

CHAPTER 12
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PLANNING AND ZONING

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CHAPTER 12

PLANNING AND ZONING

SECTION 12-1 GENERAL PROVISIONS

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12-1-1. **Short Title.** This Zoning Ordinance shall be known as the “Zoning Ordinance of the Town of Howell”.

12-1-2. **Purpose.** This Zoning Ordinance is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town of Howell, State of Utah, including, amongst other things, the lessening of congestion on the streets or roads, securing safety from fire and other danger, providing adequate light and air, the classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, foster the commercial, industrial and agricultural growth, and the protection of both urban and non-urban development of the Town.

12-1-3. **Interpretation, Conflict, and Effect on Other Ordinances.**

1. In interpreting and applying the provisions of this Zoning Ordinance, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.
2. This Zoning Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other Ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

12-1-4. **Changes and Amendments.** This Zoning Ordinance, including the maps, may be amended from time to time by the Town Council after holding a public hearing. At least fourteen days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the area. All proposed amendments shall be first proposed by the Planning Commission or shall be submitted to the Planning Commission for its recommendation which shall be returned to the Town for its consideration within thirty days. Failure of the Planning Commission to take action on the proposed amendment within the prescribed time shall be deemed approval by such Commission of the proposed change or amendment. The Town

Council may overrule the Planning Commissioner's recommendation by a majority vote of its members.

12-1-5. Administration and Enforcement.

1. The Zoning Administrator of the Town is hereby charged with the administration and enforcement of the provisions of this Zoning Ordinance. But the Town Council, by resolution or ordinance, may from time to time, entrust such administration, in whole or in part to any other officer of the Town, without amendment to this chapter.
2. The Zoning Administrator shall not grant a permit for the construction or alteration of any building or structure, nor issue any Certificate of Occupancy for a change in the use of land, if such construction or alteration or change would be in violation or would involve a violation of any of the provisions of this Zoning Ordinance or any other ordinance of the Town or of any law of the State of Utah.
3. The Zoning Administrator shall enforce all of the provisions of this Zoning Ordinance. He shall inspect or cause to be inspected all buildings in course of construction, alteration or repair, and any change in the use of land. If, in the course of such inspection or otherwise, it shall come to his attention that any such construction alteration or repair, or that any use or contemplated use of land is in violation of the provisions of this Zoning Ordinance, he shall issue his written order to the person responsible therefore, ordering and directing such person to cease and desist such construction, alteration, repair or use. He shall report violation of this Zoning Ordinance to the Town's Legal Department for prosecution and make complaint thereof before the court or courts having jurisdiction of such violation. Upon the recommendation of the Town Council the Legal Department shall bring a civil action for the abatement of any nuisance existing in violation of this Zoning Ordinance.
4. The Zoning Administrator may call for the assistance of law enforcement personnel whenever in his opinion such assistance is necessary in the investigation of a suspected violation of this Zoning Ordinance.
5. The Zoning Administrator may establish reasonable rules and regulations necessary or desirable in the administration of this Zoning Ordinance. Three copies of such rules and regulations shall be filed with the Town Recorder and such rules and regulations shall become effective when so filed.
6. The Town Council may, by resolution, prescribe an exact payment of examining plans, issuing building permits, inspecting uses, and issuing Certificates of Occupancy, and may determine the method of collecting such fees.

12-1-6. Building Permits. The construction, alteration, repair, removal or occupancy of any structure or of any part thereof, as provided or as restricted, in this Zoning Ordinance shall not be commenced or proceeded with except after the issuance of written permit for the same by the Zoning Administrator; provided that no permit shall be necessary where the erection, construction, reconstruction, or alteration is minor in character as defined herein, or as determined by the Zoning Administrator.

12-1-7. Certificate of Occupancy Required. No land shall be used or occupied and no building hereafter structurally altered or erected, shall be used or changed in use until a Certificate of

Occupancy shall have been issued by the Zoning Administrator stating that the building or structure or the proposed use thereof, or the use of land, complies with the provisions of this Zoning Ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a non-conforming use. A Certificate of Occupancy either for the whole or a part of a building or structure shall be applied for coincidentally with the application for a Building Permit and shall be issued within ten days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed in conformity with the provisions of this Zoning Ordinance.

12-1-8. Site Plan Approval Required. Prior to the issuance of a Building Permit for any use, building or construction in a Commercial or Manufacturing Zone, approval of a site plan by the Planning Commission is required. In considering any site plan, the Planning Commission may impose reasonable requirements to assure, among other things, the safety and convenience of traffic movement both within the area covered and in relation to access streets, a harmonious relationship among the buildings and uses, a harmonious relationship between such area and buildings of adjacent neighborhoods, and the preservation of future road locations.

In furthering the above objectives, the Planning Commission shall review and may require certain improvements or design changes to be implemented by the developer as part of his construction related but not limited to the following considerations which shall be shown on a site plan, drawn to scale as follows:

1. Dimensions and orientation of the parcel.
2. Locations of buildings and structures, both existing and proposed. (Site development standards of applicable Commercial or Manufacturing Zone Sections 21 and 24)
3. Location and layout of off-street parking and loading facilities. (Section 4)
4. Location and size of points of entry and exit, in accordance with Section 4 and internal vehicle circulation patterns, type of barrier or curb and gutter used on front property lines.
5. The location and design of walls and fences and indication of their height and materials of their construction. (Section 3)
6. The height of existing and proposed buildings and structures.
7. The proposed use of building(s) shown on the plot plan.
8. Location of exterior existing and proposed lighting standards and devices. (Section 12-3-9)
9. The location and height of any overhead power and communication and transmission lines and all utility easements that may effect subject property.
10. Location and size of exterior, existing and proposed signs and outdoor advertising in accordance with the zone sign regulations of the Zoning Ordinance and Chapter 19, Outdoor Sign Code.
11. Meaningful landscaping and open space on the site of not less than 10% of the area to be developed and a bond posted guaranteeing landscaping at the Planning Commission's option. The plan shall identify landscaping details such as shrubs, trees and other plant material.
12. Where an attachment or minor addition of 1,000 square feet or less to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development but at the discretion of the Building Inspector need not include other data required in paragraphs one thru eleven above unless it drastically changes any of the items required.

The Building Inspector shall ensure that development is in compliance with the site plan and all other requirements imposed by the Planning Commission. Upon approval of the site plan by the Planning Commission, no alterations shall be made without first obtaining approval

from the Planning Commission.

- 12-1-9. Issuance of License and Permits.** All departments, officials and public employees of the Town who are vested with the duty or authority to issue permits or licenses shall proceed in accordance with the provisions of this Zoning Ordinance, and shall issue no permit or license where the same would not be authorized or where the same would be in conflict with the provisions of this Zoning Ordinance.
- 12-1-10. Violation a Nuisance,** Any structure made or existing, and any use of land in violation of any provision of this Zoning Ordinance is a public nuisance and may be abated by appropriate proceedings.
- 12-1-11. Violation a Misdemeanor.** Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this Zoning Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$299.00 or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this Zoning Ordinance is committed, maintained, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.
- 12-1-12. Territory Annexed to the Town.** At the time of the annexation of new territory to the Town, the Town Council with the recommendation of the Planning Commission shall classify such territory for zoning purposes according to the zones established by the Zoning Ordinance.
- 12-1-13. Temporary Exceptions.** The Town Council has the authority to grant, by motion, temporary exceptions from any term or condition of the Zoning Ordinance of the Town of Howell for a period of not to exceed three months, for a total duration for any one tract of land not to exceed six months. The granting of a temporary exception may be made by the Council with or without the prior recommendation concerning the same from the Town of Howell Planning Commission.

Such temporary exceptions may be granted upon the Council determining that such a temporary exception is justified because of some unusual, emergency, act of God situation and that the health, safety, convenience, order and welfare of the inhabitants of the Town of Howell will not be materially adversely affected, if such temporary exception is granted.

- 12-1-14. Fees for Rezoning Petitions.** At the time of filing a petition to change the zoning of any property, the petitioners shall pay to the Town Clerk and the Town Clerk shall collect for the Town the following fees:

\$50.00 for each petition to rezone a tract of land to an Open Space or Residential Zone.

\$80.00 for each petition to rezone a tract of land to a Commercial, Planned Commercial or Manufacturing Zone.

The fee hereby assessed shall not be refundable regardless of the eventual disposition of the rezoning request and this fee is in addition to the costs for publishing the ordinance in the event the rezoning request results in the enactment of a rezoning ordinance.

SECTION 12-2 DEFINITIONS

12-2. Applicability

12-2-1 to

12-2-115. Definitions in this Chapter

12-2. **Applicability - Definitions in Other Chapters.** The words and terms defined in this Section shall have the meanings indicated. Words used in the present tense include the future and words in the singular number include the plural and words in the plural include the singular. Words not included herein but defined elsewhere in the Town ordinances shall be construed as termed therein. The word “shall” is mandatory.

12-2-1. **Access Right-of-Way.** A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

12-2-2. **Agriculture.** The tilling of the soil, the raising of crops, horticulture and gardening, but not including keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

12-2-3. **Alley.** A public thoroughfare less than twenty-six feet wide.

12-2-4. **Basement.** A story partly underground and having at least one-half its height above the average level of the adjoining ground. A basement shall be counted as a story, for purposes of height measurement.

12-2-5. **Boarding House.** A building with not more than five guest rooms where, for compensation, meals are provided for at least five but not more than fifteen persons.

12-2-6. **Building.** Any structure other than a boundary wall or fence.

12-2-7. **Building, Accessory.** A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

12-2-8. **Building, Detached.** A building surrounded by open space on the same lot.

12-2-9. **Building, Height of.** The vertical distance from the grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.

12-2-10. **Building, Main.** A building in which is conducted the principal use of the lot on which it is located.

12-2-11. **Building, Public.** A building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its political subdivisions.

12-2-11A. **Carport, Private.** A space not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

12-2-12. **Car Wash, Laundry Type.** A structure or portion thereof containing facilities for washing

passenger automobiles, using production line methods, but not limited to, chain conveyor, movable or revolving cleaning brushes, blower, steam-cleaning, or similar mechanical devices.

- 12-2-13. Car Wash. Manual Spray.** A structure or portion thereof containing facilities for washing passenger automobiles, limited to using only hand operated manual spray cleaning equipment and techniques.
- 12-2-14. Cellar.** A story having more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.
- 12-2-15. Cluster Subdivision.** A subdivision of land in which the areas and widths of residential lots are reduced below the minimum lot areas and lot width requirements of the zone in which the subdivision is located and where equivalent common open space areas are provided to compensate for such lot reduction.
- 12-2-16. Condominium Project.** A real estate condominium project where ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property, is transferred; a plan or project whereby four or more apartments, rooms, office spaces, or other existing and proposed apartments or commercial or industrial buildings or structures are separately offered or proposed to be offered for sale and meeting all requirements of the “Condominium Ownership Act” of the State of Utah. Structures shall conform with all area, yard, frontage and height regulations of the zone district in which they are located.
- 12-2-17. Corral.** An enclosure for animals, other than a building.
- 12-2-18. Court.** An unoccupied open space, other than yard, on the same lot with a building or buildings, which is bounded on two or more sides by the walls of such building or buildings.
- 12-2-19. Coverage, Lot.** The percent of the lot area covered by the main and accessory buildings.
- 12-2-20. Dairy.** A commercial establishment for the manufacture, processing, or sale of dairy products.
- 12-2-21. Day Care Center.** Any building or structure other than an occupied residence furnishing care, supervision, and guidance for three or more children unaccompanied by parent or guardian for periods of less than twenty-four hours per day; or, an occupied residence which furnishes care, supervision, and guidance for six or more children unaccompanied by parent or guardian for periods of less than twenty-four hours per day. Occupied residence shall refer to being used as a residence by a family. The term “day care center” is inclusive of kindergartens, pre-schools, nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the Public School System.
- 12-2-21A. Disabled Person.** A person who has a severe, chronic disability attributable to a mental or physical impairment, or to a combination of mental and physical impairments which is likely to continue indefinitely or which result in a functional limitation in three or more of the following areas of major life activity: self care, receptive and expressive language, learning, mobility, self direction, capacity for independent living, economic self sufficiency, and who requires a combination or sequence of special interdisciplinary or generic care or treatment.

- 12-2-21B. Driveway Approach.** An approved access point for egress/ingress to a residential lot for which only one access point is permitted. Exception: circular driveways are allowed with the approval of the planning commission.
- 12-2-22. Dry Cleaner.** An establishment which has as its sole purpose the cleansing of fabrics with substantially non-innocuous organic solvents. Laundry establishments with self-service, coin operated dry cleaning machines shall not be classified as a dry cleaner.
- 12-2-23. Dwelling.** A building or portion thereof designed or used as the living quarters for one or more families.
- 12-2-24. Dwelling Unit Bachelor or Bachelorette.** A dwelling unit designed or used to accommodate five or more unrelated persons. Each unit may or may not include cooking facilities.
- 12-2-25. Dwelling, Group.** Two or more dwellings placed upon a single lot.
- 12-2-26. Dwelling, Multiple Family.** A building arranged or designed to be occupied by three or more families.
- 12-2-27. Dwelling, Single Family.** A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.
- 12-2-28. Dwelling, Single Family Row House.** A building built directly against an adjoining building without an open space between, and containing a one-family dwelling unit extending from basement to roof. Each single-family attached dwelling unit shall have a front and rear entrance. Each group of single-family attached dwellings shall be considered one structure, for purposes of front, rear and side yard requirements.
- 12-2-29. Dwelling, Two-Family.** A building arranged or designed to be occupied by two families, the structure having only two dwelling units.
- 12-2-30. Dwelling Unit.** One or more rooms in a dwelling, apartment, hotel or apartment hotel designed for or occupied by one family for living, sleeping, and eating purposes. A dwelling unit may contain more than one set of kitchen facilities, whether temporary or permanent provided they are used only by members of the family occupying the dwelling unit or their non-paying guests. A dwelling unit may include up to two persons per unit to whom rooms are rented in addition to a family related by blood, marriage or adoption, but if the number of such additional persons exceeds two or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate dwelling unit.
- 12-2-31. Educational Institution.** A public elementary or secondary school, seminary, parochial school, or private educational institution having a curriculum similar to that ordinarily given in grades one through twelve in the public school system. The term educational institution for the purpose of this ordinance does not include post high school educational facilities.
- 12-2-32. Family.** One or more persons related by blood, marriage, or adoption plus domestic servants employed for service on the premises, or a group of bachelor or bachelorettes of not more than four persons who need not be so related living together as a single nonprofit housekeeping unit.

