

2018

SCIPIO TOWN

ZONING

ORDINANCE

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ABBREVIATIONS

Abbreviations used throughout the Scipio Town Zoning Ordinance are:

Council	for	Scipio Town Council
CUP	for	Conditional Use Permit
General Plan	for	Scipio Town General Plan
P&ZC	for	Scipio Town Planning and Zoning Commission
SAA	for	Scipio Town Appeal Authority
SLUA	for	Scipio Town Land Use Authority
Scipio	for	Scipio Town
Clerk	for	Scipio Town Clerk
Zone	for	Zone District
Zoning Ordinance	for	Scipio Town Zoning Ordinance

CHAPTER 1

SCIPPIO ZONING ORDINANCE AND ENFORCEMENT

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SECTION 1: AUTHORITY, PURPOSES, AND ORGANIZATIONAL STRUCTURE

1.1.1 AUTHORITY

This Zoning Ordinance is adopted pursuant to and in accordance with the authority vested in the Town Council of Scipio, County of Millard, Utah, by the Utah State Code, Title 10, Chapter 9, and shall be known and referenced as the Scipio Town Zoning Ordinance.

1.1.2 PURPOSES

Regulations in this Zoning Ordinance are prepared to be in agreement with the Scipio General Plan and were enacted for the purposes of promoting the health, safety, and welfare of present and future residents of Scipio, including classifications of land development and uses, protection of tax bases, and protection of the town's agricultural and other approved businesses.

1.1.3 ORGANIZATIONAL STRUCTURE

1.1.3.1 The Scipio Town Land Use Authority

The Land Use Authority is an individual appointed by the Council to advise persons regarding the General Plan and the Zoning Ordinance; to approve or deny applications/proposals to construct new or modify existing structures; to initiate or modify land and/or structure uses; to provide administrative assistance and advice to the P&ZC, and the Council; and to oversee enforcement of laws and Zoning Ordinance provisions.

1.1.3.2 The Scipio Town Planning and Zoning Commission (P&ZC)

Members of the P&ZC are appointed by the Council and are authorized to: (a) prepare recommended updates of the General Plan and zoning ordinances that control land and structure uses and developments in agreement with the General Plan. Recommendations of the P&ZC require action by the Council. The P&ZC may present recommendations to the Council regarding planning considerations and other ordinances for the benefit and protection of Scipio residents.

1.1.3.3 The Scipio Town Appeal Authority (SAA)

The Council has designated the P&ZC as the SAA to hear and rule on appeals from decisions made by the SLUA regarding applications/proposals on land use matters. The SAA also is designated to hear and rule on petitions for variance from Zoning Ordinance regulations. Rulings by the SAA are final actions, and no further appeals are possible within the jurisdiction of Scipio. Further recourse to the District Court is available.

SECTION 2: APPOINTMENTS, DUTIES, AND PROCEDURES

1.2.1 THE SCIPIO TOWN LAND USE AUTHORITY (SLUA)

The Council appoints the SLUA. Duties and responsibilities of the SLUA include: (a) advising affected persons regarding the contents and/or interpretation of the General Plan and the Zoning Ordinance; (b) receiving applications for building new and/or modifying existing structures and changing land and/or structure uses; (c) making decisions for approval or denial of applications based on laws and Zoning Ordinance provisions and preparing written rulings for the applicants; (e) serving as a resource person for the P&ZC and the Council (acting as an advisor without voting privileges in deliberations of the two noted bodies); (f) maintaining files with records of all requests, applications, and enforcement actions involving land use issues. The SLUA may be reimbursed for documented expenses approved by the Council.

1.2.2 THE SCIPIO TOWN PLANNING AND ZONING COMMISSION (P&ZC)

1.2.2.1 Commission Membership, Terms, and Conditions

The Council appoints five (5) Scipio residents to serve without remuneration on the P&ZC. The usual term of appointment is three (3) years with reappointments possible. A majority vote of a quorum of Council members, after a public hearing, shall be required for removal of a P&ZC member. P&ZC members may be reimbursed for documented expenses approved by the Council.

1.2.2.2 Authority and Duties of the P&ZC

The P&ZC members elect a Chair and any other desired officer(s) from their membership, and the P&ZC may adopt rules and regulations that it considers advisable for governing its procedures. Written records (minutes) of its proceedings must be kept that shall be open to the public at reasonable times and recording of all meetings is required. The P&ZC has the authority to employ experts and/or staff that can be reimbursed for documented expenses up to limits approved by the Council. The P&ZC can make use of expert advice and/or information that is available from federal, state, county, and municipal officials that have information, maps, and data relevant to town planning and zoning. The P&ZC has the powers and duties enumerated in the current "Municipal Land Use Development and Management Act" portion of the Utah Code.

1.2.3 THE SCIPIO TOWN APPEAL AUTHORITY (SAA)

1.2.3.1 SAA, Terms, and Conditions

The Council has designated the P&ZC as the SAA. Reimbursement of documented expenses approved by the Council may be provided to SAA members.

1.2.3.2 Duties and Responsibilities of the SAA

The SAA shall meet within 14 days from the date when a written appeal from a decision of the SLUA or the date

when a written petition for variance from Zoning Ordinance regulations is received. All meetings of the SSA must comply with the requirements of the Utah Open and Public Meetings Act. The SAA must keep minutes of its proceedings that show the vote of each member upon each issue. If a member abstains from a vote, the minutes shall indicate that fact. All minutes, recordings, and records of the proceedings including other materials used and/or actions of the SAA shall be public records filed in the office of the SAA and available to any party.

1.2.3.2.1 Appeal from a decision of the SLUA

At least four (4) members of the SAA must be present and a majority vote is required to affirm or reverse a decision made by the SLUA. The Chair shall vote only if necessary to resolve a tie vote. Decisions of the SAA become effective on the date of the meeting in which the decision is made, unless a different time is designated at the meeting in which that decision is made.

1.2.3.2.2 Petition for variance from Zoning Ordinance regulations

At least four (4) members of the SAA must be present and a majority vote is required to rule on the approval or denial of a variance petition. The Chair shall vote only if necessary to resolve a tie vote. All of the listed conditions must be met for the granting of a variance and no exceptions to the stated variance conditions can be made. Decisions of the SAA become effective on the date of the meeting in which the decision is made, unless a different time is designated at the meeting in which that decision is made.

SECTION 3: APPEAL PROCEDURES, DEADLINES, AND RESTRICTIONS

1.3.1 APPEALS

Any decision regarding the interpretation or application of laws or the Zoning Ordinance by the SLUA may be appealed to the SAA. The SAA is the final appellate body within the Scipio jurisdiction, and further recourse is to the District Court.

1.3.2 PROCEDURES, DEADLINES, AND RESTRICTIONS

1.3.2.1 A ruling by the SLUA can be appealed to the SAA by submission of a written appeal, which must be received by the SAA within fourteen (14) days of the written ruling by the SLUA. The SAA must provide a written ruling to the appellant within thirty (30) days of receipt of the appeal file.

1.3.2.2 Written decisions of the SAA are final actions relative to the Zoning Ordinance, and no further appeals exist within the jurisdiction of Scipio. Any person or Scipio entity may petition the District Court for review of a decision of the SAA in accordance with provisions of Utah State laws.

1.3.2.3 All written appeal files noted in Subsection 1.3.2.1 must contain all of the materials and statements that are intended to substantiate the appellant's claim that the ruling of the SLUA and/or the SAA is in error, and the person or entity making the appeal bears the burden of proof.

1.3.2.4 Appeals to the SAA cannot include any proposed changes to the Zoning Ordinance or the Official Zoning Map with its one accompanying page of explanation.

1.3.3 WAIVER OF LIABILITY

Scipio shall hold the SLUA, the SAA, and members of the SAA and their agents and representatives, and any authorized agents of Scipio harmless from any personal liability for any damages that may accrue to any person or

property as a result of any act required by the Zoning Ordinance or for the omission of any act when acting in good faith and without malice. Any such act or omission in carrying out provisions of the Zoning Ordinance shall be defended until after the final determination of such proceedings by qualified legal counsel approved by the Council.

SECTION 4: VIOLATIONS AND PENALTIES

1.4.1 DISCOVERY AND NOTICE OF VIOLATIONS

1.4.1.1 The SLUA shall investigate all reports of violations of the Zoning Ordinance provisions and monitor activities covered by permits for construction, modifications, and uses. Any owner(s) and/or person(s) responsible shall be served with a *written notice* that describes any violation, action(s) necessary to correct it, and a time limit for its correction. The SLUA shall provide a copy of that notice to the Clerk. After such a notice has been served, no further work may proceed on any structure, modification, use, or land described in the notice until the violation has been corrected. Violations may be referred to an attorney designated by Council for further actions noted in Subsections 1.4.1.4 and 1.4.1.5 of the Zoning Ordinance.

1.4.1.2 Any person may report or file a written complaint with the SLUA regarding existing or potential violations of the Zoning Ordinance. The SLUA shall investigate such complaints promptly and take any necessary actions described in Subsection 1.4.1.1 of the Zoning Ordinance.

1.4.1.3 The SLUA may order discontinuance of any illegal uses of buildings, structures, and/or land; any illegal work in progress; and may take any other action authorized by the Zoning Ordinance to ensure compliance with or prevent violation of its provisions.

1.4.1.4 A violation of any provision of the Zoning Ordinance shall be a Class C misdemeanor. Each day of a *continuing, deliberate* violation of such a provision may be considered a separate offense.

1.4.1.5 Appeal to the SAA is allowed as described in Subsection 1.3.2 of the Zoning Ordinance.

SECTION 5: ESTABLISHMENT OF ZONE DISTRICTS

1.5.1 DISTRICT CLASSIFICATIONS

Lands within the jurisdictional boundaries of Scipio are apportioned into the following Zone Districts: R1, Residential District; HC, Highway Commercial District; and unzoned Utah State properties.

1.5.2 THE OFFICIAL ZONING MAP

1.5.2.1 Locations of zone districts set forth in the Zoning Ordinance are identified on an area-specific Scipio map with one (1) attached explanatory page, hereinafter collectively referred to as the Official Zoning Map. The Official Zoning Map, including all explanatory matter thereon and on the one attached explanatory page, is hereby adopted by reference and declared to be a part of the Zoning Ordinance. The Official Zoning Map shall be identified by the signature of the Scipio Mayor, attested by the Town Clerk, and bearing the Scipio Town seal under the following words: “This is to certify that this is the duly accepted Official Zoning Map, referred to in Chapter 1 of the Zoning Ordinance of Scipio Town, County of Millard, Utah, adopted __August 16, 2018__.”

