Paragraph 14.6, no mobile home shall be located, placed, used, or occupied in any district other than within an approved mobile home park or mobile home subdivision where allowed within the zoning district, except that mobile homes may be stored, displayed, and sold in commercial and manufacturing districts, but not occupied except in mobile home parks or mobile home subdivisions when allowed in such districts; except that mobile homes approved by the Tropic Town Planning Commission or the Tropic Town Building Inspector, when authorized, may be located on bona fide agricultural lands as housing for families or employees of the farm or ranch operation, provided that the agricultural acreage shall be not less than forty (40 acres for irrigated lands and one hundred sixty (1)60 acres for non-irrigated lands. The only exception to the above provision is that a mobile home may be placed upon any construction site for a period of time not to exceed one (1) year during construction.

14.3 Approval.

Mobile home parks may not be constructed unless first approved by the Tropic Town Council, after review of plans for said mobile home park by the Tropic Town Planning Commission which insure that the said development will:

1 Be in keeping with the general character of the district within which the development is to be located.

2 Be located on a parcel of land containing not less than five (5) acres, or on two (2) or more parcels separated by a street or alley only, and totaling at least five (5) acres.

3 Have at least ten (10) spaces completed and ready for occupancy before first occupancy is permitted.

4 Shall be connected to the municipal facilities of the Town of Tropic.

5 Be developed according to plans prepared by a professional team. (In all cases it is recommended that professional design and other assistance be obtained early in the program including as needed a geological or soils engineer, an urban planner, a lawyer, a financial expert, or others. It is the intent of Tropic Town that the developer solve problems associated with the development before approval is given and construction begins. Determination of qualifications of required professional individuals or firms shall be made by the Tropic Town Planning Commission.

In a mobile home park, the number of mobile homes shall be limited to seven (7) units per acre. The mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one (1) 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, playground, and service areas for common use and enjoyment of occupants of the development and of the visitors thereto.

14.4 Application.

1 An overall plan for development of a mobile home park shall be submitted to the Tropic Town Planning Commission for review. The plan shall be drawn to a scale no smaller than one (1) inch to fifty (50) feet. At least six (6) copies of the plan shall be submitted. The plan shall show:

- a. The topography of the site represented by contours, shown at not greater intervals than two (2) feet when required by the Tropic Town Planning Commission.
- b. The proposed street and mobile home space layout.
- c. Proposed reservations for parks, playgrounds, open space.
- d. Tabulations showing percent of area to be devoted to parks playgrounds and open spaces, number of mobile home spaces, and total area to be developed.
- e. Proposed locations of parking spaces.
- f. Generalized landscaping and utility plan, including locations of sewer, water, electricity, gas lines, fire hydrants.
- g. Any other data the Tropic Town Planning Commission may require.

2 **The applicant** for approval of plans for a mobile home park or mobile home subdivision shall pay to the Town of Tropic at the time of application a checking fee, in addition to all other required fees. The checking fee shall be as established by the Tropic Town Council.

3 Applications for approval shall be in writing, submitted to the Tropic Town Planning Commission at its regular meeting and shall be recommended for approval or disapproval to the Tropic Town Council within thirty (30) days, unless an extension of time is approved by the Planning Commission. An application recommended for approval or disapproval by the Planning Commission shall be submitted to the Town Council, which decision must be made in writing within fifteen (15) days after the recommendation is submitted by the Planning Commission to the Town Council.

14.5 Code Compliance.

All mobile homes and mobile home parks shall comply with applicable Utah State Codes for mobile homes and mobile home parks.

14.6 Exception.

1 Mobile homes may be located in R-1 and A-1 districts provided that they meet all zoning requirements and the following requirements:

- a. Each mobile home must be a minimum of twelve (12) feet in width in its original construction, not including porches, awnings, outbuildings or any other type of addition, and must be a total of five hundred forty (540) square feet.
- b. Each mobile home must be set on a permanent, concrete or masonry foundation with adequate footings. All mobile homes shall be skirted and the skirting must completely surround the base of the home.
- c. All zoning and health requirements must be complied with.

2 All newly established mobile homes must be in compliance with the provisions hereof before occupancy may begin. However, permits may be obtained for non-complying mobile homes from the Building Inspector for a period of not to exceed one (1) year while a permanent home is being constructed on the same premises.

14.7 Conformity with Other Ordinances.

Mobile home subdivisions shall conform to the requirements of Tropic Town Ordinance Number for subdivisions, and other ordinances as applicable.

Chapter 15. Recreational Coaches and Recreational Coach Parks

15.1 Purpose.

To permit development of facilities for recreational coaches in appropriate districts and to require that recreational coach accommodations will be of such character as to promote the objectives and purposes of this Ordinance, to protect the integrity and character of the districts contiguous to those in which recreational coach parks are located, and to protect other use values contiguous to or near recreational coach park uses.