- 12-2-33. **Fence.** A tangible barrier or obstruction of any material, with the purpose or intent or having the effect of preventing passage or view across the fence line. It includes hedges and walls.
- 12-2-34. **Flag Lot.** “Flag lot” means a flag or L-shaped lot consisting of a staff portion contiguous with the flag portion, the staff portion having frontage on a dedicated street.
- 12-2-35. **Flood Plain.** Land adjacent to a body of water which has been or may be hereafter covered by flood water as delineated on the Flood Hazard Boundary Map by the Federal Insurance Administration, H.U.D.
- 12-2-36. **Flood Plain Overlay Zone.** Boundaries of the Base Flood as identified by the Federal Insurance Administration, H.U.D. as set forth on the Flood Hazard Boundary Map (FHBM). The flood plain zone is designed to overlay or be superimposed over existing zoning within the defined flood plain. Within such an overlay zone, the existing zone remains effective with the additional conditions superimposed by the flood plain zone.
- 12-2-37. **Floor Area.** The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.
- 12-2-38. **Floor-Lot Area Ratio.** The total floor area of a building divided by the area of the lot on which it is located.
- 12-2-39. **Fraternity or Sorority House.** A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, and when acknowledged by such institution.
- 12-2-40. **Frontage.** All the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.
- 12-2-41. **Garage, Private.** An enclosed space or accessory building for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit there in nor space therein for more than one car is leased to a non-resident of the premises. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common, and are connected structurally.
- 12-2-42. **Garage, Public.** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.
- 12-2-43. **Grade.** The average level of the finished surface or the ground adjacent to the exterior walls of those buildings more than five feet from a street line. For buildings closer than five feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is to be used. If there is no sidewalk, the Town Engineer may establish the grade.
- 12-2-44. **Guest House.** A separate dwelling structure located on a lot with one (1) or more main dwelling structures and used for housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

- 12-2-45. Home Occupation.** The use of a portion of a dwelling as an office, studio or work room for small occupations which are customarily conducted in the home and which are clearly incidental and accessory to the primary use of the dwelling for living purposes and which also meet all the conditions and requirements of Article 20 of this ordinance.
- (1) the occupation is limited to members of the family who reside on the premises.
 - (2) the occupation shall not require interior or exterior alterations;
 - (3) the occupation shall not include the sale of commodities which are not produced on the premises;
 - (4) the occupation shall not use any accessory building, yards or any space outside of the main building not normally associated with residential use;
 - (5) the occupation may include child day care of not more than five children;
 - (6) the occupation shall include the use of not more than 10% of the ground floor area of the home;
 - (7) the occupation shall provide a part time service, consultation or emergency treatment but is not for the general practice of a profession, business, trade, or general service on a full time employment basis;
 - (8) the occupation must be licensed by the Town.
- 12-2-46. Hotel.** A building designed for or occupied as the more or less temporary abiding place of sixteen or more individuals who are, for compensation, lodged with or without meals.
- 12-2-47. Household Pets.** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats or canaries, but not including a sufficient number of dogs or cats to constitute a kennel, as defined in this Zoning Ordinance.
- 12-2-48. Junk Yard.** The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.
- 12-2-49. Kennel.** The land or building used in the keeping of three or more dogs at least four months old.
- 12-2-50. Kindergarten.** A school or class for children of the four to six age groups.
- 12-2-51. Laundromat or Launderette.** A self-service laundry establishment where clothes are cleansed in a coin operated machine. Laundromats or launderettes may include self-service, coin operated dry cleaning machines.
- 12-2-52. Lodging House.** A building where lodging only is provided for compensation to five or more, but not exceeding fifteen persons, in contract to hotels.
- 12-2-53. Lot.** A parcel of land occupied or to be occupied by a main building or group of buildings (main or accessory), together with such yards, open spaces, lot width and lot area as are required by this Zoning Ordinance and having frontage upon a street. Except for group dwellings and a guest house, not more than one dwelling structure shall occupy any one lot.
- 12-2-54. Lot, Corner.** A lot abutting on two intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees
- 12-2-55. Lot, Interior.** A lot other than a corner lot.

- 12-2-56. Map, Official.** Any map adopted by the Town Council under the provisions of 17-27-7, Utah Code 1953 as amended.
- 12-2-57. Mobile Home.**
- (1) A movable living unit designed to be transportable after fabrication on its own wheels, attached wheels, or low boy, suitable for year-round occupancy and containing a flush toilet, sleeping accommodations a tub or shower bath, kitchen facilities, plumbing and electric connections provided for attachment to appropriate external systems. Pre-sectionalized, modular or prefabricated housing not placed on a permanent foundation shall be regarded as a mobile home whether or not such units meet the Town's building and housing codes.
 - (2) A mobile home as defined in the preceding paragraph which meets the Town's applicable building and housing codes and which is placed on a permanent foundation is controlled by the Zoning Ordinance and other applicable ordinances the same as dwelling units constructed in the conventional manner.
- 12-2-58. Mobile Home Park.** A parcel of land which has been planned and improved for the placement of mobile homes for residential use.
- 12-2-59. Motel.** Any building or group of buildings containing sleeping rooms, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.
- 12-2-60. Natural Waterways.** Those areas, varying in width, along streams, creeks, gully, springs, or washes which are natural drainage channels as determined by the Zoning Administrator and in which areas no buildings shall be constructed.
- 12-2-61. Nonconforming Building.** A building or structure or portion thereof lawfully existing at the time any applicable zoning regulations become effective, the design, erection, use, height, area and yard dimensions of which do not conform to the provisions of such regulation or regulations.
- 12-2-62. Nonconforming Use.** The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the zone in which the building or land is situated.
- 12-2-63. Nursery for Children.** A building or structure where six or more children are regularly cared for during the day for compensations.
- 12-2-64. Open Green Space.** An open space suitable for relaxation or landscaping. It shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement and packed gravel, except that such open green space may be traversed by necessary sidewalks and access rights of way.
- 12-2-65. Open Space Easement.** An easement granted to the Town by the owner developer on and over land in that development which provides and guarantees that the designated common open space and recreation land is permanently reserved for and can be used only for open space and recreation purposes in accordance with the plans and specifications approved by the Planning Commission and Town Council at the time of approval of the development.
- 12-2-66. Parking Lot.** An open area, other than a street, used for parking of more than four

automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

- 12-2-67. Parking Space.** Space within building, lot or parking lot for parking or storage of one automobile with direct and unblockable access to a driveway.
- 12-2-68. Paying Guest.** Any person hiring a room in a dwelling unit for living, eating or sleeping purposes.
- 12-2-69. Pharmacy.** A business selling health or treatment items including baby food and diet supplements and dispensing prescriptions for medical or health purposes and including and limited to candies, soft drinks, prepackaged ice cream products not prepared on the premises, tobacco products, magazines and greeting cards.
- 12-2-70. Planned Residential Unit Development (PRUD).** A development in which the regulations of the zone in which the development is situated are waived to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.
- 12-2-71. Planning Commission.** The Planning Commission of the Town of Howell, Utah.
- 12-2-72. Post Office, Limited Service.** A post office operation providing services normally permitted and/or required by contract with the U.S. Postal Service.
- 12-2-73. Recreational Coach.** A vehicle such as a recreational trailer, tent, camper trailer, truck camper, travel trailer, camp car, other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, designed for the use of human habitation.
- 12-2-74. Recreational Coach Park.** Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one or more owners or uses of recreational coaches for a temporary time not to exceed two weeks.
- 12-2-74 A Residential Facility for Disabled Persons.** A single-family dwelling structure that is occupied on a twenty-four-hour-per-day basis by four or fewer disabled persons in a family type arrangement under the supervision of a maximum of two house parents or a manager, for a total of not more than six individuals living in a facility.
- 12-2-75. Sensitive Area.** Lands containing environmentally and geologically sensitive elements which if encroached upon by unsuspecting urban land development such as utilities, housing, streets, and/or public facilities, could be damaged beyond repairability or could cause severe damage to such urban development or cause complete destruction thereof or cause loss of life or bodily harm. Such sensitive areas could include active earthquake faults, potential landslide areas, steep unstable terrain, or areas of potential rock fall.
- 12-2-76. Sensitive Vegetation.** Vegetative cover which can be harmed by compaction from overuse, urban development, or altering of the hydrologic cycle in such a manner as to create an environmental imbalance causing severe retardation of growth or elimination of a particular variety of vegetative species.
- 12-2-77. Sensitive Wildlife Habitat.** Wildlife habitat which provides an environmental biosphere

critical to the well-being and perpetuance of certain species of wildlife, particularly if encroached upon by urban related development. It is specifically related to the elimination of a limited habitat and its related wildlife.

- 12-2-78. **Sign Animated.** A sign which involves motion or rotation of any part, created by artificial means or displays flashing or intermittent lights.
- 12-2-79. **Sign, Business.** A sign which directs attention to a use conducted, a commodity sold, or service performed on the premise.
- 12-2-80. **Sign, Construction Project.** A temporary sign identifying a construction project.
- 12-2-81. **Sign, Directional.** On premise incidental signs designated to guide or direct pedestrians or vehicular traffic.
- 12-2-82. **Sign, Flat.** Any sign attached to a building or other structure that projects less than eighteen inches beyond the building but extends parallel or substantially parallel thereto.
- 12-2-83. **Sign, Free Standing.** A sign which is supported by one or more columns, uprights or braces in or upon the ground.
- 12-2-84. **Sign, Identification and Information.** A sign displayed to indicate the name or nature of a building or use.
- 12-2-85. **Sign, Marquee.** Any sign attached to or made an integral part of a marquee.
- 12-2-86. **Sign, Name Plate.** A sign indicating the name of a person or persons residing on the premises.
- 12-2-87. **Sign, Off Premise.** A sign which directs attention to a use, product, commodity or service not associated with the premises on which the sign is located.
- 12-2-88. **Sign, Projecting.** Any attached sign extending in whole or in part more than eighteen inches beyond the building line.
- 12-2-89. **Sign, Roof.** Any sign erected upon or support by the roof or parapet of a building.
- 12-2-90. **Sign, Temporary.** A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease on a temporary basis.
- 12-2-91. **Sign, Wall.** A sign which is affixed to an exterior wall of a building or structure and which projects not more than eighteen inches from the building or structure wall and which does not extend more than four feet above the parapet, eaves or building facade of the building on which it is located.
- 12-2-92. **Sign Development Standards.** Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this Zoning Ordinance.
- 12-2-93. **Stable, Private.** A detached, accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.

- 12-2-94. **Stable, Public.** A stable other than a private stable.
- 12-2-95. **Story.** The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.
- 12-2-96. **Story, Half.** A story with at least two of its sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.
- 12-2-97. **Street.** A public thoroughfare, dedicated, abandoned, or condemned for public use prior to the initial enactment of the Zoning Ordinance, which affords the principal means of access of abutting property and is more than twenty-six feet wide, and any public thoroughfare dedicated to the public and accepted by proper public authority or condemned for public use after said date.
- 12-2-98. **Structure.** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
- 12-2-99. **Structural Alterations.** Any change in supporting members of a building, such as bearing walls, columns, beams or girders.
- 12-2-100. **Swimming Pool.** Any artificial or semi-artificial container, whether indoors or outdoors, and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances, and other facilities used or intended for use in and about the operation, maintenance and use of such pool.
- 12-2-101. **Swimming Pool, Family.** A swimming pool used and intended to be used solely by the owner, operator or lessee thereof and his family and by friends invited to use it without payment of any fee or consideration.
- 12-2-102. **Tavern.** Any business establishment operating under a Class “C” beer license. Such establishments shall be limited in number to two per lineal block.
- 12-2-103. **Theater, Indoor Picture.** A building or part of a building devoted to the showing of moving pictures on a paid admission basis.
- 12-2-104. **Theater, Outdoor Drive-In.** An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of moving pictures, on a paid admission basis, to patrons seated in automobiles.
- 12-2-105. **Use.** The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.
- 12-2-106. **Use, Accessory.** A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.
- 12-2-107. **Use, Conditional.** A use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a Conditional Use Permit and subject to the limitations and conditions specified therein as provided in Section 7 of this Zoning Ordinance intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.

- 12-2-108. Use, Permitted.** Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no Conditional Use Permit is required.
- 12-2-109. Width of Lot.** The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.
- 12-2-110. Yard.** An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.
- 12-2-111. Yard, Front.** An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The “depth” of the front yard is the minimum distance between the front lot line and the front line of the building. On corner lots, the front yard shall be that part of the lot between the principal or entrance side of the building and the street line parallel thereto. The principal side of a building shall be that side with the greater number of entrances or the longer side, as designated by the Building Inspector. If there are an equal number of entrances or sides of equal length, either side may be designated as the principal side.
- 12-2-112. Yard, Rear.** An open, unoccupied space on the same lot with a building between the rearline of the building (exclusive of steps) and the rear lot line and extending the full width of the lot. The depth of the rear yard is the minimum distance between the nearest part of the rear lot line and the nearest part of the rear line of the main building.
- 12-2-113. Yard, Side.** An open, unoccupied space on the same lot with a building, between the side line of the building, (exclusive of steps) and the side lot line and extending from the front yard to the rear yard. The width of the side yard is the minimum distance between the nearest part of the side lot line and the nearest part of the side line of the building. The side yard shall remain unoccupied of slabs, and hard surface improvements (vehicle storage not permitted). The intent of the side yard is to be a landscaped buffer between neighboring properties and uses.
- 12-2-114. Zone.** The geographical area of the Town within which the zoning regulations are uniform.
- 12-2-115. Zoning Ordinance.** The Zoning Ordinance of the Town of Howell, Utah.