1.5.2.2 Changes may be made in district boundaries or in other matters portrayed on the Official Zoning Map *only* upon strict compliance with the provisions of the Zoning Ordinance. Such changes will be effective *only* upon adoption by the Council, and will be entered on the map *only* as the Council advises. Any entry must be signed by

the Scipio Mayor and attested by the Town Clerk.

1.5.2.3 The amended Official Zoning Map shall be part of the Zoning Ordinance immediately replacing the prior Official Zoning Map when such an amendment is approved. The effective date of the amendment is the date of approval by the Council regardless of the date on which the amendment is entered on the Official Zoning Map.

1.5.2.4 No change of any kind shall be made on the Official Zoning Map, information shown thereon, or on the one attached explanatory page except in strict compliance with the procedures set forth in the Zoning Ordinance. Any unauthorized change of any kind by any person shall be considered a violation of the Zoning Ordinance punishable as a Class C Misdemeanor.

1.5.2.5 The Official Zoning Map shall be kept in the Clerk's office. It shall be the final authority on the current zoning status of land and water areas, buildings, and other structures in Scipio. No *copy* of the Official Zoning Map and the one attached explanatory page shall be used in any zoning decision.

1.5.3 REPLACEMENT OF THE OFFICIAL ZONING MAP

1.5.3.1 The Council may adopt a new Official Zoning Map if the current Official Zoning Map is lost, destroyed, seriously damaged, or becomes difficult to interpret due to the nature and/or number of additions or changes. Upon adoption, the new Official Zoning Map with its one attached explanatory page shall supersede the prior Official Zoning Map and become a part of the Zoning Ordinance in its place. Corrections of drafting and/or other errors or omissions in the prior map or in any subsequent amendment thereof may also be made on the new Official Zoning Map. The new Official Zoning Map shall be authenticated by the signature of the Scipio Mayor, attested to by the Town Clerk, and must bear the seal of Scipio Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (_August 16, 2018_; this is the date of adoption of the map being replaced) as part of the Zoning Ordinance of Scipio Town, County of Millard, Utah."

1.5.3.2 The Clerk shall preserve all prior maps or remaining parts thereof as well as all available records pertaining to their adoption or amendment.

1.5.4 INTERPRETATION OF DISTRICT BOUNDARIES

1.5.4.1 Map Interpretations

The SLUA shall make decisions on interpretations of District Boundary Lines as described in Subsection 1.5.4.2 of the Zoning Ordinance and shown on the Official Zoning Map. The SLUA is commissioned to interpret boundary lines *only*, and not to change any District Boundary Line location or to rezone any property. The Council shall make interpretations regarding district boundaries in any cases not clearly defined in Subsection 1.5.4.2.

1.5.4.2 Rules for Interpretation of District Boundaries

The following rules shall apply if any uncertainties exist with regard to the intended District Boundary lines for districts shown on the Official Zoning Map:

Centerlines and Right-of-Way Lines. Boundaries indicated as following centerlines of streets, highways, or alleys shall be considered to follow such centerlines.

Property Lines. Boundaries indicated as following platted lot lines shall be considered to follow such lot lines.

Town Limits. Boundaries indicated as following town limits shall be considered to follow such town limits.

1.5.5 APPLICATION OF DISTRICT REGULATIONS

Regulations in the Zoning Ordinance for each zoning district shall be minimum regulations that apply uniformly to each class or kind of structure, use, or land unless specifically exempted.

1.5.5.1 No building, structure, or land shall be occupied or used; and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered unless in compliance with the regulations specified for the district in which that structure, use, or land is located.

1.5.5.2 No building or other structure shall be constructed, erected, or altered that:

(a) Exceeds the height and/or area dimensions permitted within the zoning district in which such a building or structure is located;

(b) Accommodates or houses a greater number of occupants than are permitted within the zoning district in which such building or structure is located;

(c) Occupies a larger percentage of lot area than is permitted within the zoning district in which such building or structure is located;

(d) Has a narrower or smaller rear yard, front yard, side yard, or other open space than is required within the zoning district in which such building or structure is located; or

(e) Otherwise causes any such building or structure to violate any requirement(s) of the zoning district in which such building or structure is located.

1.5.5.3 No part of a yard, open space, off-street parking space, or loading space that is required for any building for the purpose of complying with the Zoning Ordinance may be included as part of a yard, open space, off-street parking space, or loading space that is required for any other building.

1.5.5.4 Division or size-reduction of a conforming lot that makes it noncompliant with the minimum lot requirements creates a non-conforming lot subject to Chapter 5 of this Zoning Ordinance.

1.5.5.5 Only the permitted uses and conditional uses listed within a particular zoning district are allowed within that district unless other specific uses are established as legal nonconforming uses that comply with exceptions allowed in the Zoning Ordinance. Uses that are accessory to the permitted and conditional uses may be allowed only if they are approved as accessory uses by the SLUA and are consistent with the definition of “Accessory Uses” provided in the Zoning Ordinance.

SECTION 6: PERMITS

1.6.1 ZONING COMPLIANCE AND BUILDING PERMITS

1.6.1.1 A Zoning Compliance Permit must be obtained from the SLUA before: (a) excavating and/or filling on any parcel of land prior to beginning construction of any building, (b) commencing construction of any building, (c) moving any building, (d) altering any building, or (e) commencing development of land for uses not requiring a building. The Permit must state that any proposed uses and/or construction are in compliance with the Zoning Ordinance.

1.6.1.2 A building permit must be obtained from the Millard County Building Official before any construction or alteration work is begun, and the building plans must be in conformity with the provisions of the Building Codes

adopted by Millard County.

1.6.1.3 Building permits are not required for structures with an overall exterior area of 200 ft² or less or those used solely for agricultural uses, but such structures require approval by the SLUA.

1.6.1.4 Zoning Compliance permits and building permits shall not be issued if there are deviations from provisions of the Zoning Ordinance.

1.6.2 APPLICATIONS FOR BUILDING PERMITS

Applications for building permits are obtained from the Millard County Building Official who administers permit regulations. The SLUA may require other information to assure compliance with the Zoning Ordinance such as existing or proposed new uses of buildings, land, lot conditions, and any other pertinent items.

1.6.3 CONSTRUCTION/USES RESTRICTED TO APPLICATIONS/PLANS/PERMITS

Permits for buildings and uses are issued for applications and plans approved by the SLUA. Only the arrangements, construction, and uses described in approved applications, plans, and permits are authorized. Any arrangements, construction, or uses at variance with what is approved and authorized shall be in violation of the Zoning Ordinance unless reviewed and approved in writing by the SLUA.

SECTION 7: VARIANCES

1.7.1 PURPOSE

Variance procedures provide narrowly circumscribed means by which relief may be granted from unreasonable hardships arising from unforeseen consequences of the Zoning Ordinance. The variance procedure is inappropriate if other provisions of the Zoning Ordinance are available for relief.

1.7.2 PARTIES ENTITLED TO SEEK VARIANCES

A person or entity that desires a waiver or modification of a requirement of the Zoning Ordinance as applied to property or land that is owned, leased, or in which some other beneficial interest is held by such person or entity may petition the SAA for variance from provisions of the Zoning Ordinance.

1.7.3 PROCEDURES

1.7.3.1 A written petition for variance must be submitted to the SAA. The SAA may rule that *less information* than the following is needed, but otherwise the petition must include:

- (a) The name(s) and address(es) of the property owner(s) and signed consent of the owner(s) for filing of the application;
- (b) The name(s) and address(es) of the applicant(s), if different from the owner(s); and any legal interest(s) of the applicant(s) in the subject property and/or relationship(s) with the owner(s);
- (c) The name(s) and address(es) of any professional consultants that will advise the owner(s) and/or applicant(s) with respect to the application;
- (d) The address and legal description of the subject property;
- (e) A list of all adjacent property owners;
- (f) A site plan drawn to scale identifying all property lines, structures, fences, rights-of-way, and their respective distances from the property lines;

- (g) An elevation drawing to scale showing elevations of all existing and proposed structures;
- (h) A streetscape plan showing the heights of buildings on both sides of the street if the variance involves building heights;
- (i) A topographical drawing prepared by a licensed surveyor if the variance involves grade changes; existing topography shall be shown in dashed lines at two-foot intervals and proposed grading shall be shown in solid lines at two-foot intervals; any retaining wall(s) must be shown and the height(s) relative to the proposed grades must be indicated; the design of any retaining walls must be approved by a structural engineer who is licensed to practice in the state of Utah;
- (j) The specific feature(s) of the proposed use or construction that require(s) a variance;
- (k) The specific provision(s) of the Zoning Ordinance from which the variance is sought and the specific variance being sought;
- (l) A statement that describes characteristics of the property that would prevent compliance with provisions of the Zoning Ordinance without causing an unnecessary hardship;
- (m) A statement that describes the minimum variation in provisions of the Zoning Ordinance that would be necessary to permit the proposed use or construction; and
- (n) Any other information requested by the SAA that is pertinent to the requested variance.

1.7.3.2 At least four (4) members of the SAA must be present to discuss, make a majority decision, and provide a written ruling to approve, modify, or deny the request for variance. The Chair shall vote only if necessary to resolve a tie vote. Copies of that written decision shall be given to the petitioner, the SLUA, and the Mayor within ten (10) days of the meeting.

1.7.3.3 The petitioner may proceed as requested in the petition for variance if the SAA approves the variance petition, which approval must include the identified findings of fact and reasons for which the petition was approved including the quoted applicable standards noted in Subsection 1.7.4. The SAA (with possible assistance of an attorney) must then have a legal description of the affected property and a statement of the approved variance recorded in the Office of the Millard County Recorder with specific identification of the terms of the variance that list any time limitations and/or conditions imposed by the SAA.

1.7.3.4 A written decision of denial of a petition for variance must include the identified findings of fact and reason(s) for which the petition was denied including the quoted applicable standards noted in Subsection 1.7.4.

1.7.3.5 The decision of the SAA is final for Scipio Town's jurisdiction.

1.7.3.6 Recourse to the District Court requires the complete petition for variance from the petitioner, the record of the SAA meeting at which it was considered, and all documents and evidence upon which the decision was made.

1.7.4 STANDARDS FOR GRANTING A VARIANCE

The SAA may approve variance from provisions of the Zoning Ordinance *only* if:

1.7.4.1 General Standards

(a) Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the petitioner that is not necessary to maintain the general purposes of the Zoning Ordinance; and

- (b) There are special circumstances with the property that do not generally apply to other properties in the same district; and
- (c) Granting the variance is essential for the enjoyment of a substantial property right possessed by other property in the same district; and
- (d) The variance will not have a substantial impact on the General Plan and will not be contrary to the public health, safety, welfare or interest; and
- (e) The spirit of the Zoning Ordinance is observed and substantial justice is done.