15.2 Location and Use.

1 No recreational coach as herein defined shall be located, placed, used, or occupied for residential purposes in any district except within approved and licensed recreational coach parks and except as otherwise provided herein.

2 Recreational coach parks shall be generally located:

- a. Adjacent to or in close proximity to a major traffic artery or highway.
- b. Near adequate shopping facilities.
- c. Within or adjacent to a mobile home park.

3 No individual space in a recreational coach park shall be used by one (1) individual coach for more than one hundred twenty (120) consecutive days, nor shall such space be rented or leased to any one (1) individual for a period longer than one hundred twenty (120) days.

4 Recreational coaches may be stored between use, but not used for permanent living quarters.

5 Recreational coaches may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in a Commercial or Manufacturing district when such use is a permitted or a conditional use.

6 Recreational coaches may be accommodated in an approved and licensed mobile home park, provided that:

- a. The recreational coach park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.
- b. The recreational coach use area shall have direct access to a collector or arterial street.
- c. Separate ingress and egress shall be provided for recreational coaches when required by the Planning Commission.

7 Recreational coach parks shall be connected to the municipal facilities of Tropic Town.

15.3 Approval.

A recreational coach park may not be constructed unless first approved by the Tropic Town Council. After review of plans for said park by the Tropic Town Planning Commission which insure that the proposed development will:

- 1 Be in keeping with the general character of the district where it is proposed to be located.
- 2 Be located on a parcel of land containing not less than five (5) acres, unless attached to a mobile home park, in which case no minimum area is required.
- 3 Have at least ten (10) spaces completed and ready for occupancy before first occupancy is permitted.
- 4 Meet all standards and requirements of this Ordinance and of the Recreational Coach Park Ordinance upon its adoption.
- 5 Meet all requirements of the State of Utah Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulations which are intended to apply to trailer, camper, and tent camps as defined in such Code.
- 6 Be designed by a qualified designer or design team. The determination of qualifications of such required professional individuals or firms shall be made by the Tropic Town Planning Commission.

7 Contain not more than twenty (20) units per acre. The spaces may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual trailer spaces, roads or parking, shall be set aside and developed as park, playground, or service areas for the common use and enjoyment of occupants of the development and of visitors thereto.

15.4 Application.

1 An overall plan for development of a recreational coach park shall be submitted to the Tropic Town Planning Commission for review. The plan shall be drawn to a scale not smaller than one (1) inch to fifty (50) feet. At least six (6) copies of the plan shall be submitted. The plan shall show:

- a. The topography of the site, when required by the Planning Commission, represented by contours shown at not greater than two (2) foot intervals.
- b. The proposed street and trailer or coach space pad layout.
- c. Proposed reservations for parks, playgrounds and open spaces, and tabulations showing the percent of area to be devoted to parks, playgrounds and open space, the number of trailer spaces, and total area to be developed.
- d. Proposed location, number, and design of parking spaces.
- e. Generalized landscaping and utility plan, including location of sewer, water, electricity, gas lines, and fire hydrants.
- f. Any other data the Tropic Town Planning Commission may require.

2 Applications for approval shall be in writing, submitted to the Tropic Town Planning Commission at its regular meeting and shall be recommended for approval or disapproval to the Tropic Town Council within thirty (30) days, unless an extension of time is approved by the Planning Commission. An application recommended for approval or disapproval by the Planning Commission shall be submitted to the Town Council, which decision must be made in writing within fifteen (15) days after recommendation is submitted by the Planning Commission to the Town Council.

Chapter 16. Zoning Districts

16.1 Establishment of Districts.

In order to accomplish the purposes of this Ordinance, Tropic Town is divided into eight (8) districts:

1 Pristine District	P
2 Agricultural District	A
3 R-1-40 District	R-1-40
4 R-1-20 District	R-1-20
5 R-1-8 District	R-1-8
6 Residential/Recreation Commercial District	RRC
7 Community Commercial District	CC
8 General Commercial District	GC

Within said zones the number and size of buildings and other structures, the percentage of lot occupied, the size of yards, courts, and other open spaces, the density of population, and location and use of buildings, structures, and land for trade, industry, residences, or other purposes are hereby regulated and restricted as herein after set forth.

16.2 Listing of Ordinance and Map.

This Ordinance and Zoning Map shall be filed in the custody of the Tropic Town Clerk and may be examined by the public subject to reasonable regulations established by the Town Council.

16.3 Rules for Locating Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on Tropic Town maps, the following shall apply:

1 Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines and in the event of change in the centerline shall be construed as moving with the centerlines.

2 Boundaries indicated as approximately following the right-of-way lines of streets, highways, or alleys shall be construed to follow such right-of-way lines, and in the event of a change in the right-of-way line shall be construed as moving with the right-of-way line.