SECTION 12-3 REGULATIONS APPLICABLE TO ALL ZONES

- 12-3-1. Applicability**
- 12-3-2. Additional Use Regulations**
- 12-3-3. Additional Area Regulations**
- 12-3-4. Additional Yard Regulations**
- 12-3-5. Additional Height Regulations**
- 12-3-6. Animals and Fowl**
- 12-3-7. Building Regulations**
- 12-3-8. Fence Height Regulations**
- 12-3-9. Lighting**
- 12-3-10. Private Park, Playground or Recreation**
- 12-3-11. Public Utility Substation**
- 12-3-12. Swimming Pool**
- 12-3-13. Day Care Center Regulations**
- 12-3-14. Businesses Excluding Persons Under Age 18, Prohibited**
- 12-3-15. Clear View of Intersecting Streets**
- 12-3-16. Zero Side Yards**
- 12-3-17. Residential Facility for Disabled Persons**
- 12-3-18. Flag Lots**

12-3-1. Applicability. The regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the zone regulations contained elsewhere in this Zoning Ordinance.

12-3-2. Additional Use Regulations. The requirements of this Zoning Ordinance as to minimum site development standards shall not be construed to prevent the use for a single family dwelling of any parcel of land in the event such parcel was held in separate ownership prior to May 15, 1964.

12-3-3. Additional Main Building Regulations. Every main building shall be located and maintained on a “lot” as defined in Section 12-2-66, and every lot shall have the required frontage on a “street” as defined in Section 12-2-110 or upon a right of way or access strip of not less than sixteen feet wide as approved by the Board of Adjustment.

12-3-4. Additional Yard Regulations.

1. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Zoning Ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.
2. On any lot under a separate ownership from adjacent lots and of record at the time of the initial enactment of this Zoning Ordinance and such lot having a smaller width than required for the Zone in which it is located, the following regulations shall apply:
 - a. For interior lots, each side yard may be equal to but not less than the same percentage of the required side yard width as the lot is of the required lot width, provided that in

no case shall the smaller of the two side yards be less than five feet or the larger less than eight feet.

- b. On corner lots, each side yard may be equal to but not less than the same percentage of the required side yard width as the lot is of the required lot width, provided that in no case shall the side yard on the street side be less than fifteen.
3. On any interior lot where a private garage containing a sufficient number of parking spaces to meet the requirements of this Zoning Ordinance has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard; and on any corner lot where such garage has such side yard, the rear yard of the dwelling may be reduced to fifteen feet, provided the garage also has a rear yard of at least fifteen feet.
4. Every part of a required yard shall be open to the sky and unobstructed except
 - (1) for the ordinary projections of sills, belt courses, cornices, and other ornamental features, and chimneys and flues and
 - (2) for open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers which may project into a yard not more than five feet, and
 - (3) for accessory buildings in a rear yard, and
 - (4) for patios and uncovered decks of not more than three feet above ground level at the building line, which may project into a required rear yard not more than ten feet.
5. No accessory building nor group of accessory buildings in any Residential Zone shall cover more than 10% of the rear yard.
6. No space needed to meet the width, yard, area, coverage, parking or other requirements of this Zoning Ordinance for a lot or building may be conveyed away from such lot or building, except as permitted by the Board of Adjustment, and any attempted conveyance or lease in violation hereof shall be void.
7. No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the Board of Adjustment.

12-3-5. Additional Height Regulations.

1. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestack and water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits prescribed in the Zone Height Regulations, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and no heights are permitted above the maximum allowed under Airport Area Height Provisions.
2. No dwelling shall be erected to a height less than ten feet and no accessory building in a Residential Zone shall be erected to a height greater than twenty-five feet.

3. Agricultural buildings such as grain elevators or other facilities which are for bona-fide agricultural uses only shall be considered by the Planning Commission as a special exception to the zoning ordinance.

12-3-6. Animals and Fowl.

1. No barn, coop, pen or corral shall be maintained closer than one hundred feet to any street, twenty-five feet to any lot line and seventy-five feet to any dwelling on an adjacent lot.
2. Farm animals shall be allowed in all zones provided the following requirements are met:
 - a. The property containing the animal(s) shall be at least 20,000 square feet;

12-3-7. Building Regulations. Domestic water supply and sewage disposal shall comply with the Bear River Health Department requirements in all applications for a building permit where either an approved supply of piped water under pressure, or a sewer, is not available. When a public sewer is not available no building permit shall be issued for any lot less than twenty thousand square feet in area, except by approval of the County Board of Health.

12-3-8. Fence Height Regulations.

1. No fence or other similar structure shall be erected in any required front yard of a dwelling to a height in excess of three and one-half feet; nor shall any fence or other similar structure be erected in any side or rear yard to a height in excess of six feet.
2. On corner lots, no fence or other similar structure shall be erected in any yard bordering a street or front yard of an adjoining lot to a height in excess of three and one-half feet, provided that the Board of Adjustment may grant special exceptions as provided for in Section 12-12-6(2) to allow fence types and fence heights of up to six feet in height for public and semi-public buildings including schools and churches, where in its opinion (1) the fence height is necessary for protection or safety of persons or property, (2) no significant adverse effect will be suffered by any surrounding property, and (3) the requirements of Section 12-3-15 are maintained.
3. Where a fence is erected upon a retaining wall or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, height of the fence shall be measured from a point half way between the top of the retaining wall and the land on the lower side or from the average elevation of the surface of the land on either side of the fence, but nothing herein contained shall be construed to restrict a fence to less than three and one-half feet in height measured from the surface of the land on the side having the highest elevation.
4. The provisions of this section shall not apply to fences required by State Law to enclose public utility installations and public schools.

12-3-9. Lighting.

1. Exterior lighting. No spot light or floodlight shall be installed in any way which will permit the direct rays of such light to penetrate into any residential zone or onto any property used for residential purposes.
2. Lights not to Constitute Traffic Hazard. No light, sign or other advertising structure as regulated by this Zoning Ordinance shall be erected at the intersection of any street in such a

manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or which makes use of the words “STOP”, “LOOK”, “DRIVE-IN”, “DANGER” or any other work, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

12-3-10. Private Park, Playground or Recreational Area. In all residential zones a private park, playground or recreation area with or without a swimming pool shall meet the following requirements:

1. The lands and facilities used for such purpose shall be owned or leased and operated by a non-profit corporation for the exclusive benefit of the members, their immediate families and non-paying guests.
2. Adequate rest rooms and sanitary facilities shall be provided and kept available for use by members, their families and guests, and shall be maintained in proper working order and in a clean and sanitary condition and in full compliance with the reasonable standards, rules and regulations established by the Bear River Health Department.
3. Twenty-five off-street parking spaces, or one off-street parking space for each four memberships in the operating corporation, whichever is greater, shall be provided on the lot devoted to the principal use.
4. Operation or use of the recreational or other facilities provided is forbidden between the hours of 11:00 p.m. to 6:00 a.m. the next following day.
5. All facilities, equipment and building shall be set back not less than twenty feet from any property line and shall be located not less than fifty feet from any main building on an adjoining lot and from any area upon which any such main building may be constructed upon said adjoining lot if no such main building is in existence.
6. The minimum size of the lot or suite used for such recreational or other purposes shall be one acre.
7. Any lights used to illuminate the premises shall be installed in such manner that the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises.

12-3-11. Public Utility Substation. In all residential zones, public utility substations shall meet the following requirements:

1. Lot Area. Each public utility substation in a residential zone shall be located on a lot not less than two thousand square feet in area.
2. Yards. Each public utility substation in a residential zone shall be provided with a yard on each of the four sides of the building not less than five feet in width, except that for such stations located on lots fronting on a street abutted by one or more residential lots, the front yard, side yards and rear yard shall equal those required for a single-family residence in the same zone.
3. Street Access. Each public utility substation in a residential zone shall be located on a lot which has adequate access from a street, alley or easement.

4. Location to be Approved. The location of public utility substation in a residential zone shall be subject to approval by the Town Planning Commission.

12-3-12. Swimming Pool; Family. A family swimming pool shall be permitted in the rear yard of a dwelling as an accessory use provided the following requirements are met:

1. The location of such family swimming pool or accessory machinery shall not be less than ten feet from any interior property line. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone.
2. An outside family swimming pool shall be completely enclosed by a substantial fence of not less than six feet in height and any lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from the adjoining premises. A substantial fence shall mean any fence that would not allow passage by any person and one that would feature a self locking gate in the event a gate is utilized.

12-3-13. Day Care Center Regulations.

1. The regulations and licensing of day care centers shall be in accordance with Title 55, Chapter 9, Utah Code Annotated 1953, as amended, or as hereafter amended.
2. All outdoor play areas shall be within a fenced area and shall be limited to use between the hours of 8:00 a.m. to 8:00 p.m. Fence height shall be in accordance with Section 12-3-8 of this Ordinance.
3. Sufficient off-street parking shall be provided to satisfy the requirements of Section 12-4-3 of this Ordinance.

12-3-14. Business Excluding Persons Under Age 18 Prohibited. Notwithstanding any other provisions of this Ordinance, no shop or retail business, theater, store, bookstore, drug store or business otherwise permitted to do business in any or all zones in the Town, may be located or do business within any zone in the Town if said business or establishment, or any portion thereof, caters exclusively to adult persons to the advertised or other exclusion of persons under the age of eighteen years; provided, however, that such prohibition shall not apply to premises licensed to sell light beer to the extent that such premises exclude or advertise the exclusion of, or sale of beer to persons prohibited by law from buying or having same in possession, or to private non-profit clubs licensed under applicable Town license or to Utah State Liquor Stores doing business under Utah law and/or provisions of the Town of Howell Ordinances.

12-3-15. Clear View of Intersecting Streets. In all zones which require a front yard, no obstruction to view in excess of two feet in height except a chain link fence of not more than forty-two inches in height, shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty feet from the intersection of the street lines except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers; and pedestal-type identification signs at gasoline service stations.

12-3-16. Zero Side Yards. One zero side yard may be permitted when approved by the Planning Commission and Town Council, and only if the following requirements are met:

1. The remaining one side yard is equal to the combined total of the required two side yards of the zone in which it is located, and
2. No window or other similar opening shall be installed in the building or any accessory building along the side having a zero side yard, and
3. No zero side yard will be permitted on the lot side bordering on a non-residential zone, or on a residential lot not utilizing zero side yard provisions, and
4. Use of the zero side yard is contingent upon development of or commitment to development of a zero side yard on adjacent lot.

12-3-17. Residential Facility for Disabled Persons.

Facility Requirements:

1. No person who is being treated for alcoholism, mental illness, or drug abuse shall be placed in a residential facility for disabled persons.
2. Placement shall not be a part of or in lieu of confinement, rehabilitation or treatment in a custodial or correctional type institution.
3. Such facility shall conform to all applicable health, safety, and building codes and must be capable of use as such a facility without structural alteration that changes the residential character of the structure in which the facility is housed.
4. Minimum site development standards shall be the same as those for a single-family dwelling in the zone in which the facility is located.
5. A minimum of two off-street parking spaces shall be required per facility.
6. In order to prevent the creation of a defacto social service district and to avoid impacting a residential block, no residential facility for disabled persons may be established or maintained within a one-half mile radius of another existing facility.
7. No more than two residents shall sleep in a single bedroom.
8. A minimum of sixty square feet per individual shall be provided in a single occupant bedroom.
9. A minimum of one hundred square feet per individual shall be provided in a double occupant bedroom.
10. All yard and setback areas not occupied by buildings or parking shall be landscaped.
11. The use granted by this section is nontransferable and terminates if the structure in which the facility is housed is devoted to use other than as a residential facility for disabled persons, or if the structure fails to comply with applicable health, safety, and building codes.
12. These facilities must be licensed by the Town Business Licensing Department.
13. There shall be two full-time bathrooms in such facilities directly accessible without going

through adjacent rooms or flights of stairs.

12-3-18. Flag Lots Requirements. “Flag lot” means a flag or L-shaped lot consisting of a staff portion contiguous with the flag portion, the staff portion having frontage on a dedicated street.

1. All flag lots shall be approved as a special provision to the Land Use and Development Code by the Planning Commission. The Planning Commission may grant approval only if 1) The applicant makes written application for a flag lot on a form approved by the Planning Commission and pays the required fees at the time the application is submitted, 2) there are special circumstances attached to the property that do not generally apply to other properties in the same area and, 3) the Planning Commission specifically finds that all of the following conditions are met as to the proposed flag lot:
 - a. It is necessary, reasonable and feasible to allow the flag lot in the area;
 - b. Approval of a flag lot in the area will not substantially affect the general plan;
 - c. Approval of a flag lot in the area will not be contrary to the public interest;
 - d. The staff of the flag lot has a minimum width of thirty (30) feet.
 - e. The staff of the flag lot has a maximum length of two hundred and fifty (250) feet.
 - f. The flag lot, exclusive of the staff portion meets all of the zoning requirements of a lot in the area in which it is located; or be a minimum of 1/2 acre in lot size.
 - g. The applicant for a flag lot has prepared a plan showing the location of fire hydrants to serve the flag lot and that plan has been approved by the Fire Marshall.
2. The Planning Commission may impose such additional requirements or conditions on the proposed flag lot as it deems necessary.
3. The staff portion of a flag lot shall be used only as for ingress/egress. The staff portion shall be landscaped to be in harmony with other adjacent property and shall be improved by the installation of an improved hard surface such as concrete, asphalt or compacted road base.
4. All improvements to the flag lot, including installation of the hard surface and fire hydrants, shall be performed at the applicant’s expense. No certificate of occupancy shall be issued for the proposed flag lot until the improvements are fully installed.
5. Flag lots shall be approved only in subdivisions containing four (4) lots or fewer.
6. The Planning Commission may hold a public hearing on each flag lot application it receives. Notice of such hearings shall be given to property owners within a three hundred (300) foot radius of the proposed flag lot. The costs of such notices shall be paid by the applicant.