1.7.4.2 Circumstances Unique to the Property

Unreasonable hardship by enforcement of the Zoning Ordinance is valid under 1.7.4.1 only if:

- (a) The alleged hardship is located on or associated with property for which a variance is sought;
- (b) The alleged hardship results from circumstances unique to the property and not from conditions that are general in the neighborhood.

1.7.4.3 Special Circumstances

Special Circumstances associated with a property under Subsection 1.7.4.1 exist only if they:

- (a) Relate to the hardship justified in the application; and
- (b) Deprive the property of considerations available to other properties in the same district.

1.7.5 PROHIBITED VARIANCES

Variations shall *not* be approved that:

- (a) Are for temporary hardships;
- (b) Are for hardships that are economic or self-imposed;
- (c) Are for hardships caused solely by existing nonconforming uses of neighboring lands, structures, or buildings in the same district;
- (d) Are greater than a minimum variation necessary to relieve the unnecessary hardship;
- (e) Attempt to authorize uses not allowed by law (such as a “use variance”).

1.7.6 MODIFIED VARIANCES

A modified variance that is less than or different from that requested may be granted if the record supports the petitioner’s right to some relief but not to the full extent of the relief requested.

1.7.7 CONDITIONS ON VARIANCES

The applicant bears the burden of proving that all of the conditions justifying a variance have been met. Conditions such as the location, character, and/or other features of proposed structures and/or uses may be included in an approval of an application for a variance. Such conditions shall be in the public interest to mitigate any potentially harmful effects of the variance and to maintain standards and requirements that are specifically modified or waived. A guarantee or bond may be required to insure that the specified conditions will be followed, and such conditions shall be clearly stated in the written variance approval. Violation of any conditions or limitations in the written approval shall constitute grounds for revocation of the variance.

1.7.8 LIMITATIONS OF AN APPROVED VARIANCE

Approval of a variance shall not authorize the establishment or extension of any other use, or the alteration, construction/reconstruction, development, or moving of any building or structure. An approved variance authorizes only the preparation, filing, and processing of applications for any permit(s) and/or other approval(s) that may be required by Scipio regulations.

SECTION 8: ZONING AMENDMENTS

1.8.1 INTENT

It is the intent of Scipio that the Zoning Ordinance and the Official Zoning Map (with its one attached explanatory page) be maintained for the promotion of desirable land and property development and maintenance of current land values and uses. Therefore, the Zoning Ordinance and the Official Zoning Map shall **not** be amended except to:

- (a) Correct obvious errors or oversights in the Zoning Ordinance and/or the Official Zoning Map;
- (b) Be consistent with town development and land use objectives stated in the General Plan;
- (c) Be responsive to changing conditions in Scipio that would require adoption of amendments for the promotion of the public health, safety, and general welfare of Scipio residents.

1.8.2 PROCEDURE FOR SUBMISSION OF PROPOSED AMENDMENTS

Amendments may be proposed by: (a) any person or entity, (b) the P&ZC, and (c) the Council. Proposed amendments to the Zoning Ordinance and/or the Official Zoning Map must be submitted in writing (with possible illustrations) to the SLUA for preliminary review and advice to the P&ZC.

1.8.2.1 Three types of proposed amendments are: (a) language amendments that propose wording changes in the Zoning Ordinance, (b) proposed amendments that seek to change District Boundary Lines on the Official Zoning Map, and (c) proposed amendments that seek to change allowed uses within a Zone.

1.8.2.2 A proposed amendment that seeks to make any change(s) on the Official Zoning Map (with its one attached explanatory page) must have an accompanying file containing the following:

- (a) A legal description and accurate map of the area in which rezoning is proposed;
- (b) The current zoning designation and the proposed zoning designation;
- (c) The names and addresses of all owners of land within the area that is proposed for rezoning;
- (d) The names and addresses of all owners of land within one thousand (1000) feet of the outer limits of the area proposed for rezoning. Widths of alleys, highways, and streets within the area proposed for rezoning must be added to the noted 1000-foot boundaries.

1.8.3 THE DECISION PROCESS

1.8.3.1 The SLUA shall review the proposal for accuracy and completeness and report to the P&ZC regarding the nature of the proposal and the date of its receipt. Copies of the proposal shall be provided to the P&ZC and to other parties that might be affected by the amendment. Those parties shall have fourteen (14) days from the date on which the materials were provided to respond in writing. The SLUA shall assemble and transmit all of the written comments to the P&ZC for input in its deliberations.

1.8.3.2 The P&ZC shall meet to review the proposed amendment and give due consideration to the written comments. The P&ZC will focus on: (a) the need for any zone changes, (b) potential effects on businesses, churches,

fire protection, parks, sanitation, traffic, utilities, etc., and (c) potential impacts (present and future) on surrounding developed and undeveloped areas. At least four (4) members of the P&ZC must be present and a majority vote is required to recommend (a) approval, (b) modification, or (c) disapproval of the proposed amendment. The Chair shall vote only if necessary to resolve a tie vote. The P&ZC shall transmit its written findings and recommendation to the Council within fourteen (14) days of its decision.

1.8.3.3 The Council shall choose an appropriate place and time for a public hearing at which all interested parties shall have an opportunity to be heard. Notice of the place and time for the public hearing and the nature of the proposed amendment shall be posted in public places and be published in a newspaper with circulation in Scipio at least fourteen (14) days prior to the date of the hearing. Written comments or withdrawal of comments must be filed with the SLUA at least twenty-four (24) hours before the posted time for the public hearing. Written comments can be submitted to Council within an additional period of ten (10) days.

1.8.3.4 The Council shall meet to discuss the proposed amendment within thirty (30) days after the public hearing. Consideration shall be given to concerns, evidence, recommendations of the P&ZC, comments of the public, and opinions or positions of private and public entities. A majority vote of a quorum of the Council in favor of adoption is required to approve an amendment to the Zoning Ordinance and/or the Official Zoning Map with its one explanatory page.

1.8.4 LIMITATION ON SUBMITTING PROPOSED ZONING AMENDMENTS

Proposed amendments of the Zoning Ordinance and/or the Official Zoning Map that contain any area that was included in another proposed amendment considered at a public hearing but not approved by Council cannot be submitted for at least twelve (12) months after the date of that prior hearing.

CHAPTER 2

DEFINITIONS

This Chapter contains definitions from the Utah State Code and also includes and/or clarifies other definitions as follows:

ACCESSORY USE AND/OR STRUCTURE: A different use and/or an additional structure on the same lot as the principal use and/or structure.

ALLEY: A public access way less than sixteen feet (16') wide giving access to lots of abutting properties. An alley is not considered to be a street for the purpose of the Zoning Ordinance.

APPEAL AUTHORITY: The entity charged with hearing and ruling on Land Use Authority appeals, and hearing and ruling on Zoning Ordinance variance petitions. The Scipio Town Council has designated the Planning and Zoning Commission to serve as the Scipio Appeal Authority.

BLOCK: The area surrounded by streets or other rights-of-way other than an alley, or an area that is designated as a block on any approved and recorded subdivision plat.

BUILDING: Any permanently affixed, covered structure intended for the housing, shelter, or enclosure of any person(s), animal(s), or goods.

CONDITIONAL USE: Any use in a Zone that requires review and approval of specific conditions by the SLUA and/or Council as described in Chapter 4 of the Zoning Ordinance.

CUL-DE-SAC: A street that is designated to remain permanently closed at one end with the closed end terminating in a vehicular turnaround.

DWELLING UNIT: Any building or portion thereof that contains living facilities with provisions for cooking, eating, sleeping, and sanitation. Any combination of rooms that are independent from other dwelling quarters in the same building that are established for independent housekeeping shall be considered to be independent dwelling units. Tents, campers, travel trailers including the fifth-wheel type, hotels, motels, and nursing homes are excluded from this definition.

EASEMENT: The portion of any lot or property that is reserved for present or future use by a person or agency other than the legal owners of that lot or property. An easement that is above, on, or under the lot or property may be reserved for present or future use.

HOME ENTERPRISE: A gainful enterprise conducted by any resident(s) of a dwelling unit that is incidental and secondary to the use of the unit for dwelling purposes and that does not change the character of the dwelling unit.

LAND USE AUTHORITY: The Scipio official charged with administration of the Zoning Ordinance.

LARGE-SCALE PROJECT: All land and structures occupied by a fabrication, manufacturing, processing, or other industrial activity that would require a conditional use permit under terms of the Zoning Ordinance and that requires more than five (5) acres.

LOADING SPACE: Space within a building or lot for loading and/or unloading of vehicles.

LOT: A discrete parcel of land described and placed on record in a deed.

- A. A *conforming lot* is a parcel of land with adequate dimensions and size to meet the minimum requirements for area, frontage width, setbacks, and uses described in the Zoning Ordinance.
- B. A *corner lot* has two sides abutting on two different streets at their intersection.
- C. A *flag lot* does not abut a public right-of-way but has a right of access to a public right-of-way from a private road or driveway (a Lot Right-of-Way).

LOT LINES: Lines that define the boundaries of a lot.

- A. A *front-lot line* is the boundary line of a lot parallel to and abutting on the right-of-way line of an officially approved street or highway. The front yard of a lot shall be defined as the portion of the lot abutting on a street right-of-way. For purposes of determining front lot lines and front yards of corner lots, all lot boundaries adjacent to streets and highways shall be considered to be front lot lines.
- B. A *zero-lot line* is concurrent with a property line.
- C. A *rear-lot line* is the boundary of the lot opposite the front-lot line on any lot with only one front-lot line. The rear-lot line for a lot with two front-lot lines shall be determined by the SLUA, who shall consider the orientation and location of existing structures in the area, probable orientations of proposed structures, and uses of rear portions of existing lots in that Zoning District.
- D. A *side-lot line* is a boundary line of a lot that is not a front-lot or rear-lot line.

LOT MEASUREMENTS: Measures of the dimensions of a lot.

- A. The *depth* of a lot is defined as the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the front and the rearmost points of the side lot lines in the rear.
- B. The *width* of a lot is defined as the distance between straight lines connecting the front and rear lot lines at each side of the lot measured across the front of the front yard.

LOT PLAN: A scale drawing of a lot with dimensions listed that include the sizes and locations of existing and planned structures, location of the lot relative to abutting streets, natural features such as water and topography, and any other information required by the SLUA.

LOT OF RECORD: A lot recorded in the Office of the Millard County Recorder, or a lot or parcel that meets all the requirements of the Zoning Ordinance and is described by an official survey whose description has been recorded.