3 Boundaries indicated as approximately following the centerlines of streams, rivers, canals, or other bodies of water, or flood control channels, shall be construed to follow such centerlines and in the event of change of the centerline shall be construed as moving with the centerline.

4 Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

5 Boundaries indicated as parallel to or extensions of features indicated in sub-sections 1 through 4 above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map.

6 In case any further uncertainty exists, the Tropic Town Board of Adjustment shall determine the location of such zoning boundaries.

7 Boundaries of each of the said zones are hereby established as described herein or as shown on the map entitled Tropic Town Zoning Map which map is on file with the Tropic Town Clerk and all boundaries shown thereon are made by this reference as much a part of this Ordinance as is fully described and detailed herein.

8 It shall be the responsibility of individual property owners to determine the location of the individual property lines.

Chapter 17. Pristine District (P)

17.1 Purpose.

To preserve and enhance the high quality and natural character of selected areas consistent with the General Plan and the Zoning Ordinance of Tropic Town. The zone provides for limited development and use of sensitive lands that are, in close proximity to Bryce Canyon National Park, and are subject to steep slopes, and soil instability. It also provides for the conservation and protection of natural features and wildlife habitat..

17.2 Permitted Uses.

- 1 All uses are conditional in this zone

17.3 Conditional Uses.

1. Hiking trails.
2. Biking paths.
3. Wildlife habitat protection.
4. Signed nature trails.
5. Camping
6. Limited use equestrian trails.
7. Natural Parks.
8. Small buildings directly related to the above uses.
9. Other uses similar to the above and judged by the Tropic Town Planning Commission to be in harmony with the character and intent of this zone.

17.4 Special Provisions

1. All uses shall be free from objections because of odor, dust, smoke, noise, vibration, or other causes.
2. All developments within this zone shall include a fire protection and flood control plan.
3. All developments shall be consistent with this ordinance and the Hillside and Sensitive Lands ordinance of Tropic.
4. Minimal exterior lighting shall be allowed and must be hooded and reflection not leave the related property.
5. Traffic impacts on the area shall be provided for and any related costs paid by the developed properties. Impacted public roads shall be improved to handle increased traffic. If roads are not paved adequate improvements shall be made to minimize dust and control traffic in a safe manner.
6. Signing shall be kept to minimum and shall be only allowed to mark trails. Off-site signs or reflective, moving, or lighted signs will not be allowed.

17.5 Area, Set Back, Height Regulations

Maximum Building Height	15 feet
Maximum Building Area	500 square feet
Front Setback	30 feet
Side Setback	30 feet
Rear Setback	30 feet

*Setbacks are from the inside boundary of the required buffer area.

17.6 Buffer

Private land located adjacent to Bryce Canyon National Park require an area of at least one hundred (100) feet along Park boundaries wherein there shall be no use or development except for planned ingress and egress for access roads and approved trails, and shall be undisturbed natural landscape except for appropriate improvements for flood control that is consistent with the intent of this ordinance. Individual properties developed within this zone shall plan their projects so that this buffer is provided.

17.7 Design Review

All developments within this zone shall be planned and presented to the Planning Commission for review and recommendation to the Town Council prior to any construction. This review will include buildings, signs, parking provisions, traffic flow, landscaping, exterior lighting, drainage, and utilities.

Chapter 18. Agricultural District (A)

18.1 Purpose.

To promote and preserve conditions favorable to agriculture in appropriate areas.

18.2 Permitted Uses.

- | | |
|---|---|
| 1 Single-family dwellings. | 10 Grain storage elevators. |
| 2 Animals and fowl. | 11 Livestock-feed processing, sales and storage. |
| 3 Agricultural uses, farming, and truck gardening. | 12 Fur-bearing animals. |
| 4 Park or Playground. | 13 Cellars, silos. |
| 5 Barns, corrals, pens, coops, machinery sheds and other buildings incidental to agricultural operations. | 14 Creameries. |
| 6 One stand for sale or display of products raised on the premises. | 15 Radio and television towers. |
| 7 Nurseries and greenhouses. | 16 Veterinarian hospitals, including outside runs and pens. |
| 8 Dog kennels and the breeding, boarding of animals. | 17 Other uses similar to the above and judged by the Tropic Town Planning Commission to be in harmony with the character and intent of this zone. |
| 9 Fruit packing plants. | |

18.3 Conditional Uses.

- | | |
|---|--|
| 1 Cemeteries. | 4 Other uses similar to the above and judged by the Tropic Town Planning Commission to be in harmony with the character and intent of this zone. |
| 2 Outdoor theaters. | |
| 3 Other conditional uses in the Residential (R-1) zone. | |

18.4 Height Regulations.

The maximum height of any building measured from the grade to the square of the building shall be two and one-half 2 1/2 stories or thirty-five 35 feet. Where the ground or the square of the building is uneven in height, the average elevation shall apply. Chimneys, flag poles, church towers, and similar structures not used for human occupancy are as specified by the Planning Commission.