SECTION 12-4 PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

- 12-4-1. Purpose and Intent**
- 12-4-2. Parking Space for Dwellings**
- 12-4-3. Parking Space for Non-dwelling Buildings**
- 12-4-4. Computation of Parking Requirements**
- 12-4-5. Parking Lot Design and Maintenance**
- 12-4-6. Off-Street Truck Loading Space**
- 12-4-7. Business Requiring Automobile Access**
- 12-4-8. Vehicular Traffic to Commercial or Manufacturing Zones**

12-4-1. Purpose and Intent. The purpose of this Article is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities and in so doing promote the safety and well-being of the citizens of the Town. Consequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles.

12-4-2. Parking Space for Dwellings. In all zones there shall be provided in a private garage or in an area properly located for a future garage:

1. For a single-family dwelling, two parking spaces
2. For a two-family dwelling, four parking spaces
3. For a three-family dwelling, six parking spaces
4. For a four-family dwelling, seven parking spaces
5. For other multiple-family dwellings:
 - a. Mixed bachelor, bachelorette and family, one and three-fourths parking spaces per unit. Building Permit will stipulate maximum number of persons per unit and number and type of unit.
 - b. Bachelor and/or bachelorette (presence of Resident Manager does not make this type a mixed complex), one parking space for each person in each unit. Building Permit will stipulate maximum number of persons per unit and number and type of unit.
 - c. Housing exclusively for elderly, one parking space per unit for the first thirty units in the development, .75 spaces per unit for the next twenty units, and .5 spaces per unit for each unit in excess of fifty in the development.
6. If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.
7. In addition to the above parking space requirements, one parking space shall be provided for every two paying guests residing in such dwelling units. Such paying guests refer to the rental

of sleeping rooms within the dwelling unit.

8. Parking spaces shall have direct and unblockable access to a driveway and shall not include any space that can only be used by obtaining access thru another parking space.

12-4-3. Parking Space for Non-Dwelling Buildings. For new buildings or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing building there shall be provided.

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|----|--|---|
| 1. | Apartment Hotel
Auditorium
Auto Repair Shop | One space per two sleeping units
One space per five fixed seats
One space per employee plus five spaces for client use |
| 2. | Bank/Credit Unions
Barber Shop
Beautician Shop
Boarding House

Business Office | No less than thirty spaces
Two spaces per staff member
Three spaces per staff member
Three spaces per four persons to whom rooms will be rented

One space per employee on highest shift |
| 3. | Café

Cafeteria

Car Wash

Chiropractor Office

Church
Clinic

Club, Private
Convenience Store | One space per eating booth and table plus one space per three stools
One space per eating booth and table plus one space per three stools
Four spaces in approach lane to each wash bay.
Four spaces per professional staff plus one space per subordinate staff
One space per five fixed seats
Four spaces per professional staff plus one space per subordinate staff
At least twenty client spaces
One space per one hundred square feet of floor space, but not less than ten spaces |
| 4. | Dance Hall

Day Care Center

Drive-In Food

Dry Cleaner | One space per two hundred square feet of floor space
One space per employee plus one space per ten children
One space per one hundred square feet of Establishment floor space, but not less than ten spaces
One space per employee plus five spaces for client use |
| 5. | Educational Institution (private)
Employment Office | Two spaces per three student capacity plus one space per staff member

One space per employee plus six spaces for client use |

6.	Finance Office Fraternity	One space per staff member plus three spaces for client use Two spaces per four persons whom the building is designed to accommodate
7.	Grocery Store	One space per two-hundred square feet of floor space in building
8.	Hospital Hotel	One space per two bed capacity One space per two sleeping units
9.	Insurance/Office	One space per two staff members plus four spaces for client use
10.	Laboratory Laundromat Legal Office Library Lodging House Lounge Liquor Store	One space per employee on highest shift One space per three coin operated machines One space per professional staff plus four spaces for client use At least thirty spaces Three spaces per four persons to whom rooms will be rented At least twenty client spaces At least twenty spaces
11.	Medical/Dental Office Mortuary Motel Museum	Four spaces per professional staff plus one space per subordinate staff At least thirty spaces One space per sleeping or living unit At least thirty spaces
12.	Night Club Nursery for Children Nursing Home	At least twenty client spaces One space per employee plus four spaces for client use One space per 2.5 bed capacity
13.	Photo Studio Post Office Professional Office	At least six spaces At least twenty client spaces Four spaces per professional staff plus one space per subordinate staff
14.	Real Estate Office Reception Center Recreation Center Rental Establishment Residential Facility For Disabled Persons Restaurant Retail Store [with Drive-In Window]	One space per two employees plus four spaces for client use At least thirty spaces One space per two hundred square feet of recreation area At least four client spaces At least two spaces One and one half (1 1/2) spaces per eating booth or table One space per two hundred square feet of floor space in building [plus storage capacity of four

cars per window on the property]

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|-----|--|--|
| 15. | Sanitarium
Service Repair Shop,
General
Stadium
Sorority | One space per two bed capacity
At least four client spaces

One space per five fixed seats
Two spaces per four persons whom the building
is designed to accommodate |
| 16. | Tavern
Terminal,
Transportation
Theater
Travel Agency | At least fifteen spaces
At least thirty spaces

One space per five fixed seats
One space per employee plus four spaces for
client use |
| 17. | Upholstery Shop | One space per employee plus three spaces for
client use |
| 18. | Used Car Lot | One space per employee plus four spaces for
client use |
| 19. | Warehouse
Wedding Chapel
Wholesale Business | Two spaces per three employees
At least thirty spaces
Two spaces per three employees plus three
spaces for client use |
| 20. | For other uses | Where uses not listed above, the parking not listed
requirements shall be established by the Planning
Commission based upon a reasonable number of spaces
for staff and customers, and similar requirements of like
businesses |

12-4-4. Computation of Parking Requirements. When measurements determining number of required parking spaces result in a fractional space, any fraction up to one-half shall be disregarded, and fractions including one-half and over shall require one parking space.

12-4-5. Parking Lot Design and Maintenance.

1. **Parking Lot Location.** Parking space as required in Section 12-4-2 and 12-4-3 shall be on the same lot with the main building, or in the case of buildings other than dwellings, may be located no farther than five hundred feet there from.
2. **Public Parking Lot Standards.** Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface and shall have appropriate bumper guards or curbs where needed, as determined by the Building Inspector to protect adjacent property owners or persons using a sidewalk. Catch basins and drains shall be provided to collect surface drainage of all paved areas at a minimum rate of one inch an hour rainfall. Surface drainage is not allowable across pedestrian walkways.
3. **Maximum Yard Area to be Used for Parking and Vehicle Access Lanes.** For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used

for parking but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards. In the case of multiple family dwellings and non residential uses in a residential zone, not more than 50% of the required side and rear yards shall be in parking and, any said yard area used in excess of said limits shall be provided in an equivalent amount of land area elsewhere on the same lot as the building as open green space, patios, play areas or courts.

4. Additional Provisions. The design and maintenance of off-street parking facilities shall be subject to the following provisions:
 - a. Each parking space shall encompass not less than one hundred eighty square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle for the side lines of the parking space.
 - b. Adequate automobile access to and from parking area for interior block developments shall be provided. Minimum size of the access right-of-way shall be as follows based on the number of units to be served:
 - i. Up to and including four dwelling units, sixteen feet.
 - ii. Five or more dwelling units, one twenty-four feet two-way access right-of-way or two sixteen foot one-way access rights-of way.
 - iii. A greater size of access right-of-way may be required as deemed necessary by the Planning Commission especially in cases where access right-of-way will create corner lots from otherwise interior lots.
 - c. All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor more than six feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property and at maturity is not less than five feet nor more than six feet high. Hedgerow shrubs shall be maintained and replaced where necessary in order that the hedge may become an effective screen from bordering property within a maximum five year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.
 - d. Lighting and signs shall conform to the requirements set forth in this Zoning Ordinance.
 - e. Parking requirements for dwellings will be located on the same lot with the dwelling.

12-4-6. Off-Street Truck Loading Space. On the same premises with every building or use involved in the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided, shall include a ten foot by twenty-five foot loading space with fourteen feet height clearance, for every twenty thousand square feet or fraction thereof in excess of three thousand square feet of building floor area used for above mentioned purposes, or for every twenty thousand square feet or fraction thereof in excess of three thousand square feet of land-use for above mentioned purposes.

12-4-7. Business Requiring Automobile Access. Service stations, roadside stands, public parking lots, and all other business requiring motor vehicle access shall meet the following requirements:

1. Access to the station or other structure or parking lot shall be by not more than two roadways for each one hundred feet or fraction thereof of frontage on any street, no two of said roadways shall be not more than thirty-four feet in width and shall not be closer than twenty feet to the point of intersection of two property lines or at any street corner; and a curb, hedge, or fence of not more than two feet in height shall be provided by the owner to limit access to the permitted roadway.
2. Gasoline pumps shall be set back at least twenty feet from any property line bordering a street, provided that a pump island parallel to an adjoining street may be located not less than fifteen feet from the property line bordering said street.

12-4-8. Vehicular Traffic to Commercial or Manufacturing Zones. Privately owned land within an area zoned for residential purposes shall not be used as a regular means of vehicular passage to and from property in commercial or manufacturing zones.

ARTICLE 12-5 RESERVED FOR FUTURE USE

SECTION 12-6 PLANNING COMMISSION

- 12-6-1. Membership**
- 12-6-2. Appointment of Member of Town Council as Ex Officio Member**
- 12-6-3. Removal of Member From Office**
- 12-6-4. Members Serve Without Compensation**
- 12-6-5. Dedication of Gifts**
- 12-6-6. Contracts and Employment**
- 12-6-7. Powers and Duties**
- 12-6-8. Record of Proceedings**
- 12-6-9. Rules and Regulations**
- 12-6-10. Cooperation with Box Elder County**

12-6-1. Membership. There is hereby created a Planning Commission which shall consist of six (6) members, five (5) of whom shall be duly qualified residents of the Town, together with one member of the Town Council. The term of office of the citizens shall be for five (5) years and until a successor is appointed. The term of the council member shall run concurrently with the four (4) year term on the Town Council or whatever shall remain of that term. There shall be appointed such number and at such time as will insure that the term of at least one member shall expire each year. Vacancies shall be filled in the same manner for the unexpired term. Appointments shall be made by the Mayor with the advice and consent of the Town Council. The members of the Commission shall appoint a chairman to serve for the term of one (1) year or the unexpired portion of an existing term. Three voting members plus the chairman shall be required to constitute a quorum, but the chairman shall not be entitled to vote except to break a tie. Three affirmative votes shall be required to pass any measure. The Mayor with the advice and consent of the Town Council may appoint an associate member of the Commission to take the place temporarily of any regular member unable to act for any reason. (Amended 07-01-14 Ord. 2104-09)

12-6-2. Appointment of Member of Town Council as Ex Officio Member. One member of the Town Council shall be designated by the Town Council as an ex officio member of the planning commission without voting power, who shall serve until such time as another member of the Town Council shall be designated to replace him.

12-6-3. Removal of Member From Office. In the event any member of the planning commission shall fail to attend more than 70% of the planning commission meetings held during any one year, the member may be removed from office by an affirmative vote of the majority of the Town Council. Also, any member of the planning commission may be removed for cause, after a public hearing upon written charges, by an affirmative vote of the majority of the Town Council.

12-6-4. Members Serve Without Compensation. Members of the Planning Commission shall serve without compensation, except that they shall be reimbursed for reasonable expenses incurred with the approval of the Town Council.

12-6-5. Dedication of Gifts. The Town of Howell will accept gifts for the promotion of the purposes and work of the Planning Commission, and when such gift are received for such purpose they shall be devoted exclusively to the purpose specified by the donor.

- 12-6-6. Contracts and Employment.** The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with Town planners and other consultants for such services as it requires, provided the expenditures of the Planning Commission, exclusively of expenditures of gifts, and shall be within the amounts appropriated for the purpose by the Town Council.
- 12-6-7. Powers and Duties.** The Planning Commission of the Town of Howell shall have such powers and functions and shall perform such duties as prescribed by Section 10-9-4 and 10-9-5, U.C.A., 1953, as hereafter amended. Such powers and duties shall include, but shall not be limited to, the submission to the Council of recommendations concerning all proposed changes in ordinances pertaining to zoning as provided in Section 12-1-4 of this Zoning Ordinance. The Planning Commission shall have such other powers and duties as may be prescribed by law.
- 12-6-8. Records of Proceedings.** The Planning Commission shall keep a public record of its proceedings which shall be filed with the Town Recorder.
- 12-6-9. Rules and Regulations.** The Planning Commission shall adopt rules and regulations subject to the provisions of the Laws of the State of Utah and the planning and zoning ordinances of the Town of Howell and may amend such rules from time to time. All such rules and all amendments thereof shall be reduced to writing and shall be filed with the Town Recorder.
- 12-6-10. Cooperation with Box Elder County.** The Planning Commission, in the exercise of its powers and the discharge of its duties, shall seek constantly to cooperate with the Planning Commissions of Box Elder County and other local jurisdictions and shall seek to develop coordinated plans for the future development of this general area.

SECTION 12-7 CONDITIONAL USES

- 12-7-1. **Purpose and Intent**
- 12-7-2. **Conditional Use Permit**
- 12-7-3. **Review Procedure**
- 12-7-4. **Determination**
- 12-7-5. **Basis for Issuance of Conditional Use Permit**
- 12-7-6. **Appeal**
- 12-7-7. **Building Permit**
- 12-7-8. **Expiration**

12-7-1. Purpose and Intent. The purpose and intent of conditional uses is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that zone due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the uses suitable and/or only if such uses are designed, laid out, and constructed on the proposed site in a particular manner.

12-7-2. Conditional Use Permit. A Conditional Use Permit shall be required for all uses listed as Conditional Uses in the zone regulations. A Conditional Use Permit may be revoked by the Town Council after review and recommendation by the Planning Commission, upon failure to comply with the conditions imposed with the original approval of the permit.