LOT WITH RESTRICTIONS: A lot must have an average slope of less than twenty-five degrees (<25°) from its lowest point (at 0°). It must contain a minimum of 20,908.8 square feet in area with an average slope of <25°. All structures on a restricted lot must be located within the area with an average slope of <25°. Removal of vegetation, soil grading, and/or any means of disturbing the existing surface is **not** permitted outside of the designated buildable

area (except for utility installation and derivations).

LOT RIGHT-OF-WAY: A documented right-of-way consisting of a strip of land not less than twenty-eight feet (28') in width that connects a lot to a public street for use as access to the lot.

MANUFACTURED HOME: A dwelling constructed by joining prefabricated units built in the U.S. after June 15, 1976, with an authentic metal HUD [certification](#) plate permanently affixed to each unit, and that dwelling attached to a steel-reinforced concrete foundation on a reinforced concrete footing.

MOBILE HOME: A modular unit with a body length of at least thirty-five feet (35') built on a chassis and designed for use as a dwelling when connected to the required utilities. The unit may or may not have a permanent foundation.

A. **DOUBLE WIDE:** A mobile home consisting of two or more sections combined horizontally at the site to form a single dwelling. The sections may retain their individual chasses for possible movement but may be placed on a permanent foundation.

B. **EXPANDABLE:** A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported but which can be expanded at the site to provide additional living area.

MOBILE HOME PARK: A mobile home development with continuous, local, general management and with special facilities for common use by occupants such as community recreational buildings and areas, open spaces, laundry facilities, etc.

MODULAR UNIT: A prefabricated transportable building designed to be used by itself or to be incorporated into a modular structure with other units at a building site. This term applies to major assemblies and not to prefabricated supplements to be incorporated into a structure already at a site.

OPEN SPACE: Areas reserved for agriculture, greenbelts, parks, paths, playgrounds, trails, and similar uses recommended by the P&ZC and approved by Council.

PARKING SPACE: An off-street space available for parking of one motor vehicle and having an area of not less than that specified in Chapter 6, and having direct access to an alley or street.

PERFORMANCE BOND: A financial guarantee in the form of cash, commercial bond, letter of credit, or other form approved by the Council and held by Scipio to assure that required conditions and/or improvements are met and completed.

PERMITTED USE: A use designated as permitted within a Zone for which only the approval of the SLUA is required.

PLANNING AND ZONING COMMISSION: The Scipio commission of five (5) members appointed by the Council to recommend land-use and other planning, to draft the General Plan, and to draft zoning regulations and ordinances.

PUBLIC UTILITY: Any corporation, firm, municipal department or board, or person authorized to furnish and provide communication services, electricity, gas, transportation, or water to the public under Millard County or Utah State regulations.

RECREATIONAL VEHICLE: Any camper, motor home, travel trailer (including fifth-wheel), truck, or any mobile home unit designed or modified for use for temporary, periodic occupancy. RVs may have self-contained plumbing, heating, and electrical systems that can be operated independently with periodic external service to be habitable without full utility hookups. Such units are **not** permitted as dwellings except in an established RV Park.

RECREATIONAL VEHICLE PARK: A parcel of land under single ownership developed and intended for rent or lease of spaces for temporary residential occupancy by RVs.

SETBACK LINES: Lines that define buildable areas on lots and establish inside-dimension limits of required yards.

SEXUALLY ORIENTED BUSINESS: A business catering primarily or exclusively to adults offering sexually oriented entertainment, movies, displays, magazines, books, or paraphernalia.

SIGNS: Displays of letters, words, models, banners, flags, pennants, symbols, or representations that announce, advertise, or call attention to events, persons, products, services, or organizations. This definition of “sign” does not include the flag, pennant, or insignia of any nation, state, county, city or other political unit. Types of signs include but are not limited to: business signs; changeable copies; flashing signs; flush wall signs; signs advertising real estate for lease, rental or sale; free standing signs; home enterprise signs; illuminated signs; painted wall signs; roof signs; temporary business signs; and window signs.

STREET: A strip-area of land usually developed for vehicular traffic.

A. **COLLECTOR:** An existing or proposed street of considerable continuity that provides a main means of access to a major street system.

B. **FRONTAGE (ROAD):** A minor street (road) that is parallel and adjacent to a limited access major street that provides access to abutting properties and protection from traffic on the major street.

C. **MAJOR:** An existing or proposed street that is intended primarily for through traffic as a controlled access highway, parkway, or other equivalent term.

D. **MINOR:** An existing or proposed street of limited continuity that is supplementary to a collector street that serves local neighborhoods and provides primary access to abutting properties.

E. **PUBLIC:** A thoroughfare that is dedicated to the public by deed, plat, use, or otherwise and accepted by proper public authority; or a thoroughfare not less than twenty-eight feet (28') wide that has been accepted by the public and affords principal access to abutting properties.

F. **RIGHT-OF-WAY:** Land dedicated for public use for streets, shoulders, curbs, gutters, park strips, sidewalks, utilities, and related uses.

STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include but are not limited to buildings, fences, mobile homes, and walls.

SUBDIVISION: Any land that is divided, subdivided, partitioned, or proposed to be divided into two or more lots, parcels, plots, sites, units, or other divisions of land for purposes, whether immediate or future, of development,

lease, offer, or sale on installment plans or upon any other plans, terms, and conditions. This definition of “subdivision” does **not** include:

- A. A bona fide division or partition of agricultural land solely for agricultural purposes;
- B. A bona fide division or partition of land for the purpose of locating an unmanned facility serving a pipeline owned or operated by a gas corporation, intrastate, or interstate pipeline company on one or more of the resulting separate parcels;
- C. A recorded agreement between owners of adjoining properties that adjust their mutual boundary when no new lot is created, and the adjustment does not result in a violation of the Zoning Ordinance; or
- D. A recorded document executed by the owner(s) of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.

TRANSPORTATION AND COMMUNICATION CORRIDOR: Land used for conveyance of electrical energy, freight, fuels, water, or other resources, or communications by modulated electric waves, including buildings and facilities necessary and incidental to such conveyance. Such uses generally shall be associated with long distance transmission of such commodities, communications, energy, fuels, or water, and not for the local distribution of such items. Some specific land uses falling within this definition include but are not limited to:

- A. Any system of towers and wires used for the conveyance of electrical energy with voltage in excess of 46 KV (kilovolts), phase to phase.
- B. Any water, storm sewer, or sanitary sewer line equal to or greater than twelve inches (12") in diameter or of equivalent capacity, or with the capacity equal to or greater than five cubic feet per second (5 ft³/sec).
- C. Any road with an average daily traffic load in excess of 1,000 vehicles or in excess of 50 truck trips per day, where “truck” is defined as any vehicle larger than a van or pickup, or any road consisting of more than two lanes of traffic.
- D. Any pipeline used for conveying oil, coal slurry, or similar substances in suspension, solution, or liquid form.
- E. Any pipeline used for conveying natural gas with an operating pressure in excess of eighty pounds per square inch (80 lbs/in²).

TRAVEL TRAILER: A vehicular, portable structure with a body width not exceeding eight feet (8') that is built on a chassis and designed to be used as a temporary dwelling for travel and recreation.

UNLICENSED OR INOPERABLE VEHICLE: An unlicensed motor vehicle or one that is not mechanically operable or is otherwise not legal to be operated on a highway.

VARIANCE: A specific exception from any provision(s) of the Zoning Ordinance as described in Chapter 1 of the Zoning Ordinance.

WASTE: Any material in any form that should be subjected to destruction, disposal, or storage.

- A. **HAZARDOUS:** Any solid, semi-solid, liquid, or gaseous waste containing any material for which a permit is required under the Utah Code; under the Federal Water Pollution Control Act; or for which comparable toxicity is indicated in an OSHA MSDS listing.
- B. **IMPORTATION:** Bringing any hazardous materials or wastes into Scipio boundaries from another city, county, state, or country for any purpose such as disposal, storage, treatment, etc.
- C. **INFECTIOUS:** Waste that contains, or may be reasonably expected to contain, pathogens of sufficient virulence and quantity that exposure to such waste by a susceptible host could result in infectious transmission.
- D. **SOLID:** Garbage, refuse sludge, trash, or any discarded material including solid, semi-solid, liquid, or contained gaseous material resulting from agricultural, commercial, industrial, mining, other operations, or from community activities. The following materials are NOT deemed to be solid wastes when recycled, *i.e.* materials that are recycled by being:
 - 1. Used or reused as effective substitutes for commercial products;
 - 2. Used or reused without being reclaimed as ingredients in a process to make a product;
 - 3. Returned as a substitute for raw material feedstock in an original process.
- E. **STORAGE:** The deliberate containment of waste on either a temporary or continued basis in any such a manner that avoids unlawful disposal of such waste.
- F. **UNLAWFUL DISPOSAL:** Depositing, discharging, dumping, injecting, leaking, placing, or spilling of any waste into/onto any land or water so that such waste or any constituent thereof may enter the environment, be emitted into the air, or contaminate ground or other waters.
- G. **TREATMENT:** Any method, process, or technique that changes the biological, chemical, or physical character and/or composition of any waste that neutralizes, reduces in volume, renders non-hazardous or safer for storage or transport, or makes it amenable to recovery/use.

YARD: A required open space that must be unobstructed and unoccupied by any structure or portion of a structure more than thirty inches (30") above the general ground level of the graded lot. Customary yard accessories and furniture, fences, poles, posts, walls, and ornaments are permitted in any yard subject to the height limitations and visibility requirements described in the Zoning Ordinance.

- A. **FRONT:** A yard extending between the side-lot lines across the front of a lot adjoining a public street.
- B. **REAR:** A yard extending across the rear of the lot between the side-yard lines.
- C. **SIDE:** A yard extending from the front-yard line to the rear-lot line, or in the absence of a clearly defined rear-lot line, to the point on the lot farthest from the intersection of the lot line with the adjacent public street.

ZONE: A defined area within Scipio boundaries in which specified conditions, structures, and uses are permitted;
and other conditions, structures, and uses are not allowed

CHAPTER 3

ZONE DESCRIPTIONS AND USES

SECTION 1: GENERAL

3.1.1 INTENT

This section describes use and structure limitations and requirements for each designated Zone within the Scipio Town boundaries.

3.1.2 ZONE PURPOSES

The first section of each Zone description outlines the purposes of the Zone and serves as a guide for the P&ZC to recommend and Council to determine if any conditional uses should be approved in the Zone, and what guidelines should be considered for proposed Zone amendments.