18.5 Area, Width, and Yard Regulations.

District	Yard Dimensions in Feet				
	Area	Width	Front	Side	Rear
A-1	43,560 sq. ft.	150'	25	8	25

18.6 Modifying Regulations.

1 Side Yards. The minimum distance between dwellings located on the same or adjoining lots shall be sixteen (16) feet and the total width of the two (2) side yards shall not be less than one third (1/3) of the dwelling or other main building measured along the front street line. On corner lots, the side yard which faces on a street shall not be less than twenty-five (25) feet for both main and accessory buildings.

2 Carports. Carports which are attached to a dwelling and which are open on at least three (3) sides may be located within four (4) feet from the side or rear property line but not closer than sixteen (16) feet to the nearest dwelling.

3 Rear Yards for Accessory Buildings. The minimum rear yard for accessory buildings shall be eight (8) feet, except that no rear yard shall be required for accessory buildings having fire resistive walls as specified by applicable building codes.

4 Front Yards for Accessory Buildings. The minimum setback for accessory buildings shall be at least six (6) feet in the rear of the main building. Where no main building exists on a lot, accessory buildings shall be located at least fifty (50) feet from the front street line.

18.7 Other Provisions.

1 Stables, corrals, barns, and chicken coops shall be located at least fifty (50) feet from the nearest dwelling or public street.

Chapter 19. Residential District (R-1)

19.1 Purpose.

To provide for a diversity in housing and protect areas for single family, two-family, and multiple family neighborhoods of spacious and uncrowded character.

19.2 Permitted Uses.

- 1 Single family dwellings.
- 2 Tilling the soil, raising of crops, horticulture.
- 3 Household pets.
- 4 Accessory buildings and uses incidental to each dwelling when placed upon the same lot or parcel of land and not used or operated commercially.

- 5 Planned Unit Development.
- 6 Other uses similar to the above and judged by the Tropic Town Planning Commission to be in harmony with the character and intent of this zone.

19.3 Conditional Uses.

- 1 Two-family dwellings.
- 2 Multiple family dwellings.
- 3 Home Occupation (See Chapter 3).
- 4 Church.
- 5 School.
- 6 Park or Playground.
- 7 Cows, horses, or sheep may be kept for domestic purposes subject to applicable health codes as follows: one (1) cow or one (1) horse for each 10,000 square feet of lot area, including

- buildings, or one (1) sheep, or one (1) pig, or one (1) billy goat for each 4,000 square feet of lot area, including buildings. Mink and dangerous animals are excluded.
- 8 Private stable, corral, barn, chicken coops.
- 9 Child day care or nursery.
- 10 Other uses similar to the above and judged by the Tropic Town Planning Commission to be in harmony with the character and intent of this zone.

19.4 Height Regulations.

The maximum height for any building (measured from the grade to the square of the building) shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet, whichever is greater, and the minimum height of any dwelling one cannot be less than (1) story. Where the ground or the square of the building is uneven in height, the average elevation thereof shall apply. Chimneys, flag poles, church towers, and similar structures not used for human occupancy shall not exceed forty (40) feet in height.

19.5 Area, Width, and Yard Regulations.

District	Area (sq.ft.)	Width (ft.)	Yard Dimensions (ft.)		
			Front	Side	Rear
R-1-8	8,000	75	25	8	25
R-1-20	20,000	100	25	10	25
R-1-40	40,000	150	25	15	25

19.6 Modifying Regulations.

1 Side Yards. The minimum distance between dwellings located on the same lot shall be twice the minimum side yard distance for the R-1-8 zone. and the total width of the two (2) side yards shall not be less than one third (1/3) of the length of the dwelling or other main building measured along the front street line. On corner lots, the side yard which faces on a street shall not be less than twenty-five (25) feet for both main and accessory buildings.

2 Carports. Carports which are attached to a dwelling and which are open on at three (3) sides may be located within four (4) feet from the side or rear property line but not closer than sixteen (16) feet to the nearest dwelling.

3 Rear Yards for Accessory buildings. The minimum rear yard for accessory buildings shall be eight (8) feet, except that no rear yard shall be required for accessory buildings having fire resistive walls as specified by the applicable building codes.

4 Front Yards for Accessory Buildings. The minimum setback for accessory buildings shall be at least six 6 feet in the rear of the main building. Where no main building exists on a lot, accessory buildings shall be located at least fifty (50) feet from the front street line.