12-7-3. Review Procedure.

1. Application for a Conditional Use Permit shall be made to the Planning Commission.
2. Detailed location, site and building plan shall accompany the complete application forms provided by the Town. For structures in existence, only a location plan needs to be provided.
3. The application together with all pertinent information shall be considered by the Planning Commission at its next regularly scheduled meeting.
4. The Planning Commission may call a specific public hearing on any application after adequate notice if it is deemed in the public interest. The Planning Commission shall take action on the application by the second meeting of the Planning Commission approval of the Conditional Use Permit with conditions of approval or reasons for denial shall be forwarded to the Town Council.

12-7-4. Determination. The Planning Commission may deny or permit a Conditional Use to be located within any zone in which the particular Conditional Use is permitted. In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare.

12-7-5. Basis for Issuance of Conditional Use Permit. The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

1. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community.
2. That such use will not, under the operation proposed, be detrimental to the health,

safety and general welfare of the community, nor any part thereof, nor threaten damage to the property.

3. That the use will be compatible with and not offensive to surrounding uses from the standpoint of building design, site layout, traffic both externally and internally, parking both externally and internally, signs, landscaping, pedestrian traffic, lighting considerations, material storage and operational characteristics, etc.
4. That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use.
5. That the proposed use conforms to the goals, policies and governing principles and land use of the Master Plan for the Town of Howell.
6. That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally affect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole.

12-7-6. Appeal to and Review by the Town Council. The decision of the Planning Commission shall not become final and effective until fifteen days after notice of that decision has been mailed or delivered to the applicant and delivered to the Town Recorder for presentation to the Town Council. It shall not then become final if, prior to the expiration of that fifteen days, any interested party has appealed the same to the Town Council by filing a written notice of appeal with the Town Recorder or the Town Council on its own motion has elected to review that decision.

The decision of the Planning Commission may be appealed by any interested party to the Town Council by filing such appeal with the Town Recorder within fifteen days after the notice of decision is sent to the applicant. The Town Council may review that decision on its own motion made within that fifteen day period.

The Town Council may uphold or reverse the decision of the Planning Commission and impose any additional or different conditions that it may deem necessary in granting an appeal or review. The decision of the Town Council shall be final.

12-7-7. Building Permit. Upon receipt of a Conditional Use Permit, the developer shall take such permit to the Building Inspector who will review the permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the Building Inspector may approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said permit and conditions pertaining thereto.

12-7-8. Expiration. Unless there is substantial action under a Conditional Use Permit within a period of one year of its issuance, as determined by the Planning Commission, the Conditional Use Permit shall expire. The Planning Commission may grant a maximum extension of six months under exceptional circumstances.

SECTION 12-8 PLANNED RESIDENTIAL UNIT DEVELOPMENT

- 12-8-1. Purpose and Intent**
- 12-8-2. Use Regulations**
- 12-8-3. Area Regulations**
- 12-8-4. General Regulations**
- 12-8-5. Submission of Application**
- 12-8-6. Planning Commission Consideration**
- 12-8-7. Planning Commission Action**
- 12-8-8. Town Council Action**
- 12-8-9. Final Site Plan Approval**
- 12-8-10. Building Permit Issuance**
- 12-8-11. Time Limit**
- 12-8-12. Easement over Common Areas**

12-8-1. Purpose and Intent. A Planned Residential Unit Development (PRUD) is intended to allow for diversification in the relationship of various uses and structures, to permit more flexibility, to encourage new and imaginative concepts in the design of neighborhood and housing projects in urban areas. To this end the development should be planned as one complex land use rather than an aggregation of individual unrelated buildings located in separate unrelated lots.

Substantial compliance with the zone regulations and other provisions of this Zoning Ordinance in requiring adequate standards related to the public health, safety and general welfare shall be observed, without unduly inhibiting the advantages of large scale site planning for residential and related purposes.

12-8-2. Use Regulations. A Planned Residential Unit Development shall be permitted in all residential zones and notwithstanding any other provisions as hereinafter set forth shall be applicable if any conflict exists.

An over-all development plan for a Planned Residential Unit Development showing building types, locations, sizes, height, number of residential units, access roads, open spaces, parking and landscaping may be approved by the Planning Commission and Town Council and building permits issued in accordance with such plan, even though the residential uses, housing types, and the location of the buildings proposed differ from the residential uses, housing types, and regulations governing such uses in effect in the zone in which the development is proposed, provided the provisions of this Article are complied with.

Accessory non-residential uses may be included in the development to provide a necessary service to the residents of the development as determined by the Planning Commission.

12-8-3. Area Regulations.

1. The minimum area for a Planned Residential Unit Development shall be as follows:
 - 20 acres in an R-5 zone.
 - 10 acres in an R-1-20 zone.
2. The number of dwelling units in a Planned Residential Unit Development may be 10% higher

than the number of dwelling units permitted by the area regulations of the zone in which the Planned Residential Unit Development is located in accordance with the following:

- a. Land for schools, churches, and other non-residential service type uses and land used exclusively for access to the useable area of a Planned Residential Unit Development shall not be included in the area used for determining the number of allowable dwelling units.
- b. The amount of bonus, if any, shall be determined by the Planning Commission after considering the proposed site in relation to public services and facilities surrounding residential density and land use, adequacy of traffic access, topographic considerations, and amenities proposed, and other related conditions.

12-8-4. General Requirements.

1. The development shall be in single or corporate ownership or the application filed jointly by the owners of the property.
2. The property adjacent to the Planned Residential Unit Development shall not be adversely affected and to this end the Planning Commission may require in the absence of appropriate physical boundaries that uses of least intensity or greatest compatibility be arranged around the boundaries of the project. Yard and height requirements of the adjacent zone shall apply on the periphery of the project.
3. Site development standards and sign regulations shall be determined by approval of the site development plan.
4. The Town Council, upon recommendation of the Planning Commission, may require dedication to the Town land for public park or parkway purposes.
5. The developer shall provide a financial guarantee approved by and in an amount determined by the Town Engineer guaranteeing the completion of all offsite improvements related to the proposed PRUD. The financial guarantee may also be required by the Town Engineer for any on-site landscaping and storm water control systems which are to be part of the overall Town-wide storm water control system. The financial guarantee shall be approved by the Town Council and shall be filed with the Town Recorder.
6. Where access roads create corner lots of adjoining parcels of land, the location of the paved area of the access road shall be located so as to maintain the minimum corner lot side yard requirements of the Zone in which the corner lot is located, plus an additional ten foot planting and walking area.
7. If the Planned Residential Unit Development is to be subsequently divided either as a “subdivision”, into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of “subdivision”.
8. Any part of a PRUD which is proposed as a subdivision is subject to the provisions of the Subdivision Ordinance, except for reference therein to lot dimensions and size, which is to be determined as part of the PRUD review process.

9. In the event an approved preliminary or final site plan requires revision by the developer, the site plan and its revision shall be resubmitted to the Planning Commission for consideration of approval. The Planning Commission may require re-approval by the Town Council. In the event revision is for final site plan, all new property owners in the development shall be notified in writing by the Planning Commission that a revision has been submitted and will be considered by the Planning Commission.
10. In PRUDs that are proposed as condominiums or other forms of multiple, separate ownership, agreement shall be reached between the Planning Commission and developer as to a schedule of installation of all development amenities and such agreement shall be a condition of approval of the preliminary plan. Amenities shall include all recreational facilities.
11. Checking fees for PRUDs shall be based on the same standards contained in the Subdivision Ordinance and fees established for lots shall be applicable to housing units.

12-8-5. Submission of Application. An application for a Planned Residential Unit Development shall be submitted to the Planning Commission and shall be accompanied by an over-all preliminary development plan showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools, playground, landscaping, recreational facilities and open spaces, areas reserved and proposals for accommodating the design and character of the proposed development; access and parking.

Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Zoning Ordinance.

12-8-6. Planning Commission Consideration. In considering the proposed Planned Residential Unit Development, the Planning Commission shall consider:

1. The design of buildings and their relationship to the site and their relationship to development beyond the boundaries of the development.
2. Which streets shall be public and which shall be private, the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
3. The landscaping and screening as related to the several uses within the development as a means of its integration into its surroundings.
4. The size, location, design and nature of signs if any, and the intensity and direction of area or flood lighting.
5. The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the Zoning Map or Master Plan of the Town as being a desirable future residential density.
6. The demonstrated ability of the proponents of the Planned Residential Unit Development to financially carry out the proposed project under total or phase development proposals within the time limit established.

12-8-7. Planning Commission Action. The Planning Commission, subject to the requirements of this Chapter, may recommend approval or denial or approval with conditions, of the

preliminary plan for the proposed Planned Residential Unit Development to the Town Council.

- 12-8-8. Town Council Action.** The Town Council, after holding a public hearing thereon, may approve or disapprove the application, the Council may attach such conditions, including a limitation of time during which the permit remains valid, as it may deem necessary to secure the purposes of this Article. Approval of the Town Council, together with any conditions imposed, constitutes approval of the proposed development as a “permitted use” in the zone in which it is proposed.
- 12-8-9. Final Site Plan Approval.** After Town Council approval of the preliminary site plans, final site plans reflecting all conditions of preliminary approval must be submitted to the Planning Commission for approval. Approved final site plans will be forwarded to the Building Inspector for issuance of building permits.
- 12-8-10. Building Permit Issuance.** The Building Inspector shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed. Approved development plans shall be filed with the Planning Commission, Engineer, Building Inspector and Town Recorder.
- 12-8-11. Time Limit.** Unless there is substantial action leading toward completion of a Planned Residential Unit Development or an approved phase thereof within a period of eighteen (18) months from the date of approval, as determined by the Town Council, such approval shall expire unless after reconsideration of the progress of the project an extension is approved.
- 12-8-12. Easements over Common Areas.** In every planned residential unit, cluster subdivision or condominium type development, there shall be reserved proper easements over the common areas to accommodate public services, including but not limited to the right of police and fire personnel to enter upon any part of the common areas, and to allow the Town to repair or replace facilities or improvements thereon if any association fails so to do. The declaration for any such development shall include a provision covenanting with the Town and all unit owners to maintain the common areas and facilities for the use of declarant and all unit owners prior to being turned over to an association.

SECTION 12-9 CLUSTER SUBDIVISIONS SPECIAL REGULATIONS

- 12-9-1. Purpose and Intent**
- 12-9-2. General Regulations**
- 12-9-3. Site Development Standards**
- 12-9-4. Open Space Provision**
- 12-9-5. Open Space Preservation and Maintenance**
- 12-9-6. Procedure**

12-9-1. Purpose and Intent. Cluster Subdivisions are intended to allow flexibility in neighborhood and subdivision lot design by permitting the development of single-family and two family dwellings on lots smaller than normally required for the zone in which the subdivision is located and by dedicating or reserving the land so saved to needed open space. It is not intended that this type of subdivision be universally applied but only where circumstances or natural features and land use make it appropriate and of special benefit to the residents of the subdivision and surrounding area.

12-9-2. General Regulations.

1. A Cluster Subdivision shall be a permitted use in _____ and _____ zones and notwithstanding any other provisions of this Zoning Ordinance, the provisions as hereinafter set forth shall be applicable if any conflict exists; provided, however, that no such Cluster Subdivision shall contain less than twenty-five dwelling units.
2. Where land is proposed for subdivision into lots and a subdivider dedicates or permanently reserves land within the subdivision for recreational use or open space, a reduction in the minimum lot area required for the zone in which the Cluster Subdivision is located, may be approved by the Planning Commission, provided the provisions of this Article are met, and further provided that the Cluster Subdivision receives subdivision approval.

12-9-3. Site Development Standards.

1. Minimum Lot Area - The minimum lot area for dwellings may be reduced below the area normally required in the zone in which the Cluster Subdivision is located, but no lot shall have an area less than two-thirds of the minimum lot area required for such dwelling in the respective zone.
2. Minimum Lot Width and Yard Setbacks - The minimum lot width and side yard may be reduced below the width and side yard normally required in the zone in which the Cluster Subdivision is located, but no lot shall have a width or side yard of less than three-quarters of the minimum lot width or side yard required in the respective zone.

12-9-4. Open Space Provision. There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of the residential lots are reduced below the minimum area normally required in the zone in which the Cluster Subdivision is located.

12-9-5. Open Space Preservation and Maintenance. Recreation and/or open space areas to be permanently reserved shall be improved, landscaped, and maintained in accordance with a

plan approved by the Planning Commission and the Cluster Subdivision provisions of the Subdivision Ordinance.

- 12-9-6. Procedure.** A preliminary plan of the Cluster Subdivision showing the areas within the subdivision to be permanently reserved for recreation and/or open space, and plans showing the proposed use, improvements and method of maintenance of such areas shall be approved by the Planning Commission before the Cluster Subdivision proposal becomes a permitted use in the zone in which it is proposed.

ARTICLE 12-10 GROUP DWELLING SPECIAL REGULATIONS

- 12-10-1. Yard Regulations**
- 12-10-2. Group Dwelling PRUD**
- 12-10-3. Conditional Use**

12-10-1. Yard Regulations. Group dwellings shall be considered as one building for the purpose of front, side and rear yard requirements, the entire group as a unit requiring one front, one rear and two side yards as specified for dwelling structures. The minimum distance between structures shall be ten feet for single story buildings, fifteen feet for two story buildings and twenty feet for three or more story buildings.

12-10-2. Group Dwelling PRUD. A group dwelling complex must be developed as a PRUD if the area of the complex is equal to or exceeds the following zone minimums: 20 acres in a R-5 zone; 10 acres in a R-1-20 zone.

12-10-3. Conditional Use. All group dwellings applications are considered as a Conditional Use and as such must comply with the provisions of Section 7 of this Zoning Ordinance.