3.1.3 PERMITTED USES

Permitted uses support the purposes of the Zone. Uses that existed in a Zone when the 2004 and 2013 Zoning Ordinances were adopted that are not permitted now are pre-existing, non-conforming uses subject to the regulations of Chapter 5.

3.1.4 CONDITIONAL USES

A conditional use must not be in conflict with the primary purposes of a Zone, and is appropriate only if it is located, designed, and/or conducted in ways that minimize negative effects on permitted uses within that Zone.

3.1.5 ACCESSORY USES

Accessory uses are those that are different from the principal use on a lot, and are incidental and subordinate to the principal use. Accessory uses are allowed only if it is demonstrated that such uses are necessary for support of the principal use of the property. Accessory uses can occur only within the Zone in which they are located.

3.1.6 ZONE REGULATIONS

Regulations for each Zone are included within this Chapter 3 and apply to all structures and uses permitted in each Zone regarding the lot area per residential and/or non-residential building(s); the minimum dimensions for lot width and shape; the minimum distances from property lines for front-, side-, and rear-yard setbacks; and the minimum and maximum heights of structures.

SECTION 2: ZONE DISTRICTS

3.2.1 RESIDENTIAL ZONE DISTRICT R-1

The Residential District R-1 Zone is established for low-density, single-family residential uses and approved home enterprises and small businesses to maintain an attractive, residential, rural environment in appropriate areas of Scipio.

3.2.1.1 Use Regulations

No building or land in Residential Zone District R-1 shall be used, and no building shall be erected that is arranged,

designed, or intended to be used, for any uses other than one or more of the following:

- a. Single-family residence including HUD-certified manufactured home built in the U.S. after June 15, 1976
- b. Agriculture
- c. Approved small business
- d. Church (except temporary revival tents or buildings)
- e. Cultural or civic services
- f. Daycare center
- g. Domestic animals
- h. Healthcare center
- i. Home enterprise
- j. Hospital
- k. Offices
- l. Public or private school or preschool
- m. Public park or recreational facilities
- n. Public service
- o. Public utility station
- p. Senior citizen center

3.2.1.2 Area and Density Regulations

The minimum lot area for single-family, detached housing shall be not less than 0.50 acre (21,780 square feet).

3.2.1.3 Frontage, Size, and Shape Regulations

The minimum width of lots shall be 120 feet at the required front yard setback line. The minimum lot area (0.50 acre) must be rectangular, and calculation of the minimum lot area cannot include extensions of the lot in any direction (parallel, perpendicular, or angular) relative to the 120-foot frontage. Septic tank leach-line *drainage* must be contained within the lot. Existing lots with frontage less than 120 feet shall be considered on a case-by-case basis. Larger lots may be required for safety or sanitary reasons.

3.2.1.4 Yard Regulations

A. Corner Lots

1.FRONT AND SIDE YARDS: The minimum setbacks from each street-side property line for residential buildings on corner lots shall be 20 feet (20'). Minimum setbacks for such buildings with diagonal orientation relative to the intersection corner shall be measured from each street-side property line to the building surface closest to that property line. Any attached or closely associated accessory building(s) shall have the *same minimum setbacks* as the main residential building, and no accessory building(s) shall be located between the street-side property lines and the main residential building. Closely associated accessory building(s) shall be displaced at least ten feet (10') from the nearest surface of the residential building to allow access for fire protection and utility servicing.

2.REAR AND SIDE YARDS: The minimum rear and side yard displacements from neighboring property lines to

residential buildings shall be 12 feet (12'). The minimum displacement from neighboring rear and side lot property lines to accessory buildings shall be three feet (3') with at least one-foot (1') from the drip line to the property line.

B. Interior Lots

1. **FRONT YARD:** The minimum setback for residential buildings shall be 20 feet (20'). On blocks where lots contain existing residential buildings that occupy at least 50% of the frontage, the front-yard setback may be the average of the existing residential buildings fronting on the same street, but *in no case less than 15 feet (15')*. Any closely associated accessory building(s) must be displaced at least ten feet (10') from the nearest surface of the residential building to allow access for fire protection and utility servicing.

2. **SIDE YARDS:** The minimum side-yard displacement from each of the neighboring property lines for residential buildings shall be twelve feet (12') making the total width of the two required side yards not less than 24 feet (24'). Non-residential main buildings shall have minimum side yards of 15 feet (15') making the total width of the two side yards not less than 30 feet (30'). The minimum side-yard displacement from each of the neighboring property lines to accessory buildings shall be three feet (3') with at least one-foot (1') from the drip line to the property line.

3. **REAR YARD:** The minimum rear-yard displacement from the property line to any main building shall be 20 feet (20'). The minimum rear-yard displacement to accessory buildings shall be three feet (3') with at least one-foot (1') from the drip line to the property line.

4. No accessory building(s) shall be located in front of the front foundation line of the main residential building.

3.2.1.5 Smaller Accessory Buildings

Smaller accessory buildings with a maximum height of 12 feet (12') from ground level to the highest point of the roof shall be displaced from all property lines by not less than three feet (3') with at least one-foot (1') from the drip line to the property line. Displacements from all property lines shall be increased by one foot (1') for each additional one-foot (1') of roof height to a maximum of 21 feet (21') roof height with a resulting displacement of 12 feet (12') from all property lines.

3.2.1.6 Large Accessory Buildings

Large accessory buildings [more than 21-feet (21') in height] may be located on the same lot as a residence, but they are subject to the following regulations:

A. FRONT YARD: The minimum setback for a large accessory building shall be 25 feet (25').

B. REAR YARD: The minimum rear-yard displacement from the property line for a large accessory building shall be 25 feet (25').

C. SIDE YARDS: The minimum side-yard displacements from property lines for a large accessory building shall be 15 feet (15') on each side.

D. SEPARATION: There must be a minimum separation of 16 feet (16') between a residential building and a large accessory building.

3.2.1.7 Height Regulations

The *minimum* height of a residential structure shall be ten feet (10'), measured from ground level to half way between the highest point and the bottom eave edges. The *maximum* height of any building shall be 30 feet (30' measured from ground level to the highest point), unless determined by other provisions in this Zoning Ordinance.

3.2.1.8 Additional Housing Considerations

A. Applications for building permits (except permits for re-roofing, siding, minor demolition and remodeling on conforming lots, or when there is no change of footprint on a non-conforming lot) require a plot plan. A less detailed, hand-drawn plan will usually be adequate for smaller agriculture uses. Plans must be discussed with the SLUA, and approved, before seeking a building permit from the Millard County Building Inspector or other authorized agent.

B. Utility connection fees must be paid at the time the building permit is processed and issued.

C. The width of a dwelling shall not be less than twenty feet (20') at the narrowest point of its first floor not including any garages, bay windows, room additions, or other appendages. Manufactured, modular homes must contain multiple sections with each section having a minimum width of ten feet (10'). A basement shall not be considered a first floor. The width shall be considered the lesser of the two primary dimensions (length and width).

D. Each dwelling shall have an engineered or code-approved, site-built, steel-reinforced concrete footing and a permanent foundation waterproofed below ground level and sealed above ground level according to the Building Code approved by Millard County.

E. Each dwelling unit is taxed as real property. Affidavits as required by the Utah Code for a manufactured home must be filed under that Code section and a copy submitted to Scipio.

F. Each manufactured-home dwelling unit must be installed by an owner/builder registered with Scipio or by a housing set-up contractor licensed by the Utah Division of Occupational and Professional Licensing. Units must be installed according to manufacturer set-up instructions. Water-hose bibs on manufactured homes must be approved frost-proof and anti-siphon types.

3.2.2 HIGHWAY COMMERCIAL

The Highway Commercial Zone is reserved for commercial development and higher density residential uses along a major traffic thoroughfare. The Zoning Ordinance provides standards for high quality development and safe traffic flow.

3.2.2.1 Use Regulations

No building or land in the Highway Commercial Zone shall be used, and no building shall be erected that is arranged, designed, or intended to be used, for any uses other than one or more of the following:

- a. Agriculture
- b. Animal (small) hospital
- c. Auto, truck, RV, and equipment rental
- d. Automotive repair
- e. Automotive service/self-service

- f. Banking and financial service
- g. Civic club
- h. Convenience goods and services
- i. Dry cleaning establishment
- j. General Merchandise sales and service
- k. Healthcare center
- l. Home furnishing sales
- m. Hotel/Motel
- n. Laundromat
- o. Light industry
- p. Lumber sales and storage
- q. Multiple family dwellings
- r. Offices (business, government, or professional)
- s. Parking lot (public or private)
- t. Personal services
- u. Public or private school or preschool
- v. Public utility station
- w. Restaurant (traditional or drive in)
- x. RV park
- y. Shopping Center (community) including grocery sales
- z. Wholesale/warehouse/storage

3.2.2.2 Area and Density Regulations

The SLUA may require a minimum lot size and/or other conditions at the site plan review.

3.2.2.3 Frontage Regulations

The SLUA may require frontage and setback displacements at the site plan review.

3.2.2.4 Yard Regulations

A building on a lot adjacent to a Residential Zone boundary shall have a side yard of not less than 20 feet (20') on the side of the building adjacent to the Zone boundary. Front yard development shall conform to residential regulations (Subsection 3.2.1).

3.2.2.5 Height Limitation

Plans for construction of any structure higher than 30 feet (30') must be submitted for review by the SLUA who may approve or deny the proposed construction.

3.2.2.6 Site Development

Plans for site development must be reviewed by the SLUA.

3.2.2.7 Major Outside Storage

Major outside storage of general inventories, miscellaneous merchandise, stockpiles, recyclable materials, etc. must be concealed by landscaping or opaque fencing so it is not visible from public streets and abutting properties. This regulation does not apply to small displays of materials for sale.

3.2.2.8 Scipio Land Use Authority Review

An application for commercial or light industrial development, a development involving a zero lot-line, a subdivision, etc. must be submitted to the SLUA for preliminary review.

CHAPTER 4

CONDITIONAL USES

4.1 PURPOSE

To allow limited and carefully evaluated uses that minimize negative impacts for Scipio residents in certain locations under specifically defined circumstances.

4.2 DEFINITION

A conditional use is any use that is not listed as a use in a particular Zone. It might be acceptable in only a specific location within a Zone, or only under carefully controlled conditions of operation, or only if such a use is designed and laid out in a particular manner on the proposed site.

4.3 CONDITIONAL USE PERMIT REQUIRED

A Conditional Use Permit (CUP) shall be required for any use not listed as a use in a particular Zone. Such permits shall be administered as set forth in this Chapter 4. An approved CUP may be revoked if failure to comply with all conditions imposed at the time of approval occurs.