5 Area Required for two-family or Multi-family dwellings. Each additional dwelling requires an additional 1,000 square feet of lot area, for each additional dwelling unit, beyond the required 8,000 square foot area required for single family dwellings.

6 Required Footage. Minimum square footage for dwelling units shall be as specified in Utah codes and health regulations.

19.7 Other Provisions.

1 Stables, corrals, barns and chicken coops shall be located at least fifty (50) feet from the nearest dwelling or public street.

Chapter 20. Residential/Recreation Commercial District (RRC)

20.1 Purpose.

To designate areas that are adaptable to being developed into low density residential, mixed use, recreation/resort use. The Residential/Recreation Zone provides for a mixture of low-density residential homes on single family lots; low-density planned unit developments including residential and supporting light commercial within a planned unit project; low-impact recreational activities that are sensitive to the natural environment in this area; all projects shall create a minimum disturbance of natural slopes, vegetation, flood channels and wildlife.

20.2 Permitted Uses.

- | | |
|------------------------------------|--|
| 1 Single Family Homes | 7 Equestrian facilities |
| 2 Low-impact Commercial Recreation | 8 Retreat |
| 3 Spa | 9 Other uses similar to the above and judged by the Tropic Town Planning Commission to be in harmony with the character and intent of this zone. |
| 4 Restaurant | |
| 5 Lodging | |
| 6 Cabins | |

20.3 Conditional Uses.

- | | |
|-----------------------|--|
| 1 Church | 5 Other uses similar to the above and judged by the Tropic Town Planning Commission to be in harmony with the character and intent of this zone. |
| 2 School | |
| 3 Public facilities | |
| 4 Professional Office | |

20.4 Site Plan Review

All proposed development within this zone shall first submit a general site plan showing anticipated lots, building sizes and types, location relative to flood plain and hillsides and sources of culinary water and fire protection to the Planning Commission for review to ensure that it meets the purpose of this zone prior to detailed plans being formally developed for consideration. Final plans shall be submitted to the Planning Commission who shall make written recommendation to the Town Council. The Town Council shall not approve any such development without giving due consideration to the recommendations of the Planning Commission.

20.5 Height Regulations.

No building shall be erected to a height greater than thirty 30 feet without a conditional use permit. No building shall be erected to a height less than one 1 story.

20.6 Set backs, Area, Height, and Density Requirements

Setbacks:

Front	25 feet
Side	25 feet
Rear	10 feet

Minimum Lot Area: Single Family: 5 Acre

Density: Single Family Residential Lots: 1 unit per 5 acres

Commercial development in this area shall be limited to 1000 sq.ft. of floor space to each 20,000 sq.ft. of land area.

Buffer:	Lots within this zone shall reserve a 50-ft. buffer surrounding the property that preserves natural features and is planted with trees and other vegetation to provide a sound sight barrier.
Maximum Area:	None
Building Minimum Height:	10 Feet
*Building Maximum Height:	30 Feet
Other Requirements	
Construction Materials:	Due to the unique nature of the zone fire retardant roofing shall be required in areas that are wooded. The type of material, exterior finish and architectural look shall be consistent with the natural surrounding and the intent of this zone.
Lighting:	Exterior lighting, allowed only in close proximity to buildings and roadways, must be hooded to direct light downward and not to shine outside the property and so as not to intrude upon the night sky.
Utilities:	All utilities shall be underground. Transformers, where required above ground, shall be screened.
Antennas/Dishes, etc.	All antenna, satellite dishes, or other exterior devises shall be placed so that they blend in with the building and the surroundings.
Exterior/Design:	All exteriors shall be of complimentary design and common earth-tone colors blending into the natural landscape.
Noise Levels:	Noise levels shall be controlled so they do no negatively impact surrounding properties.
Signs:	All signs must be of such type and size as to the blend in with the natural surroundings and not be obtrusive. Off-site signs are not allowed. All signs shall be of professional quality. No moving or flashing signs are permitted.
Flood Control:	All land developed shall prepare and have approved a flood control plan that will be adequate to manage anticipated floods and channel water into approved flood control channels as approved by the Planning Commission.
Traffic Planning:	A traffic plan will be included that shows how anticipated traffic will be managed and what street improvements will be needed. Costs for related improvements in streets will be shared on a proportionate basis between the developer and the Town.

- Dust: If streets are not paved in the area, adequate measures shall be taken during construction to minimize dust generated by development and related business traffic.
- Forestry: Where there are areas that are in need of reforestation, approved trees of at least 1 ½" base shall be planted to contribute to the environment and the flood control plan.
- Fire Protection: A fire protection plan shall be submitted for the approval of the Planning Commission and Fire Department to protect property from undue fire hazard in this area.

Chapter 21. Community Commercial District (CC)

21.1 Purpose.

The main objective of this zone is to provide for institutional type developments and other similar uses such as public education buildings, community recreation centers and parks, government buildings and shops, professional office space, and other similar developments.