ARTICLE 12-11 NONCONFORMING BUILDINGS AND USES

- 12-11-1. Nonconforming Buildings: Maintenance, Repairs and Upkeep**
- 12-11-2. Nonconforming Buildings: Additions, Enlargements and Moving**
- 12-11-3. Nonconforming Buildings: Abandonment by Non-User**
- 12-11 4. Nonconforming Use of Buildings**
- 12-11-5. Nonconforming Use of Buildings: Abandonment by Non-User**
- 12-11-6. Nonconforming Use of Land: Abandonment by Non-User**
- 12-11-7. Signs Permitted with Nonconforming Uses**

12-11-1. Nonconforming Buildings: Maintenance, Repairs and Upkeep.

- 1. A nonconforming building or structure may be maintained.
- 2. Repairs and structural alterations may be made to a nonconforming building.
- 3. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of nature, or the public enemy, to the extent of not more than two and one half times its assessed value at the time, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided that such restoration is started within a period of one year and is diligently prosecuted to completion. In the event such damage or destruction exceeds two and one-half times the assessed valuation of such nonconforming building or structure, no repairs or reconstruction, except in the case of dwelling structures shall be made unless every portion of such building or structure shall be made to conform to all regulations for new buildings in the zone in which it is located.

12-11-2. Nonconforming Buildings: Additions, Enlargements and Moving.

- 1. A building or structure nonconforming as to height, area or yard regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located, except by permit of the Board of Adjustment as herein provided.
- 2. No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, except by permit of the Board of Adjustment as herein provided, unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.
- 3. Notwithstanding the provisions of Section 12-11-2.1, an existing dwelling, nonconforming as to side yard requirement but having minimum side yard of not less than three feet may be extended in depth along the nonconforming building line to the extent of one-half the length of the existing dwelling if such extension s for the purpose of enlarging and maintaining the existing dwelling units in the structure, and provided such enlargement conforms to all other regulations of the zone in which the dwelling is located.

12-11-3. Nonconforming Buildings: Abandonment by Non-User. A nonconforming building or structure or portion thereof shall be deemed abandoned by non-use during a continuous

period of one year. If a nonconforming building or structure or portion thereof has been or shall be abandoned the same shall not thereafter be occupied or used except for a use which conforms to the use regulations of the zone in which it is located.

12-11-4. Nonconforming Use of Buildings.

1. The nonconforming use of building or structure existing at the time the applicable zoning regulations became or becomes effective may be continued.
2. A building or structure nonconforming as to use regulations shall not be added to or enlarged in any manner, except by permit of the Board of Adjustments as provided herein.
3. By permit of the Board of Adjustments as provided herein, the use of a nonconforming building or structure may be changed to a use which is first listed in the same Zone Use Regulations as the use which is to be changed is first listed, or to a use which is first listed in the Use Regulations or a more restrictive zone than that in which the use to be changed is first listed. But, in the event that the nonconforming use to be changed is a permitted use where first listed, and the changed use is a conditional use in the same zone, the petitioner must also obtain a conditional use permit in accord with the provisions of Article 7 of this Chapter.
4. A vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended and is so occupied within a period of one year after the building or structure became nonconforming.
5. A nonconforming use may be extended to include the entire floor area of the existing building in which it was conducted at the time use became nonconforming.
6. A building or structure lacking sufficient automobile parking space in connection herewith as required by this Zoning Ordinance may be altered or enlarged provided additional automobile parking space is supplied on the lot to meet the requirements of this Zoning Ordinance.

12-11-5. Nonconforming Use of Buildings: Abandonment by Non-User. The nonconforming use of a building or structure or portion thereof shall be deemed abandoned by non-user during a continuous period of one year. If a nonconforming use by any such building or structure or portion thereof has been or shall be abandoned, the same shall not thereafter be occupied or used except for a use which conforms to the use regulations of the zone in which it is located.

12-11-6. Nonconforming Use of Land: Abandonment by Non-User. A nonconforming use of tract of land or portion thereof may be continued. No such nonconforming use of land shall in any way be expanded or extended either on the same or any adjoining tract of land. A nonconforming use of land shall be deemed abandoned by non-user if discontinued for a continuous period of one year. If a nonconforming use of land has been or shall be abandoned, such land shall not thereafter be used or occupied except for a use which conforms to the use regulations of the zone in which the use is located.

12-11-7. Signs Permitted with Nonconforming Uses.

1. Nonconforming Uses in Residential Zone: One sign per use. One square foot of sign area per lineal foot of building frontage with a maximum of Fifty square feet.

2. Nonconforming Uses in Other Than Residential Zones: One sign per use. Area of the sign shall be in accordance with the provisions of Chapter 19, Outdoor Sign Code of the Town of Howell, for the respective zone in which the nonconforming use is located.

SECTION 12-12 BOARD OF ADJUSTMENTS

- 12-12-1. Appointment, Term and Removal**
- 12-12-2. Organization and Meeting**
- 12-12-3. Appeals**
- 12-12-4. Stay of Proceedings Pending Appeal**
- 12-12-5. Notice of Hearing of Appeal - Right of Appearance**
- 12-12-6. Powers of Board of Appeal**
- 12-12-7. Decision on Appeal**
- 12-12-8. Vote Necessary for Reversal**
- 12-12-9. Judicial Review of Board's Decision**
- 12-1 2-10. Time Limitation on Variance**
- 12-12-11. Filing Fee**
- 12-12-12. Compensation of Members and Secretary**

12-12-1. Appointment. Term. The Board of Adjustment shall consist of five members, all of whom shall be duly qualified electors of the Town. The term of office of the citizens shall be for five years and until a successor is appointed. There shall be appointed such number and at such time as will insure that the term of one member shall expire each year. Vacancies shall be filled in the same manner for the unexpired term. One member, but not more than one, shall be a member of the Planning Commission. Appointments shall be made by the Town Council to serve at the pleasure of the Council. The members shall appoint a chairman to serve for the term of one year or the unexpired portion of an existing term. Three voting members plus the chairman shall be required to constitute a quorum, but the chairman shall not be entitled to cast a vote except to break a tie. Three affirmative votes shall be required to pass any measure. The Town Council may appoint an associate member of the Board to take the place temporarily of any regular member unable to act for any cause.

12-12-2. Organization and Meetings. The Board of Adjustment shall organize and elect a chairman and adopt rules in accordance with the provisions of this Ordinance and other applicable laws. Meetings of the Board shall be held at the call of the chairman, or in his absence the acting chairman, may administer oaths and compel the attendant of witnesses. All meetings of the Board shall be open to the public.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the Board and shall be a public record.

12-12-3. Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of administration or enforcement of the provisions of the Zoning Ordinance. Appeals to the Board of Adjustment may be taken by any officer, department, board of bureau of the Town affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the Zoning Ordinance.

12-12-4. Stay of Proceedings Pending Appeal. An appeal stays all proceedings in furtherance of the

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

12-12-5. Notice of Hearing of Appeal - Right of Appearance. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Upon the hearing any part may appear in person or by agent or by attorney.

12-12-6. Powers of Board on Appeal. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by administrative official or agency based on or made in the enforcement of the Zoning Ordinance.
2. To hear and decide, in accordance with the provisions of any such Ordinance, requests for special exceptions or for interpretation of the map or for decisions on other special questions on which such Board is authorized by any such Ordinance to pass.
3. Whereby reason of exceptional narrowness, shallowness or shape or a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner or such property, to authorize, on an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Town. Before any variance may be authorized, however, it shall be shown that:
 - a. The variance will not substantially affect the Comprehensive Plan of Zoning in the Town and that adherence to the strict letter of the Ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.
 - b. Special circumstances attached to the property covered by the application which does not generally apply to the other property in the same area.
 - c. Because of said special circumstance, property covered by application is deprived of privilege possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. To permit the enlargement of, addition to, or relocation of a building or structure, nonconforming as to use regulations, as follows:
 - a. For a nonconforming use located in a residential zone, the enlargement, addition, or relocation shall either: (i) comply with the height, yard and area requirements for a single-family dwelling in the Zone in which the nonconforming building is located, or (ii)

the proposed enlargement, addition or relocation will either (a) improve the area by increasing the off-street parking, or (b) improve the general appearance, convenience or safety of the area.

- b. For a nonconforming use located in any zone other than a residential zone, the enlargement, addition, or relocation shall comply with all height, yard and area requirements for a main building, other than dwellings, in the zone in which it is located.
 - c. Before granting a permit for any enlargement, addition, or relocation as provide above, the Board of Adjustment shall find in its public hearing that the proposed changes will not hinder or obstruct the attainment of the objectives listed in Section 12-1-2 of this Zoning Ordinance hereof more than does the existing non-conforming use.
5. The Board of Adjustment may allow those enlargement of, addition to or relocation of buildings and structures, nonconforming as to yard, height or area regulations in those cases where an undue hardship will result to the owner of the land involved unless granted and the attainment of the objectives listed in Section 12-1-2 of this Zoning Ordinance will not be hindered or obstructed, and provided the proposed enlargement, addition to or relocation will either: (1) improve the area by increasing needed off-street parking or (2) improve the general appearance, convenience or safety of the area.
 6. Where a district boundary line divides a lot in single ownership at the time of the establishment of said boundary, permit a use authorized on either portion of such lot to extend to the entire lot, provided such permission shall not authorize the use to extend more than thirty-five feet beyond the district boundary line or extend to an area greater than five thousand square feet beyond the said boundary line.
 7. To permit a nonconforming use to be changed to another use allowed in the same or a more restrictive zone than the one in which the nonconforming use would be allowed; provided that the Board of Adjustment finds in its public hearing that such change will not hinder or obstruct the attainment of the objectives listed in Section 12-1-2 hereof more than does the existing nonconforming use.
 8. To permit the construction and use of a dwelling upon a lot which does not have frontage on a street, but does have frontage on a dedicated right-of-way.

12-12-7. Decision on Appeal. In exercising the above mentioned powers such Board may in conformity with the provisions of this Ordinance reverse, or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

12-12-8. Vote Necessary for Reversal. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

12-12-9. Judicial Review of Board's Decision - Time Limitation. The Town or any person aggrieved may have and maintain a plenary action for relief there from in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty days after the filing of such decision in the office of the Board.

- 12-12-10. Time Limitation on Variance.** In the event the Board of Adjustment does grant a variance in accordance with the provisions of this Article, it must be activated within six months after the date the variance is granted or the variance becomes null and void. The time limit of the variance may be extended an additional six months by the Board of Adjustments, and then only if the petitioner shows adequate cause to the Board that circumstances necessitate a time extension.
- 12-12-11 .Filing Fee.** Upon the filing of any appeal or application to the Board of Adjustment, and prior to any hearing, the appellant or applicant shall pay to the Town a fee equivalent to the cost of convening the Board including the cost of publication of notice of any hearing. No appeal or application shall be considered by the Board unless and until such fee has been paid.
- 12-12-12. Compensation of Members and Secretary.** Each member of the Board of Adjustment shall receive ten dollars for each meeting of the Board which he shall attend, provided that he shall not receive more than twenty dollars in any one month. The Secretary of the Board shall receive the sum as set for by the Town Council.

ARTICLE 12-13 ZONES AND DISTRICTS

- 12-13-1. Establishment of Zones**
- 12-13-2. Boundaries of Zone Districts**
- 12-13-3. Rules Applicable Where Boundaries Uncertain**
- 12-13-4. Boundaries of Flood Overlay Zone**

12-13-1. Establishment of Zones. For the purpose of this Zoning Ordinance, the Town is divided into the following zones in which land uses shall be limited as specified in this Zoning Ordinance. Classification will be determined on the basis of location, topographic features and other reasonable considerations to guide the orderly physical growth, neighborhood compatibility and overall stability of the Town.

1. Open Space Zone, O-1; Section 14
2. Agricultural Zone, A-20; Section 15
3. Rural residential Zone, RR-5, RR-10; Section 16
4. Single-Family Residential Zone, R-1-20, R-i-10; Section 17
5. Two-Family Residential Zone, R-2; Section 18
6. Commercial Zone, C-1, C-2, C-3; Section 19
7. Planned Commercial Zone, CP-1, CP-2, CP-3; Section 20
8. Manufacturing Zone, M-1; Section 21
9. Planned Manufacturing Zone, MP-1; Section 22
10. Sensitive Area Overlay Zone, SA; Section 23

12-13-3. Boundaries of Zones. The boundaries of each of the said zones are hereby established as described herein or as shown on the map entitled “Zoning Map of the Town of Howell” or as hereafter amended, and all boundaries, notations and other data shown on said maps are made by this reference as much a part of this Title as if full described and detailed herein. Said maps shall be filed in the custody of the Town Recorder of the Town of Howell, and may be examined by the public subject to any reasonable regulations established by the Town Recorder.

12-13-4. Boundaries of Overlay Zones. The flood plain overlay zone and sensitive area overlay zone are hereby established as described and shown on the maps entitled “Howell Flood Plain Overlay Zone” and “Howell Sensitive Area Overlay Zone”, and all boundaries, notations and other data shown on said maps is made by this reference as much a part of this section as if fully described and detailed herein. Said maps shall be filed in the custody of the Town Recorder of Howell and may be examined by the public subject to any reasonable regulations and established by the Town Recorder.

12-13-5. Rules Applicable Where Boundaries Uncertain. Where uncertainty exists as to the

boundary of any zone, the following rules shall apply:

1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line then unless otherwise definitely indicated on the map, the centerline of such street, alley, or block, or such property line shall be construed to be the boundary of such zone.
2. Wherever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal, or other waterway, or railroad right-of-way, or public park or other public land, or any section line, then in such case of the center of such stream, canal, or waterway or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.
3. Where such boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.
4. Where the application of the above rules does not clarify the zone boundary location, the Board of Adjustment shall interpret the map.

- a. Minimum - 1 story
- b. Maximum - 2 1/2 stories or 35 feet

12-14-5. Sign Regulations. The height, size, and location of the following permitted signs shall be in accordance with the regulations set forth in the Outdoor Sign Code of the Town of Howell:

- 1. Construction project sign
- 2. Directional sign
- 3. Flat sign
- 4. Free standing sign
- 5. Identification and information sign
- 6. Name plate
- 7. Temporary sign
- 8. Wall sign

SECTION 12-15 AGRICULTURAL DISTRICT A-20

- 12-15-1. Purpose and Intent**
- 12-15-2. Permitted Uses**
- 12-15-3. Conditional Uses**
- 12-15-4. Site Development Standards**

12-15-1. Purpose and Intent. The purposes of providing an agricultural district are to promote and preserve in appropriate areas with conditions favorable to agricultural and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses detrimental to the continuance of agricultural activity.