4.4 APPLICATION AND REVIEW PROCEDURES

4.4.1 Application for a CUP and payment of any assessed fees shall be made through the SLUA.

4.4.2 Detailed site and building plans shall be drawn to scale, and all explanatory material shall accompany the completed application for a CUP.

4.4.3 The SLUA shall evaluate the application, including all accompanying information, and make a written decision to approve or deny the CUP.

4.4.4 The applicant, any Scipio resident, or Council can appeal the SLUA decision to the SAA.

4.4.5 The SAA may schedule a public hearing on an appeal if deemed to be in the public interest.

4.4.6 The written decision of the SAA to approve or deny the CUP must include the specific conditions for approval (or reasons for denial) and all accompanying information and supporting documents from the applicant, SLUA, SAA, and the record of the Public Hearing (if held).

4.5 BASIS FOR APPROVAL OR DENIAL OF A CUP

4.5.1 The SLUA may approve a conditional use within a Zone in which such use is compatible with the General Plan and Zone requirements. The SLUA shall list the requirements and conditions considered necessary for protection of adjacent properties and the public welfare.

4.5.2 The SLUA shall **not** approve a CUP unless firm evidence is presented to establish that:

- A.** The proposed use complies with the goals and governing principles of the General Plan.
- B.** The proposed use complies with all regulations and conditions in the Zoning Ordinance.
- C.** The proposed use at the specific location is necessary or desirable to provide a service or

facility that will contribute to the general well being of Scipio.

D. That such use under the approved circumstances and conditions will not be detrimental to the health, safety, and/or general welfare of persons, or injurious to property, improvements, or property values in the immediate or broader areas of Scipio.

E. For uses designated as accessory uses, the use will support and further the principal use of the property.

4.6 RIGHT OF APPEAL

4.6.1 The applicant, any Scipio resident, or Council can appeal the SLUA decision to the SAA. The appeal must be filed in writing within fourteen (14) days of the recorded decision by the SLUA, and must include a detailed statement describing the basis upon which the appellant asserts that the reasoning and recommendation by the SLUA are in error. After review, the SAA may confirm, adjust, or reverse the decision of the SLUA on a CUP application.

4.6.2 The decision of the SAA is final for Scipio's jurisdiction.

4.6.3 Further recourse is to the District Court.

4.7 BOTH A CUP AND A BUILDING PERMIT ARE REQUIRED

Following approval of a CUP application by the SLUA (and the SAA if an appeal is received), the SLUA may issue a CUP that must include all of the conditions in the approved application. An application for a building permit may then be submitted to the Millard County Building Official pursuant to Building Code regulations. The SLUA shall insure that the proposed development is built in compliance with the CUP and all of its conditions.

4.8 TIME LIMIT

A CUP shall expire one (1) year from the date of final approval unless substantial progress under that CUP is demonstrated. An extension of up to six (6) months may be granted to begin work described in the CUP under exceptional circumstances, and a provision for renewal periods may be granted in the original CUP approval.

CHAPTER 5

NONCONFORMING LOTS, STRUCTURES, AND USES

5.1 PURPOSE

This 2018 Zoning Ordinance allows the same nonconforming lots, structures, signs, and/or uses that existed within the Zones established by the 2004 and 2013 Zoning Ordinances prior to their approval (as well as those governed by the 2004 and 2013 Zoning Ordinances) until they are removed and/or discontinued. Existing nonconforming lots, structures, signs, and/or uses may not be expanded in any way that is prohibited in a Zone, but a nonconforming permitted use and/or structure may be extended within the same structure provided that no external alteration of the structure is performed. To avoid hardship, the 2018 Zoning Ordinance shall not require changes in plans, construction, or designed use of a building on which construction has been diligently pursued beginning on a date prior to the effective date of the 2018 Zoning Ordinance.

5.2 NONCONFORMING LOTS-OF-RECORD

5.2.1 Repairs and internal renovations may be performed on a dwelling on a nonconforming lot-of-record, but no changes to the height or external footprint of the original structure are permitted.

5.2.2 An inhabited permanent dwelling destroyed by fire or other disaster on a nonconforming lot may be reconstructed within the footprint and height of the original structure. It **cannot** have additional rooms or bathrooms and must have a septic disposal system in compliance with Utah State Code.

5.2.3 Voluntary demolition/reconstruction of an inhabitable dwelling on a nonconforming lot is permitted only under the following conditions:

- A.** The existing dwelling must have been inhabited during three (3) of the previous five (5) years;
- B.** The dwelling must have an existing septic system in compliance with Utah State Code;
- C.** The reconstructed dwelling must be within the footprint and height of the original structure, have no additional rooms or bathrooms, and have a septic disposal system in compliance with Utah State Code.
- D.** Adjustments in the location of the reconstructed dwelling on the lot may be approved.
- E.** Reduction of the area (<0.50 acre) or frontage requirement (<120 feet) of a conforming lot by sale (or any other means) by a property owner would result in that lot becoming non-conforming.
- F.** More than one single-family dwelling may not be constructed on a lot-of-record that would result in common ownership and continuous frontage that would circumvent the minimum lot-size and/or frontage requirements described in Chapter 3 of the Zoning Ordinance. Division into individual conforming lots with individual ownership is required prior to issuance of an approval permit by the SLUA and a building permit by the Millard County Building Official.

5.3 NONCONFORMING USES OF STRUCTURES AND PREMISES IN COMBINATION

A nonconforming use involving a structure with a replacement cost equal to or in excess of \$2,000 that existed prior to the date of adoption of the 2004 Zoning Ordinance may be continued, as long as the same use and structure

remain in continuous operation, even when it would not be allowed in the Zone under the provisions of the 2018 Zoning Ordinance, subject to the following:

5.3.1 Existing structures devoted to nonconforming uses may be repaired or altered as long as the nonconforming use and structural footprint are not expanded.

5.3.2 A previously permitted nonconforming use may be extended within the same building as long as no external structural alteration of the building or expansion of the footprint is made.

5.3.3 A nonconforming use may not be resumed with any structure, or structure and land combination, if that nonconforming use was replaced by a use permitted in that Zone.

5.3.4 If a previously permitted nonconforming use of a structure or structure-premises combination is permanently discontinued or abandoned, the structure or structure-premises combination must be used in compliance with the regulations of the Zone in which it is located.

5.3.5 If a structure-premises combination has a permitted nonconforming use status, destruction or removal of the structure shall terminate that permitted nonconforming use unless approved by the SLUA. Destruction is damage of more than fifty percent (50%) of the replacement cost.

5.3.6 If Millard County acquires title to a property because of nonpayment of delinquent taxes, the Zoning Ordinance shall govern the future use of that property.

5.3.7 Addition of a solar energy device is not a structural alteration within this Subsection.

5.4 REPAIRS AND MAINTENANCE OF NONCONFORMING STRUCTURES

Ordinary repairs and structural alterations may be made to a permitted nonconforming structure or a structure containing a permitted nonconforming use provided that the nonconforming structure or the portion of the structure housing the nonconforming use is not enlarged. A nonconforming structure or part thereof may be strengthened, replaced, or restored to a safe condition.

5.5 EXTENSIONS OF NONCONFORMING USES MUST BE APPROVED

Nonconforming structures or uses shall not be altered or extended unless approved by the SLUA.

5.6 LOTS AND STRUCTURES WITH DISCONTINUED NONCONFORMING USES

Lots and/or Structures that contain a nonconforming use that has been discontinued shall be cleared or restored to a condition conforming to the terms of the Zoning Ordinance within one (1) year of the date that the nonconforming use was discontinued.

5.7 NONCONFORMING SIGNS

All new signs must be approved by the SLUA.

CHAPTER 6

SUPPLEMENTARY REGULATIONS

6.1 VISIBILITY AT INTERSECTIONS

Nothing shall be erected, placed, planted, or allowed to grow to a height exceeding three feet (3') above the grade within a triangular area whose two perpendicular sides extend thirty feet (30') from the two property lines corner and whose third side (hypotenuse of the triangle) is a line connecting the ends of the two 30' sides in order to ensure safe visibility at intersections.

6.2 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

More than one structure housing a permitted or conditional use may be erected on a lot only when all requirements of the Zoning Ordinance are met for each individual structure.

6.3 FENCES, WALLS, AND HEDGES

6.3.1 Interior Lots: Heights of side- and rear-yard fences consisting of walls, solid materials, or latticework; and hedges, thick shrubbery, or densely planted trees must not exceed seven feet (7').

6.3.2 Corner Lots: Heights of solid-type fences, hedges, shrubbery, etc. must not exceed three feet (3') within thirty feet (30') of corner property lines at intersections. Trees are allowed when maintained "branch-free" from ground level to a height of eight feet (8') above the grade level.

6.3.3 Front-yard Fences: Front-yard fences of the solid type must be no higher than three feet (3') within thirty feet (30') of property lines at intersections, and no higher than six feet (6') beyond that 30' distance. Front-yard (and side-yard on the street side of corner lots) fences of the open type must be no higher than six feet (6').

6.3.4 Obstruction of View: Grading, planting, or construction that interferes with visibility of others using the neighboring streets, sidewalks, alleys, driveways, etc. is prohibited.

6.3.5 Solid-type fences are those that interfere significantly with the view of drivers, pedestrians, etc. in the opinion of the SLUA.

6.3.6 Open-type fences are those that do not interfere significantly with the view of drivers, pedestrians, etc. in the opinion of the SLUA.

6.3.7 Exceptions: Fences for tennis courts, backstops, patio enclosures, etc. may be approved if they do not create a hazard or violation of any other Ordinance in the opinion of the SLUA.

6.4 EXCEPTIONS TO HEIGHT REGULATIONS

Height limitations in the Zoning Ordinance do not apply to antennas, belfries, chimneys, cupolas, spires, ventilators, water tanks, or other appurtenances that are not intended for home occupancy and are usually placed above the roof level. Lot areas that are used for animal enclosure/pasture may be fenced with open-type fencing to a height greater than six feet (6') when needed to ensure effective animal control.

6.5 PERMITTED YARD ENCROACHMENTS

Accessory uses and structures, including projections of the principal structure, may encroach into required setbacks

in any yard, except as prohibited in Section 6.1. Sills, lintels, exterior columns, balconies, chimneys, and building accessories may project to a maximum of three feet (3') into any yard. Open or un-walled porches, terraces, balconies, and exterior stairways may project to a maximum of eight feet (8') into any yard.

6.6 ACCESSORY BUILDINGS

Zoning regulations for accessory buildings located in a Residential Zone are contained in Chapter 3 of the Zoning Ordinance.

6.7 ACCESS TO STRUCTURES

All buildings erected or relocated shall be on a lot bordering a public street, or with access to an approved private street. All structures shall be located on lots that have safe and convenient access for fire protection, servicing, and any required off-street parking.