21.2 Permitted Uses.

- | | |
|--|---|
| <ul style="list-style-type: none"> 1 Educational institutions 2 community recreation centers 3 Parks 4 Government buildings 5 Professional office | <ul style="list-style-type: none"> 6 Any use allowed per Tropic Town and BLM agreement 7 Other uses similar to the above and judged by the Tropic Town Planning Commission to be in harmony with the character and intent of this zone. |
|--|---|

21.3 Height Regulations.

No building shall be erected to a height greater than thirty-five 35 feet without a conditional use permit. No building shall be erected to a height less than one 1 story.

21.4 Minimum Area, Width, and Yard Regulations.

District	Yard Dimensions in Feet			
	Area	Width	Side	Rear
C-1	None	20	0	20

Where a C-1 District abuts a residential district, yards will be as follows:

Yard Dimensions in Feet		
Front	Side	Rear
20	20	20

21.5 Special Provisions.

1 All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight-obscuring fence or wall of not less than six 6 feet in height and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall.

2 No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in the Commercial District. No junk, debris, abandoned or dismantled automobiles or automobile parts or similar material shall be stored or allowed to remain on any lot in the Commercial District.

3 All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall which will prevent the facility from being seen from a public street.

4 For dwellings and boarding houses and uses accessory thereto, the area, frontage, yard and height regulations shall be the same as in the R-1 Residential Zone; provided, however, that such regulations shall be waived for dwellings erected above the ground floor of a building when said ground floor is designed exclusively for commercial purposes. Minimum square footage for each dwelling unit shall conform to Utah codes and health regulations.

Chapter 22. General Commercial District (GC)

22.1 Purpose.

The objective in establishing the central business district commercial zone is to identify a principal shopping and financial center within town. Uses characteristic of the zone include banks, office buildings, public offices, hotels, theaters, and similar uses offering a wide variety of services. The types of goods which may be offered for sale include "durable goods" such as automobiles, appliances, hardware and sporting. This zone is located in the central portion of town in a location that will best serve the population of the area.

22.2 Permitted Uses.

- | | |
|---|---|
| 1 Restaurant. | 15 Recreational Coach Park. |
| 2 Beauty Shop. | 16 Theater. |
| 3 Cleaners and pressing establishments. | 17 Hotel/Motel. |
| 4 Public garage. | 18 Light manufacturing |
| 5 Bank. | 19 Amusement/Recreation enterprise
(within enclosed building. |
| 6 Convenience Store. | 20 Auto and trailer sales. |
| 7 Dressmaking Shop. | 21 Horticulture and gardening. |
| 8 Milling Shop. | 22 Planned Unit Development. |
| 9 Professional Offices. | 23 Other uses similar to the above and
judged by the Tropic Town Planning
Commission to be in harmony with the
character and intend of this zone |
| 10 Retail Shops | |
| 11 Service Station | |
| 12 Social clubs and lodges. | |
| 13 Pawn Shop | |
| 14 Mobile Home Park. | |

22.3 Conditional Uses.

- | | |
|---------------------------------|---|
| 1 Bus terminal. | 9 Laboratories. |
| 2 Food processing or packaging. | 10 Lumber and milling. |
| 3 Clothing manufacturing. | 11 Home Occupation See Chapter 3 |
| 4 Blacksmith shop. | 12 Other uses similar to the above and judged
by the Tropic Town Planning Commission to be
in harmony with the character and intend of this
zone |
| 5 Machine shop. | |
| 6 Wire recapping shop. | |
| 7 Welding shop. | |
| 8 Body and fender shop. | |

22.4 Height Regulations.

No building shall be erected to a height greater than thirty-five 35 feet without a conditional use permit. No building shall be erected to a height less than one 1 story.

22.5 Minimum Area, Width, and Yard Regulations.

District	Yard Dimensions in Feet			
	Area	Width	Side	Rear
C-1	None	20	0	20

Where a C-1 District abuts a residential district, yards will be as follows:

Front	Yard Dimensions in Feet	
	Side	Rear
20	20	20

22.6 Special Provisions.

1 All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight-obscuring fence or wall of not less than six 6 feet in height and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall.

2 No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in the Commercial District. No junk, debris, abandoned or dismantled automobiles or automobile parts or similar material shall be stored or allowed to remain on any lot in the Commercial District.

3 All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall which will prevent the facility from being seen from a public street.

4 For dwellings and boarding houses and uses accessory thereto, the area, frontage, yard and height regulations shall be the same as in the R-1 Residential Zone; provided, however, that such regulations shall be waived for dwellings erected above the ground floor of a building when said ground floor is designed exclusively for commercial purposes. Minimum square footage for each dwelling unit shall conform to Utah codes and health regulations.