12-15-2. Permitted Uses.

- a. Agriculture, including grazing and pasturing of animals, including dairy's the tilling of the soil, the raising of crops, horticulture and gardening
- b. Accessory buildings and uses customarily incidental to permitted agricultural uses
- c. Accessory buildings for the housing of animals customarily incidental to permitted agricultural uses,
- d. Apiary and Aviary
- e. Forestry except forest industry
- f. Family Food Production
- g. Single-Family dwelling
- h. Farms devoted to raising and marketing chickens, turkeys, or other fowl or poultry, fish or frogs, mink, rabbits, including wholesale and retail sale
- i. Church, synagogue or similar permanent building used for regular religious worship
- j. Educational institution
- k. Golf course, except miniature golf course Green house, non-commercial only
- m. Household pets
- n. Parking lot accessory to uses permitted in this zone
- o. Planned Residential Unit Development, in accordance with Section 8 of this Zoning Ordinance
- p. Public building; public park, recreation grounds and associated buildings
- q. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work

12-15-3. Conditional Uses. The following uses shall be permitted only when authorized by a Conditional Use Permit as provided in Section 7 of this Zoning Ordinance.

- a. Private park, playground or recreation area, but not including privately owned commercial amusement business
- b. Public utility substation or water storage reservoir developed by a public agency
- c. Agricultural Industry
- d. Public stable, riding academy or riding ring, horse show barn or other equestrian facilities under single management
- e. Correctional institutions, public or quasi-public facilities, essential service facilities
- f. Dude ranch, family vacation ranch
- g. Private park or recreational grounds or private recreational camp or resort
- h. Two-Family dwelling Child day care and nursery
- j. Mine, quarry, gravel pit, rock crusher, concrete batching plant, or asphalt plant
- k. Major Land Excavations Power Generation
- m. Telecommunication Tower
- n. Residential Facility for Disabled Persons
- o. Home Occupations

12-15-4. Site Development Standards.

- 1. Minimum Lot area
 - a. A-20 zone - 20 Acres
- 2. Minimum Lot width
 - a. A-20 zone - 500 feet
- 3. Minimum yard setbacks
 - a. Dwelling
 - i. Front - 30 feet
 - ii. Side - 20 feet with total width of two side yards not less than 48 feet.
 - b. Accessory building - 20 feet from any property line - no accessory building shall be allowed in the

front yard setback area.

- c. Rear
 - i. Main building - 30 feet
- 4. Building height
 - a. Minimum - 1 story
 - b. Maximum - 2 ½ stories or 35 feet
 - c. Agricultural buildings such as grain elevators or other facilities which are for Bona-fide agricultural uses only shall be considered by the Planning Commission as a special exception to the zoning ordinance.
- 5. Subdivision(s) with a minimum lot size of 1/2 acre, to be considered as a special exception to this section, following the provisions of the Conditional Use Permit process. All standards for the special exception shall be consistent with the provisions of the R-1-20 zone.

SECTION 12-16 RURAL RESIDENTIAL ZONES RR-5; RR-10

- 12-16-1. Purpose and Intent**
- 12-16-2. Permitted Uses**
- 12-16-3. Conditional Uses**
- 12-16-4. Site Development Standards**

12-16-1. Purpose and Intent. To provide areas for low density, single-family residential neighborhoods of spacious and uncrowded character.

12-16-2. Permitted Uses.

- a. Agriculture, pasturing of animals, the tilling of the soil, the raising of crops, horticulture and gardening
- b. Accessory buildings and uses customarily incidental to permitted agricultural uses
- c. Family Food Production
- d. Single-Family dwelling
- e. Two-Family dwelling
- f. Church, synagogue or similar permanent building used for regular religious worship
- g. Educational institution
- h. Green house, non-commercial only
- i. Household pets
- j. Parking lot accessory to uses permitted in this zone
- k. Planned Residential Unit Development, in accordance with Section 8 of this Zoning Ordinance
- l. Cluster subdivisions, in accordance with Section 9 of this Zoning Ordinance
- m. Public building; public park, recreation grounds and associated buildings
- n. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work

12-16-3. Conditional Uses. The following uses shall be permitted only when authorized by a Conditional Use Permit as provided in Section 7 of this Zoning Ordinance.

- 1. Accessory buildings for the housing of animals customarily incidental to permitted agricultural uses
- 2. Farms devoted to raising and marketing chickens, turkeys, or other fowl or poultry, fish or frogs, mink, rabbits, including wholesale and retail sale

3. Private park, playground or recreation area, but not including privately owned commercial amusement business
4. Agricultural Industry
5. Fruit/Vegetable Stand
6. Public stable, riding academy or riding ring, horse show barn or other equestrian facilities under single management
7. Correctional institutions, public or quasi-public facilities, essential service facilities
8. Dude ranch, family vacation ranch (RR-10 only)
9. Farm or ranch housing (RR-10 only)
10. Kennel
11. Private park or recreational grounds or private recreational camp or resort
12. Child day care and nursery
13. Mine, quarry, gravel pit, rock crusher, concrete batching plant, or asphalt plant (RR-10 only)
14. Major Land Excavations
15. Power Generation
16. Telecommunication Tower
17. Residential Facility for Disabled Persons
18. Home Occupations

12-16-4. Site Development Standards.

1. Minimum lot area
 - a. RR-5 zone - 5 acres
 - b. RR-10 zone -10 acres
2. Minimum lot width
 - a. RR-5 zone -300 feet
 - b. RR-1 0 -1350 feet

3. Minimum yard setbacks
 - a. Dwelling
 - i. Front - 30 feet, or 63 feet from centerline of street
 - ii. Side - 30 feet with total width of two side yards not less than 50 feet
 - iii. Rear - 50 feet
 - b. Accessory buildings
 - i. Front - 100 feet
 - ii. Side - 30 feet with total width of two side yards not less than 50 feet
 - iii. Rear - 10 feet
 - c. Accessory building for housing animals associated with agricultural uses
 - i. Front - 150 feet and at least 100 feet from any dwelling
 - ii. Side - 50 feet
4. Building height
 - a. Minimum - 1 story
 - b. Maximum - 2 1/2 stories or 35 feet
 - c. Agricultural buildings such as grain elevators or other facilities which are for Bona-fide agricultural uses only shall be considered by the Planning Commission as a special exception to the zoning ordinance.

SECTION 12-17 SINGLE-FAMILY RESIDENTIAL ZONES R-1-20; R-1-10

- 12-17-1. Purpose and Intent**
- 12-17-2. Permitted Uses**
- 12-17-3. Conditional Uses**
- 12-17-4. Site Development Standards**
- 12-17-5. Sign Regulations**

12-17-1. Purpose and Intent. The purpose of the R-1 -20 and R-1 -10 zone classifications are to provide regulated areas for single-family residential use at two different low density levels.

12-17-2. Permitted Uses.

1. Accessory building and use customarily incidental to any permitted use
2. Agriculture
3. Church, synagogue or similar permanent building used for regular religious worship
4. Cluster subdivisions, in accordance with Section 9 of this Zoning Ordinance
5. Educational institution
6. Golf course, except miniature golf course
7. Green house, non-commercial only
8. Household pets
9. Parking lot accessory to uses permitted in this zone
10. Planned Residential Unit Development, in accordance with Section 8 of this Zoning Ordinance
11. Public building; public park, recreation grounds and associated buildings
12. Single-family dwelling
13. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work

12-17-3. Conditional Uses. The following uses shall be permitted only when authorized by a Conditional Use Permit as provided in Article 7 of this Zoning Ordinance.

1. Raising Animals (see 12-3-6 for required provisions)
2. Private park, playground or recreation area, but not including privately owned commercial amusement business
3. Public utility substation or water storage reservoir developed by a public agency
4. Limited Care Dialysis Center
5. Residential Facility for Disabled Persons
6. Home Occupations

12-17-4. Site Development Standards.

Minimum Lot area

- a. R-1-20 zone - 20,000 square feet
 - b. R-1 -10 zone - 10,000 square feet for dwelling and
-
2. Minimum lot width
 - a. R-1-20zone - 120feet

- b. R-1 -10 zone - 100 feet
- 3. Minimum yard setbacks
 - a. Front
 - R-1 -20 zone
 - R-1 -10 zone - 30 feet
 - b. Side
 - i. Dwelling
 - 1) R-1 -20 and - 15 feet with total width of two side yards not less than 35 feet
 - 2) R-1 -10 zones - 10 feet with the total width of two side yards not less than 24 feet
 - ii. Accessory building
 - (1) R-1 -20 - 20 feet, except 5 foot if located at least 6 feet from rear of main building, and 60 feet back from front lot line, but not closer than 10 feet to dwelling on adjacent lot
 - (2) R-1 -10 - 10 feet, except 5 foot if located at least 6 feet from rear of main building and 60 feet back from front lot line, but not closer than 15 feet to dwelling on adjacent lot.
 - c. Side facing street on Corner Lot - 20 feet
 - d. Rear
 - i. Main building -30feet
 - ii. Accessory building
 - (1) R-1-20 and R-1 -10 zones - 1 foot, except 15 feet where accessory building rears on side yard of adjacent corner lot.
- 4. Building height
 - a. Minimum -1 story
 - b. Maximum -2 1/2 stories or 35 feet

12-17-5. Sign Regulations. The height, size and location of the following permitted signs shall be in accordance with the regulations set forth in the Outdoor Sign Code of the Town of Howell:

1. Construction project sign
2. Directional sign
3. Flat sign
4. Free standing sign
5. Identification and information sign
6. Name plate
7. Temporary sign

SECTION 12-18 TWO FAMILY RESIDENTIAL ZONE R-2

- 12-18-1. Purpose and Intent**
- 12-18-2. Permitted Uses**
- 12-18-3. Conditional Uses**
- 12-18-4. Site Development Standards**

12-18-1. Purpose and Intent. The purpose of the R-2 zone classification is to accommodate a need for moderate density residential districts incorporating both single-family and two-family dwelling units.

12-18-2. Permitted Uses.

- 1. Accessory building and use customarily incidental to any permitted use.
- 2. Agriculture
- 3. Church, synagogue or similar permanent building used for regular religious worship
- 4. Cluster subdivisions, in accordance with Section 9 of this Zoning Ordinance.
- 5. Educational institution
- 6. Golf course, except miniature golf course
- 7. Greenhouse, non-commercial only
- 8. Household pets
- 9. Parking lot accessory to uses permitted in this zone
- 10. Planned Residential Unit Development, in accordance with Section 8 of this Zoning Ordinance
- 11. Public building, public park, recreation grounds and associated buildings
- 12. Single-family dwelling
- 13. Temporary building and use incidental to construction work
- 14. Two-family dwelling

12-18-3. Conditional Uses. The following uses shall be permitted only when authorized by a Conditional Use Permit as provided in Article 7 of this Zoning Ordinance

- 1. Cemetery with customary incidental uses including but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel
- 2. Home occupation
- 3. Private park, playground or recreation area, but not including privately owned commercial amusement business
- 4. Public utility substation or water storage reservoir developed by a public agency
- 5. Residential Facility for Disabled Persons (See 10-3-17 for facility requirements)

12-18-4. Site Development Standards.

- 1. Minimum lot area
 - a. Single family dwelling - 6,000 square feet
 - b. Two family dwelling - 8,500 square feet or other main building
- 2. Minimum lot width - 80 feet
- 3. Minimum yard setbacks
 - a. Front -25 feet

- b. Side
 - i. Main building - 8 feet, with total width of two side yards of not less than 18 feet for single family dwelling or two family dwelling and 20 feet each side for other main building
 - ii. Accessory building - 8 feet, except 1 foot if located at least 6 feet in rear of main building; but not closer than 10 feet to dwelling on adjacent lot
 - c. Side, facing street is or corner lot - 20 feet, except average where 50% frontage developed, but not less than 15 feet
 - d. Rear
 - i. Main Building - 30 feet
 - ii. Accessory building - 1 foot, except 8 feet where accessory building rears on side yard of adjacent corner lot
4. Building height
- a. Minimum - 1 story
 - b. Maximum - 2 1/2 stories or 35 feet

SECTION 12-19 COMMERCIAL ZONES C1, C-2, C-3

- 12-19-1. Purpose and Intent**
- 12-19-2. Site Development Standards**
- 12-19-3. Sign Regulations**
- 12-19-4. Special Regulations**
- 12-19-5. Uses**

12-19-1. Purpose and Intent. The purpose of the C-1 Neighborhood Commercial, C-2 Community Commercial, and C-3 Regional Commercial Zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the Town. It is also to separate into three zones uses based upon type of activity which are compatible and complementary, as well as intensity of land utilization and accessory needs.

12-19-2. Site Development Standards.

	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
1. Minimum Lot Area	as per Design Review (see Art. 24)		
2. Minimum Lot Width	as per Design Review (see Art. 24)		
3. Minimum Yard Setbacks			
a. Front	20 feet for all buildings and walls or fences over 3 feet high	10 feet	10 feet
b. Side	None, except 10 feet adjacent to residential boundary		
c. Side facing street on corner lot	20 feet	10 feet	10 feet
d. Rear	None, except 10 feet where building rears on a residential zone or a street		
4. Building height			
a. Minimum		One Story	
b. Maximum	2 ½ stories or 35 feet	none	none
5. Maximum Lot Coverage	Not over 60% of lot area by buildings or accessory buildings		none
6. Minimum Site Development Standards for Dwelling Units	none	Same as provided in 25-19-4	

12-19-3. Sign Regulations. The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in the Outdoor Sign Code of the Town of Howell.

12-19-4. Special Regulations.