6.8 PARKING/STORAGE OF EQUIPMENT, MACHINERY, AND VEHICLES

Parking of any equipment including trailers, machinery, and vehicles of any type for more than ten (10) consecutive days on Scipio Town property or street right-of-way is prohibited. Such equipment or vehicles must be moved immediately if right-of-way or street maintenance is required. Such parking must be directly in front of the owner's property unless written consent from owner(s) of adjacent and/or across-street property is obtained and approved by the SLUA. An exception to the provisions of this Subsection 6.8 allows parking of farm equipment including animal and bale trailers on street right-of-ways directly in front of the owner's property during cropping season only.

6.9 PERFORMANCE STANDARDS

Any use permitted in the Zoning Ordinance is subject to the following standards of performance:

6.9.1 All outdoor storage areas in the Highway Commercial Zone shall be enclosed by a fence at least six feet (6') in height. All outdoor storage areas shall maintain fences of at least six feet (6') in height between their boundaries and any adjacent residential district(s).

6.9.2 Any light(s) used to illuminate signs, parking areas, or for any other purposes, shall be focused by appropriate directional controls to confine direct light beams to the lighted properties.

6.10 PUBLIC RIGHT-OF-WAY USE

No structures, fences, signs, or other permanent objects may be placed in any public right-of-way without specific written permission from the SLUA. No part of any right-of-way may be used for storage or display of goods, wares, merchandise offered for sale, advertising, or for any other purpose unless permitted by provisions of a Scipio Ordinance.

6.11 STANDARD PUBLIC RIGHT-OF-WAY WIDTH

The standard public right-of-way width for all roads and streets dedicated to Scipio shall be ninety-nine to one hundred feet (99'–100') unless otherwise specified by the Council.

6.12 PARK STRIP MAINTENANCE

Property owners are encouraged to mow any abutting park strip(s). The Town will continue to mow streets that have

been cleared of debris, equipment, rocks, and vehicles. A park strip is defined as the ground area within the street right-of-way situated between the back of the curb (or edge of the street) and the owner's property line.

6.13 OUTDOORS STORAGE AND WASTE DISPOSAL

6.13.1 Fuels and flammable liquids in excess of three hundred (300) gallons stored above ground must be contained within reinforced concrete dikes with leak-proof wall and floors. Tanks must be of the horizontal type and installed by an approved tank installer. The most recently adopted Uniform Fire Code and all state and federal regulations and laws shall govern such installations.

6.13.2 No materials or wastes shall be deposited in a lot in a manner that could allow any such materials/wastes to be carried from the lot by natural causes or forces.

6.14 PERMITTED HOME-BASED ENTERPRISES

When a home-based enterprise is a permitted use in a Zone, the home-based enterprise may be conducted in a dwelling within that Zone, provided that *all* of the following conditions are met:

6.14.1 Such use shall be conducted entirely within the dwelling; and

6.14.2 Such use shall be incidental and clearly secondary to the primary use of the dwelling for residential purposes, and shall not change the residential character thereof; and

6.14.3 The total area used for the home-based enterprise shall not exceed one-third (1/3) of the gross floor area of the user's dwelling; and

6.14.4 There must be no offensive dust, glare, heat, noise, odors, smoke, or vibrations noticeable at or beyond the property line; and

6.14.5 The home-based enterprise must provide an additional off-street parking place for each additional vehicle that is involved in the home-based enterprise; and

6.14.6 Anyone who wishes to engage in any home-based enterprise must apply for, and be granted, a Scipio business license.

6.15 OPAQUE BARRIERS REQUIRED AT COMMERCIAL AND INDUSTRIAL SITES

The boundaries between a commercial or industrial use and a Residential Zone must have sufficient opaque barriers such as walls or solid or louvered fencing (and/or by appropriate planting) provided by the commercial or industrial user(s) to preserve the adjacent residential environment.

6.16 SEXUALLY ORIENTED BUSINESSES

A sexually oriented business shall be a conditional use that is not permitted in a Residential Zone, and shall not be located within:

6.16.1 Five hundred feet (500') of any school, day care facility, cemetery, public park, library, or religious institution;

6.16.2 Three hundred feet (300') of any Residential Zone boundary; and

6.16.3 Three hundred feet (300') of any other sexually oriented business.

6.17 WATER SOURCE PROTECTION REGULATIONS

No prohibited structures or uses shall be allowed within the water source protection areas designated by the Scipio

Town Water Source Protection Ordinance.

CHAPTER 7

SIGN REGULATIONS

7.1 PURPOSE

Sign regulations are intended to provide standards consistent with the appearance and general welfare of the community. Good sign design and appropriate size and location are major factors. Regulations should allow businesses to identify themselves and promote their goods and/or services while safeguarding property values and protecting the health, safety, and welfare of Scipio residents.

7.2 REVIEW, APPROVAL, AND PERMIT REQUIRED

Site plan reviews for any new buildings and developments must include plans with designs for any signs to be installed on buildings and/or premises. SLUA approval also is required for any signs that are to be added to existing buildings and for any signs that are to be enlarged or modified. Owners, occupants, contractors, or other responsible persons must obtain a permit before erecting, altering, enlarging, or locating any sign within Scipio.

7.3 ENFORCEMENT

7.3.1 Sign regulations shall be enforced by the SLUA who is empowered to issue permits for approved signs. The SLUA shall ensure that new or modified signs conform to the approved sign designs and plans, and do not violate any provisions of the Zoning Ordinance, building codes, or other requirements in this Chapter 7.

7.3.2 The SLUA shall issue a *written notice* of violation to any owner(s) or person(s) having charge, control, or benefit of installation or modification of a sign that is unsafe or in violation of the Zoning Ordinance. The owner(s) or person(s) having charge of or benefitting from any such sign shall have ten (10) working days to repair, modify, or remove that sign.

7.3.3 The SLUA shall be responsible for removal of a sign that is unsafe or in violation of the Zoning Ordinance after ten (10) working days subsequent to issuance of a written notice of violation if the noted items have not been remedied by the owner(s) or person(s) having charge of or benefit from such sign. The owner(s) or person(s) having charge of or benefit from any such sign shall pay Scipio for the costs of such removal within thirty (30) calendar days after a written notice was mailed.

7.4 PROHIBITED SIGNS

Signs not specifically authorized are prohibited, including but not limited to the following:

7.4.1 Political signs on any public right-of-way or Scipio Town property.

7.4.2 Signs announcing a proposed development of property prior to site plan approval; and any such sign after the issuance of a certificate of occupancy of the development.

7.4.3 Signs attached to or painted on trailers, boats, vehicles, etc. that are parked for extended time periods.

7.4.4 Signs attached to or painted on a roof; and signs that project above the highest point of a roof or parapet of a building.

7.4.5 Signs with intense intermittent or flashing illumination; and animated and/or moving signs (approved

limited message centers may be allowed).

7.4.6 Signs that emit sound.

7.5 CLEAR VIEW OF INTERSECTING STREETS

In any zone that requires a front yard, no signs shall be placed on a corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property lines. Any sign(s) must be located within a lot boundary and must have a distance of not less than five feet (5') from the closest point on the sign(s) to the nearest property line.

7.6 CHANGE OF BUSINESS NAME

Any signs on the premises of a business that are not in conformity with the provisions of the Zoning Ordinance must be modified to conform with those regulations when the name of a business changes. This regulation shall not apply to approved signs designed with interchangeable letters or panels.

7.7 RESIDENTIAL ZONE

The following shall be permitted in the Residential Zone for residential uses:

7.7.1 Identification Signs: Signs not exceeding nine square feet (9 ft²) in area that display only the name of the land or building of the owner(s) or lessee(s) thereof.

7.7.2 Directional or Public Necessity Signs: Signs are not to exceed nine square feet (9 ft²) in area and four feet (4') in height.

7.7.3 Home-based Enterprise Signs: One unlighted, wall-mounted sign with a maximum area of nine square feet (9 ft²).

7.7.4 Mobile Home Park and Trailer Park Identification Signs: One identification sign for each entrance to the park. Each sign shall not exceed forty-eight square feet (48 ft²) in area, four feet (4') in height, and twelve feet (12') in width. Such signs must be at least four feet (4') from any property line.

7.8 HIGHWAY COMMERCIAL DISTRICT

Sign regulations within a Highway Commercial District include:

7.8.1 Signs permitted in a Residential District are permitted in a Highway Commercial District.

7.8.2 Business signs must conform to the following:

A One freestanding sign is permitted on each street upon which the lot has frontage.

B. The maximum permitted height is sixty-five feet (65') from the surrounding ground level at the base to the top of the sign. The maximum sign height is twenty feet (20') and the maximum sign width is twenty feet (20').

C. Any such signs must be at least thirty feet (30') from any Residential District.

D. The maximum height for menu signs for drive-in type restaurants is five feet (5').

E. Pricing signs for fuel-dispensing stations have the following restrictions:

1. The maximum sign area is twelve square feet (12 ft²) each.

2. The maximum height is sixty feet (60').

3. Two free standing signs may be installed on each street on which the fuel dispensing station has frontage, and the signs must be at least five feet (5') from the property line.

4. The maximum sign area for free standing signs on a street frontage is twenty-four square feet (24 ft²) including all identification and pricing signs.

5. Any owner(s) or person(s) responsible for such signs in violation of Section 7.9 will be required to remove such signs at their own expense.

7.9 TEMPORARY SIGNS

The following regulations apply for temporary signs in all zones:

7.9.1 Sale, Lease, or Rent Signs: Non-illuminated signs with a maximum area of eighteen square feet (18 ft²) and a maximum height of five feet (6') that pertain only to the land or building upon which they are displayed are permitted.

7.9.2 Banners, Pennants and Displays: Such items are permitted for a maximum of thirty (30) consecutive calendar days beginning with the first day of operation for new businesses or services.

CHAPTER 8

PARKING STANDARDS

8.1 APPLICATION OF STANDARDS

The minimum standards for provision of off-street, on-site parking shall be mandatory for any new construction and any expansions of existing uses.

8.2 EXCEPTIONS TO PARKING STANDARDS

Strict imposition of the parking requirements may create an undue hardship in unusual circumstances, and a reasonable reduction in the parking required may be approved on a case-by-case basis.

8.3 EMPLOYEE PARKING

Employee parking shall be specified at the time of application for a building approval permit or occupancy approval permit (in the case of existing buildings) from information in a statement of impact provided with the application.

The statement of impact shall address:

- 8.3.1** The type of use;
- 8.3.2** The number of employees (planned) and work scheduling;
- 8.3.3** The square feet of sales area, service area, etc.
- 8.3.4** The parking spaces proposed off-site; and
- 8.3.5** The hours of operation.