Amended September 9, 2004-Ordinance #992004

Adoption

Council Member Wesley Clarke made a motion, seconded by Council Member Sandra Francisco to adopt these Tropic Town Zoning Ordinance amendments including the accompanying map. Passed, approved, and adopted this 9th day of September, 2004 by the following vote:

AYES: LaMar Feltner, Gaia Greenhalgh, Wesley Clarke, Sandra Francisco

NAYS:

ABSENT:

ABSTAIN:

Mayor:

A. Jean Seiler, Mayor

Attest:

Marie H, Niemann, Clerk

Appendix A-Definitions

1 Accessory Building. A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel with the main building or use.

2 Accessory Use. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of the lot.

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

4 Agricultural Industry or Business. An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses.

5 Alley. A public way permanently reserved as a secondary means of access to abutting property.

6 Alteration, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

7 Automobile Service Station. A place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery, charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other parts.

8 Basement. A story whose floor is more than twelve (12) inches below the average of the adjoining ground, but where no more than one-half (1/2) of its floor to ceiling height is above the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement.

9 Beginning of Construction. Grading the site for a building or structure.

10 Boarding House. A dwelling where at least three (3) but not more than Fifteen (15) persons reside and are provided meals for compensation.

11 Body and Fender Shop. A facility for major automobile, truck, mobile home, recreational coach or recreational vehicle repairs to body, frame, or fenders, including rebuilding.

12 Building. Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, machinery and equipment.

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

14 Building, Height of. The vertical distance from the average finished grade surface to the highest point of the building roof.

15 Building Inspector. The local building inspector designated by the Tropic Town Council to enforce the provisions of this Ordinance.

16 Campground. A public area designated by a public agency for camping, or a private area licensed by the Town of Tropic for camping.

17 Carport. A private garage not completely enclosed by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

18 Child Nursery (Including Pre-school). An establishment for the care and/or the instruction of six (6) or more children other than members of the family residing on the premises.

19 Conditional Use. A use of land for which a conditional use permit is required, pursuant to this Ordinance.

20 Condominium. An ownership structure established in accordance with the Utah Condominium Act.

21 Corral. A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for confinement of animals or fowl.

22 District. A portion of the territory of the Town of Tropic established as a zoning district by this Ordinance; also means "zone" and "zoning."

23 Driveway. A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

24 Dwelling. A building or portion thereof designed exclusively for residential occupancy, including single-family, two-family, and multiple-family dwellings, but not including hotels, motels, tents, travel trailers, boarding houses, hospitals, and nursing homes.

25 Dwelling, Single-family. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

26 Dwelling, Two-family. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

27 Dwelling, Multiple-family. A building arranged or designed to be occupied by three (3) or more families, and having more than three (3) dwelling units.

28 Dwelling, Group. Two (2) or more detached one-family, two-family, or multiple-family dwellings on one (1) lot or one (1) parcel of land.

29 Dwelling Unit. One (1) or more rooms and a single kitchen, in a dwelling designed as a unit for one (1) family for living and sleeping purposes.

30 Easement. That portion of a lot or lots reserved for present or future use by a -person or agency (other than the legal owners) of said property(ies). The easement may be for use under, on, or above said lot or lots.

31 Family. An individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants who are not related by blood or marriage living together in a dwelling unit.

32 Fence. A physical barrier to delineate, contain, or, designate an area designed for a specific use e.g., an enclosure for a dwelling unit; an area for storage, etc.

33 Floor Area. The area in square feet within a building, including the exterior walls but not including the area of inner courts and shaft enclosures.

34 Flood Hazard. A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

35 Garage, Private. A detached accessory building or portion of a main building for the parking or temporary storage of automobiles.

36 Garage, Public. A building other than a private garage used for the storage, care, repair, or equipment of motor driven vehicles, or a building in which such vehicles are parked or stored for remuneration, hire, or sale.

37 Geological Hazard. A hazard inherent in the crust of the earth or artificially created, which is dangerous to life, property, or improvements, due to movement, failure, or shifting of the earth.

38 Grade (Ground Level). The average of the finished ground level at the center of each wall of a building or side of a fence. In case walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk at the center of that wall adjoining the street.

39 Guest. Any person, not a member of the family, who rents or occupies a room for sleeping purposes.

40 Home Occupation. An occupation conducted entirely within a dwelling or other authorized structure.

41 House, Boarding or Rooming. A building containing a single dwelling unit and not more than five (5) guest rooms where, for compensation, lodging and/or meals are provided.

42 Household Pets. Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this Ordinance. Household pets shall not include the keeping of dangerous animals.

43 Hotel. Any building containing six (6) or more rooms intended or designed to be used for sleeping purposes by guests, but in which no provision is made for cooking in any individual room or suite.