8.4 ADDITIONAL PARKING REQUIREMENTS

If evaluation of the statement of impact indicates that the actual parking demand is likely to exceed the calculated minimum requirement, or if additional on-site parking is needed in the interest of public safety, parking spaces in addition to the minimum determined by calculation may be required.

8.5 MINIMUM PARKING STANDARDS

The following minimum standards for parking areas are to be provided for any buildings and uses indicated. The minimum standards shall apply for each use, which shall result in a total summed parking requirement for cases in which there are multiple uses proposed for a structure:

- 8.5.1** Day Care and Nursery Schools: one and one-half spaces per employee;
- 8.5.2** Hotels/Motels: one space per unit;
- 8.5.3** Offices: one space per each three hundred square feet of floor area;
- 8.5.4** Restaurants: one space per three seats (designated capacity);
- 8.5.5** Residential: two spaces per dwelling unit.

8.6 APPLICABILITY

The off-street parking standards for the most closely similar use shall apply in cases of uses not listed.

8.7 LOCATION

Parking shall be provided on the same property as the principal building wherever possible. Parking spaces in

residential districts shall not be in a front yard setback required by setback regulations.

8.8 USE OF OFF-STREET PARKING INCLUDING OTHER BUILDINGS

No part of an off-street parking space identified for one building or use shall be an off-street parking area for any other building(s) or use(s) unless it is demonstrated that no conflicts will occur.

8.9 JOINT PARKING FACILITIES

The off-street parking requirements for churches and public buildings may be met with other off-street facilities, provided that other uses are not normally conducted during the same hours and that:

8.9.1 Off-street parking designed for joint use shall not be more than two-hundred feet (200') from the property or use it is intended to serve; and

8.9.2 A written agreement between the owners (or other parties of interest) of structures or uses for which joint parking arrangements are proposed shall be presented with the application for an approval permit. A copy of that agreement shall be reviewed by the SLUA and retained in the files of the SLUA.

8.10 PLANS FOR PARKING AREAS

Plans for all parking areas must be submitted to the SLUA for evaluation and recommendation.

8.11 BOUNDARIES

For each boundary line of a business parking area abutting directly onto a Residential Zone, there shall be a wall, fence, or planting six feet (6') high except where setback requirements would limit it.

CHAPTER 9

MOBILE HOMES AND RECREATIONAL VEHICLES

9.1 MOBILE HOME PARKS

Mobile home parks must be constructed and operated in compliance with standards and requirements contained in this Chapter 9 and all other applicable provisions of the Zoning Ordinance and Utah State regulations. Mobile home parks are allowed only if listed as an allowed or conditional use in a zone.

9.2 PURPOSE

To ensure that mobile home development(s) will be consistent with the objectives and purposes of the Zoning Ordinance and will protect the integrity and characteristics of adjacent zoning districts.

9.3 APPROVAL

Detailed plans for a Mobile Home Park must be submitted to the SLUA for review and preliminary approval. Such approval will require proof that the proposed development will:

9.3.1 Be harmonious with the appearance of adjacent zoning districts;

9.3.2 Be on a parcel of land containing at least two (2) acres;

9.3.3 Be located with convenient and safe access to two (2) public streets;

9.3.4 Have a minimum of ten (10) sites completed before the first occupancy is permitted;

9.3.4 Be in compliance with all of the standards and requirements of this chapter 9 and all other applicable Scipio Ordinances; and

9.3.5 Have written approval from the Utah State Board of Health.

9.4 APPLICATION FOR APPROVAL

Detailed plans for development of a Mobile Home Park must be submitted to the SLUA for a preliminary site plan review. Plans must be drawn at a scale of no less than one inch (1") to thirty feet (30'), and two (2) printed copies must be submitted. The application must include:

9.4.1 A topographical map of the site shown with contours at intervals of not greater than two feet (2') if requested by the SLUA;

9.4.2 Proposed street and mobile home space layouts;

9.4.3 Proposed playground and open space areas;

9.4.4 Tabulations of the percentage of areas devoted to playgrounds and open space, percentage for mobile homes, and the total area to be developed;

9.4.5 Proposed locations of parking spaces;

9.4.6 Landscaping and utility plans that include locations of water, electricity, gas lines, fire hydrants, and septic tanks with drain fields; and

9.4.7 Any other data and plans requested by the SLUA.

9.5 MOBILE HOME PARK STANDARDS AND REQUIREMENTS

Final approval of a Mobile Home Park shall be subject to the following conditions and regulations plus any additional provisions specified by the SLUA and approved by the Town Council.

9.5.1 The property upon which a Mobile Home Park is located must be owned by one individual or by a single corporation.

9.5.2 A maximum of eight (8) units per acre is permitted subject to requirements for septic tank drain fields required by the Utah State Health Inspector.

9.5.3 A minimum of fifteen percent (15%) of the total development area must be set aside for joint use of the occupants of the development.

9.5.4 A minimum separation of fifteen feet (15') must exist between the nearest points of any two mobile homes (including add-ons). All mobile homes and add-ons must have a minimum setback of ten feet (10') from road edges or walks, except an attached tongue of a mobile home may have a minimum setback of six feet (6') from road edges or walks.

9.5.5 All off-street parking spaces and driveways must be paved before adjacent mobile home spaces may be occupied.

9.5.6 All mobile homes must be skirted with fireproof and well-maintained materials within forty-five (45) days of occupancy.

9.5.7 All outside storage and solid waste receptacles must be kept in closed structures that are well maintained and compatible with mobile homes and service buildings within the Park.

9.5.8 Roadways must be: (a) at least fifteen feet (15') wide plus any necessary for maneuvering mobile homes on one-way streets, and (b) thirty feet (30') for two-way traffic streets.

9.5.9 A mobile home park must have at least two (2) public street accesses.

9.5.10 There must be standard street lighting on all streets within the park, and the park must provide utility services for every mobile home station.

9.5.11 A plan for storm drainage must be submitted to the SLUA. Primary on-site containment of water resulting from an intense downpour of one (1) hour's duration must be addressed as well as grading for rapid drainage that will protect park residents and adjacent properties.

9.5.12 A mobile home park must be in compliance with the Uniform Fire Code and all Utah State Board of Health requirements in addition to all Scipio ordinances and requirements.

9.5.13 A Scipio Town business license must be obtained on an *annual* basis. An ongoing demonstration of good maintenance and management practices for the park including all facilities, mobile homes, roadways, and open spaces is required.

9.6 MOBILE HOME RESIDENT RESPONSIBILITIES

9.6.1 All mobile homes within Scipio Town must be placed, located, used, and occupied within an approved Mobile Home Park.

9.6.2 A mobile home located in an approved Mobile Home Park in a permitted zone must be in compliance with all zoning ordinances and regulations, as well as all building, plumbing, fire prevention and other codes and requirements applicable to any other building or structure within that zone.

9.6.3 Residents of a mobile home, their activities, animals, and other properties are subject to all Scipio ordinances and regulations pertaining to all other town residents.

9.6.4 A written and signed lease agreement for a minimum period of sixty (60) days is required for rental and occupancy of a mobile home.

9.7 PARK MANAGER

A Mobile Home Park must have a park manager who is a continuous resident of Scipio. The manager must conduct all business for the park and be responsible for its maintenance and management.

9.8 RECREATIONAL VEHICLES (RVs)

Campers, camp trailers, and motor homes are considered to be recreational vehicles (RVs) in Chapter 9. Removal of wheels from an RV or its placement on a permanent foundation shall not exempt it from the requirements of Chapter 9. All RVs within Scipio must be located/stored on *occupied* lots or within an approved RV Park except for the Permitted Temporary Uses described in Section 9.9.

9.9 PERMITTED TEMPORARY USES

The temporary use of an RV on an occupied lot is permitted up to a cumulative total of thirty (30) days in a calendar year. The temporary use of an RV on an occupied or unoccupied lot may be permitted in emergency cases for a maximum of six (6) months when approved by the SLUA. An RV may be located, connected to utilities, and placed in use on an unoccupied lot on which a building is under construction subject to the following conditions:

9.9.1 A currently valid building permit must exist for construction of the building on the lot.

9.9.2 The RV may be on the lot for a maximum period of one (1) year (may be renewed for a specified period of time for completion of construction of the building).

9.9.3 Water, sewage, and electrical services must be in compliance with the requirements of Scipio Town and the Utah State Department of Health.

9.9.4 When construction of the building is completed, all services to the RV must be disconnected and that RV is again subject to Section 9.8.

9.10 RECREATIONAL VEHICLE PARKS

9.10.1 A parcel of property containing a minimum of two (2) acres is required for a RV Park. Each RV space must be at least fifteen hundred square feet (1500 ft²), and all RV spaces must be set back a minimum of twenty feet (20') from any public street.

9.10.2 Readily accessible and safe potable water supplies under adequate pressure must be furnished for all spaces in an RV Park in conformance with standards, rules, and regulations of the State of Utah. An RV Park must have an

adequate, safe method of sewage disposal for all spaces within the Park that is constructed and maintained in compliance with local and Utah State codes and regulations.

9.10.3 Soil conditions, groundwater levels, drainage, and topography must not create hazards for the health and safety of the occupants, the RV Park property, or adjacent properties; and a drainage plan must be provided.

9.10.4 An RV Park must have an entrance from a public street, and the entrance must be at least 50 feet (50') from the intersection of two streets. Neither an entrance nor exit shall be through a residential zone.

9.10.5 All roadways within an RV Park must be paved and the pavement widths must be a minimum of twelve feet (12') for one-way roads and twenty feet (20') for two-way roads.

9.10.6 An RV Park must be in compliance with all requirements in the Utah Recreational Vehicle and Sanitation Regulations and the Scipio Fire Code.

9.11 APPLICATION AND APPROVAL

A developer must submit an application containing an RV Park development plan and a document that describes proposed management policies, covenants, conditions, and restrictions that assure the quality of management and maintenance required for a high quality RV Park. The SLUA will review these application materials and recommend approval, approval after specified changes, or rejection to the Council. The Council will review all application materials and written recommendations of the SLUA and then approve, approve with specific changes, or reject the application.

9.12 LICENSE REQUIREMENTS

The operator(s) of an RV Park in Scipio must obtain an *annual* license with an annual fee determined by the Council. Refusal to grant, or revocation of, a license will result upon failure of the owner(s) and/or operator(s) to maintain the park in accordance with the noted standards/requirements.

9.13 PARK MANAGER

An RV Park must have an on-site manager present whenever the RV Park has registered occupants.