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

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

46 Kennel. Any premises where three (3) or more dogs older than four (4) months are kept.

47 Lot. A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three (3) or more smaller units.

48 Lot, Corner. A lot located at the junction of and fronting on two or more intersecting streets.

49 Lot, Front of. The boundary of a lot bordering on a street. In the case of a corner lot, either street may be the front of the lot.

50 Lot, Rear of. That boundary which is opposite and more or less parallel to the front lot line. In the case of an L-shaped or other irregular lot where two or more lines are so located, all shall be considered to be rear lines, except such as may be within fifty (50) feet of the front line or which may be twenty (20) feet or less in length. In the case of a lot which comes to a point at the rear, the rear lot line shall be that imaginary line parallel to the front lot line, not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

51 Lot, Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point along the front yard setback line or rear yard setback line, whichever is shorter.

52 Mobile Home. A detached single-family dwelling unit not less than forty-five (45) feet in length, designed for long-term occupancy and to be transported on its own wheels, or on flatbed or other trailers or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready

for occupancy except for connections to utilities and other minor work; removal of such wheels or placing such dwelling unit on a foundation shall not remove the unit from the mobile home category, unless the building meets the dwelling standards for single-family conventional housing as contained in the building codes.

53 Mobile Home Lot. A lot within a mobile home subdivision, designed and to be used for the accommodation of one (1) mobile home.

54 Mobile Home Park. Any plot of ground upon which two (2) or more mobile homes occupied for permanent dwelling purposes are located, whether or not a change is made for such accommodations.

55 Mobile Home Space. A space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.

56 Mobile Home Subdivision. A subdivision designed and intended for residential use where the lots are to be occupied by mobile homes exclusively.

57 Modular Home. A permanent dwelling structure built of prefabricated units which are assembled and erected on the site or at another location and brought to the site as a unit; said modular home is classified as a mobile home until it is placed on a permanent foundation and is in compliance with all building codes.

58 Motel or Motor Court. A group of attached or detached buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building, with garage or parking space conveniently located on the lot and which is designed, used, or intended wholly or in part, for the accommodation of automobile transients.

59 Nonconforming Building or Structure. A building or structure, or portion thereof, which does not conform to the regulations for height, coverage, or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

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

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

62 Official Map. A map of existing and/or proposed streets, blocks, subdivisions and other major features which has been adopted by the Town Council and filed in the Garfield County Recorder's Office as the official map of Tropic, Utah.

63 Parking Lot. An open area, other than a street, used for the parking of more than four (4) automobiles and which is available for public use, whether free, for compensation, or accommodation for clients or customers.

64 Percent of Grade. The percentage increase in elevation over a one hundred 100 foot horizontal distance. For example, a ten (10) percent grade would be a rise in elevation of one (1) foot in ten (10) feet or ten (10) feet in one hundred (100) feet

65 Person. Any individual, firm, partnership, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, and any other county, city, municipality, district, or other political subdivision, or any other group or combination acting as a unit.

66 Planned Unit Development. An integrated design for development of residential, commercial or industrial uses, or combinations of such uses, in which the density and location regulations of the 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 general requirements.

67 Recreational Coach. A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use and human habitation for a temporary and recreational nature.

68 Recreational Coach Park. Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one (1) or more owners or users of recreational coaches for a temporary period not to exceed one hundred twenty (120) days. Such park may also be designated as an "Overnight Park."

69 Setback. The shortest distance between the front street line and the building (exclusive of steps).

70 Sign. Any writing, pictorial representation, symbol, banner, or any other figure of similar character of whatever material which is used to identify, announce, direct attention to or advertise, which is placed on the ground, on any bush, tree, rock, wall, post, fence, building, structure, vehicle, or any place whatsoever and which is visible from outside a building. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, stringing, or otherwise fastening, affixing, or making visible in any manner whatsoever.

71 Stable, public. Any place where horses are boarded and/or kept for hire.

72 Street. A public thoroughfare, including all land within right-of-way lines which has been dedicated, condemned, or abandoned to the public as such, other than an alley, which affords the principal means of access to abutting property.

73 Street Line. The right-of-way line between a street and the abutting property.

74 Story. That portion of a building included between the surface of any floor and the floor or ceiling next above it.

75 Story, half. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls do not extend more than four (4) feet above the floor of such story, and the ceiling area of which does not exceed two-thirds (2/3) of the floor area of the same half story.

76 Structure. Anything constructed or erected which requires location on the ground or attached to something having a location in the ground, but not including a tent or vehicle.

77 Structural Alteration. Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

78 Yard. Any space on a lot other than a court, which is open and unobstructed from the ground to the sky.

79 Yard, Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the main building and the street right-of-way line.

80 Yard, Rear. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear of the main building and the rear of the lot.

81 Yard, Side. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.