1. Hereinafter specified Permitted and Conditional uses shall be permitted only when the following conditions are complied with:
 - a. All manufacturing shall be done within a completely enclosed building.
 - b. All uses shall be free from objection because of odor, dust, smoke, or noise.
 - c. In the C-1 Neighborhood Commercial Zone no entertainment, except recorded music shall be permitted in cafes, cafeterias, ice cream parlors, or restaurants.

2. A car wash shall be permitted subject to the following restrictions:
 - a. Operation or use is forbidden between the hours of 10:00 p.m. and 6:00 a.m.
 - b. There shall not be more than four washing bays for a manual spray car wash in C-1 zones only
 - c. Off-street vehicle storage required as follows:
 - 1) One bay car wash, 4 spaces in the approach lane
 - 2) Two bay car wash, 3 spaces in the approach lane for each wash bay
 - 3) Three or more bay car wash, 2 spaces in the approach lane for each wash bay

12-19-5. Uses. In the following list of possible uses, those designated in any zone as “P” will be a Permitted Use. Uses designated as “C” will be allowed only when authorized by a Conditional Use Permit obtained as provided in Article 7 of this Zoning Ordinance. Uses designated “N” will not be allowed in that zone.

	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
1. Accessory building and uses customarily incidental to a permitted use	P	P	P
Air conditioning, sales and service	N	N	P
Altering, pressing, and repairing of wearing apparel	P	P	P
Amusement enterprises	N	N	C
Amusement arcade	N	N	C
Animal hospital, small animals only and provided conducted within completely enclosed building	N	N	C
Antique, import or souvenir shop	N	P	P
Apartment, Multi-Family	N	C	P
Archery shop and range, provided conducted within completely enclosed bldg.	N	P	P
Art and artists supply store	N	P	P

	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	N	P	P
Athletic Club	N	P	P
Auction establishment	N	N	C
Automobile parts sales	N	P	P
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within completely enclosed bldg.	N	N	P
Automobile, new or used, Sales and service	N	C	P
Awning sales and service	N	P	P
2. Baby formula service	P	P	P
Bakery manufacture limited to goods retailed on premises	P	P	P
Bakery goods manufacturing	N	N	P
Bank or financial institution	P	P	P
Barber shop	P	P	P
Bath and massage establishment	N	P	P
Beauty culture school	N	N	P
Beauty parlor for cats and dogs	N	P	P
Beauty shop	P	P	P
Beer parlor, sale of draft beer	N	N	C
Bicycle sales and service	P	P	P
Billiard parlor	N	N	P
Blue printing or Photostatting	N	P	P
Boarding house	N	C	P
Boat sales and service	N	C	P
Bookbinding	N	N	P
Bookstore, retail	P	P	P
Bottling and distribution plant	N	N	P
Bowling alley	N	C	P
Boxing arena	N	N	P
Building materials sales or yard	N	N	P
Bus terminal	N	P	P
3. Café or cafeteria	P	P	P
Camera store	P	P	P
Candy manufacture	N	N	P
Candy store, confectionery	P	P	P
Carbonated water sales	N	P	P
Carpenter and cabinet shop	N	N	P
Carpet, rug and linoleum service	N	P	P

	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
Car wash, laundry type	N	C	P
Car wash, manual spray	C	P	P
Cash register sales and service	N	P	P
Catering establishment	N	P	P
China, crystal and silver shop	C	P	P
Christmas tree sales	P	P	P
Church	N	C	P
Church, temporary revival	N	C	C
Circus, carnival or other transient amusement	N	N	C
Cleaning and dyeing establishment	N	P	P
Clinics, medical or dental	P	P	P
Clothing and accessory store	N	P	P
Coal and fuel sales office	N	N	P
Communication equipment building	N	P	P
Contractor shop, provided work conducted within a completely enclosed building	N	N	P
Costume rental	N	P	P
4. Dairy products store	P	P	P
Dance hall	N	N	C
Data processing service and supplies	N	P	P
Delicatessen	P	P	P
Department store	N	P	P
Detective agency	P	P	P
Diaper service, including cleaning	N	P	P
Drapery and curtain store	N	P	P
Drive-it-yourself agency or business	N	P	P
Drug store	P	P	P
Dry cleaning establishment	N	P	P
Dry cleaning pickup station	P	P	P
5. Educational institution	N	P	P
Egg and poultry store, pro viding no live bird slaughtering or eviscerating permitted	P	P	P
Electrical and heating appliances and fixtures sales and service	N	P	P
Employment agency	N	P	P
Express and transfer service	N	N	C

	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
6.			
Fabric and textile store	P	P	P
Farm implement sales	N	N	P
Film exchange establishment	P	P	P
Five and ten cent store	P	P	P
Florist shop	P	P	P
Frozen food lockers, incidental to a grocery store or food business	P	P	P
Fruit store or stand	P	P	P
Furniture sales and repair	N	P	P
Fur apparel sales, storage or repair	N		
7.			
Garden supplies and plant materials sales	P	P	P
Gift store	P	P	P
Glass sales and service	N	P	P
Government buildings or uses, nonindustrial	C	P	P
Greenhouse and nursery; soil and lawn service	N	P	P
Grocery store	P	P	P
Gunsmith	N	P	P
Gymnasium	N	P	P
8.			
Hardware stores	N	P	P
Health club	N	P	P
Health food store	P	P	P
Heliport	N	C	C
Hobby and crafts store	P	P	P
Hospital supplies	N	P	P
Hotel	N	C	P
House cleaning and repair	N	P	P
House equipment display	N	P	P
Household appliance sales and incidental service	N	C	P
Household pets, dwelling units only	P	P	P
9.			
Ice cream manufacture	N	N	P
Ice cream parlor	P	P	P
Ice manufacture and storage	N	N	P
Ice store or vending station	P	P	P
Insulation sales	N	P	P
Insurance agency	N	P	P
Interior decorating and designing establishment	N	P	P
10.			
Janitor service and supply	N	P	P
Jewelry store sales and service	P	P	P
11.			
Knitting mills	N	N	C

	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
12. Laboratory, dental or medical	N	P	P
Laundry or dry cleaners, Laundromat-type	P	P	P
Laundry or dry cleaning establishment	N	N	P
Launderette or Laundromat	P	P	P
Lawn mower sales and service	N	P	P
Leather goods, sales and service	P	N	P
Legal office	N	P	P
Library	P	P	P
Linen store	N	P	P
Linen supply service	N	N	P
Liquor store	N	C	C
Locksmith	P	P	P
Lodge or social hall	N	P	P
Lodging house	N	C	P
Lounge	N	N	C
Luggage store	N	P	P
Lumber yard	N	N	C
13. Machine shop operations incidental to any use permitted in C-3 district	N	N	P
Manufacture of goods retailed on premises	N	C	C
Meat, fish and seafood store	P	P	P
Medical office	P	P	P
Millinery	P	P	N
Miniature golf	N	N	C
Mobile home sales lot and service	N	N	P
Monument works and sales	N	P	P
Mortuary	N	C	P
Motel	N	C	P
Motorcycle and motor scooters sales and service	N	C	P
Museum	C	P	P
Music store	N	P	P
14. Needlework, embroidery or knitting store	P	P	P
Newsstand	P	P	P
Night club or social club	N	N	P
Notions store	P	P	P
Novelty store	N	P	P
Nursery school	C	P	P

	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
15. Office in which goods or merchandise are not commercially created			
exchanged or sold	N	P	P
Office supply	N	P	P
Office machines sales and service	N	P	P
Oil burner shop	N	N	C
Optometrist, optician or oculist	P	P	P
Ornamental iron sales or repair	N	C	P
16. Paint or wallpaper store	N	P	P
Paperhanger shop	N	P	P
Park and playground	P	P	P
Parking lot or garage for passenger automobiles	C	C	C
Pawnshop	N	N	P
Penny arcade	N	N	C
Pest control and extermination	N	P	P
Pet and pet supply store	N	P	P
Pharmacy	P	P	P
Photographic supplies	P	P	P
Photo studio	P	P	P
Physician or surgeon	P	P	P
Pie manufacture	N	P	P
Plumbing shop	N	C	P
Pony ring, without stables	N	N	C
Pool hall	N	N	P
Popcorn or nut shop	P	P	P
Post office	C	P	P
Printing, (lithographing publishing or reproductions sales and service	N	C	P
Professional office	N	P	P
Public utilities substation	C	C	C
17. Reserved for future use			
18. Radio and television sales and service	C	P	P
Radio, television or FM broadcasting station	N	P	P
Real estate agency	N	P	P
Reception center or wedding chapel	N	C	P
Recreation center	N	C	P
Recreational vehicle storage	C	C	P
Rental agency for home and			

	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
garden equipment	N	P	P
Restaurant	P	P	P
Restaurant, drive-in	N	P	P
Roller skating rink	N	C	P
Roofing sales or shop	N	P	P
19. Second-hand store	N	P	P
Seed and feed store, retail	N	P	P
Service station, automobile excluding painting, body and fender and upholstery work	P	P	P
Service station automobile with rotating brush car wash as accessory use	P	P	P
Sewing machine sales and service	N	P	P
Sheet metal shop and retinning, provided all operations conducted within completely enclosed building	N	N	C
Shoe repair or shoe shine shop	P	P	P
Shoe store	N	P	P
Shooting gallery	N	N	P
Sign manufacture or sign painting	N	N	P
Sign, animated		P	P
Sign, business	P	P	P
Sign, construction project	P	P	P
Sign, directional	P	P	P
Sign, flat	P	P	P
Sign, free standing	P	P	P
Sign, identification and information	P	P	P
Sign, marquee	P	P	P
Sign, name plate	P	P	P
Sign, off-premise	N	P	P
Sign, projecting	P	P	P
Sign, roof	N	p	P
Sign, temporary	P	P	P
Sign, wall	P	P	P
Supermarket	P	P	P
* Only time and temperature animated sign in C-1 Zone			
20. Tailor shop	N	P	P
Tavern	N	N	P
Taxi-cab stand	P	P	P
Taxidermist	N	P	P

	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
Telegraph office	P	P	P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work	P	P	P
Theater, indoor	N	P	P
Theater, outdoor	N	N	C
Tire recapping or retreading sales and service	N	N	C
Tobacco shop	P	P	P
Tool design (precision) repair and manufacture	N	N	C
Toy store, retail	P	P	P
Trade or industrial school	N	C	P
Trailer sales and service	N	N	P
Trailer agency	P	P	P
Truck terminal	N	N	C
21. Upholstery shop	C	P	P
22. Variety store	P	p	p
Vegetable store or stand	P	P	P
Ventilating equipment sales and service	N	C	P
23. Warehouse storage	N	N	P
Weather stripping shop	N		p
Wedding chapel	C	P	P
Welding shop	N	N	C
Wholesale business	N	N	P
Window washing establishment	N	P	p

SECTION 12-20 PLANNED COMMERCIAL ZONES CP-1, CP-2, CP-3

- 12-20-1. Purpose and Intent**
- 12-20-2. Use Regulations**
- 12-20-3. Area Regulations for CP Zones**
- 12-20-4. Site Development Standards**
- 12-20-5. Protection of Adjoining Residential Properties**
- 12-20-6. Special Parking Requirements**
- 12-20-7. General Regulations**
- 12-20-8. Submission of Application**
- 12-20-9. Planning Commission Approval**
- 12-20-10. Town Council Action**
- 12-20-11. Building Permit Issuance**
- 12-20-12. Time Limitation**
- 12-20-13. Application to Existing Commercial Districts**

12-20-1. Purpose and Intent.

1. The intent of the Planned Commercial Zones is to permit the establishment of a well designed complex of retail commercial facilities for a neighborhood, community or region which will provide goods and services for the people to be served, minimize traffic congestion on public streets in the vicinity, and which shall best fit the general environment and land use pattern of the area to be served. The protective standards contained in this Article are intended to minimize any adverse effect of the Planned Commercial Zone on nearby property values by achieving maximum compatible integration of land uses, by preserving the aesthetic qualities of the area, and to provide for safe and aesthetic qualities of the area, and to provide for safe and efficient use of the Planned Commercial Zone itself.
2. The three types of Planned Commercial Zones provided for in this Article are as follows:
 - a. CP-1, Neighborhood: provides for the sale and supply of daily living needs for the people in the neighborhood.
 - b. CP-2, Community: provides, in addition to the convenience goods, a wider range of facilities for the sale of retail goods and personal services for the neighborhood and major segments of the community.
 - c. CP-3, Regional: provides for the sale and supply of the complete range of retail and wholesale goods and personal services for the metropolitan area and, also, a center for recreational entertainment and cultural activities for the entire region.

12-20-2. Use Regulations. Any permitted use or any conditional use, allowed in the C1, C-2, or C-3 Zone shall be permitted in their respective CP-1, CP-2, or CP-3 Zone provided where applicable a Conditional Use Permit is obtained as provided in Article 7 of this Zoning Ordinance. Such uses shall be indicated on the final development plan.

12-20-3. Area Regulations for CP Zones. The area requirements for the establishment of a CP Zone shall be as follows:

CP-1 Zone: Minimum area - 1 acre, maximum area - 5 acres

CP-2 Zone: Minimum area - 3 acres

CP-3 Zone: Minimum area - 3 acres

12-20-4. Site Development Standards. The site development standards in a CP-1, CP-2, or CP-3

Zone shall be the same as for the respective C-I, C-2 or C-3 Zone.

- 12-20-5. Protection of Adjoining Residential Properties.** Where a Planned Commercial Development adjoins any lot in any Residential Zone, there shall be provided and maintained along such property line a wooden or ornamental masonry fence of not less than six feet in height, provided, however, that such fence shall be three and one-half feet in height along the property line which bounds the front yard of adjoining residential lots. At least 50% of such wall should be maintained with a minimum six foot wide planting strip and landscaping with trees and shrubs.
- 12-20-6. Special Parking and Sign Limitations.** Notwithstanding the provisions of Article 4 of this Ordinance there shall be provided off-street parking facilities in the ratio of not less than three square feet for each one square foot of sales floor area within the development.
- 12-20-7. General Regulations.**
1. A CP Zone may be established only upon land held in single ownership or under unified control or where the Planning Commission determines that commercial development on separate adjoining properties should be coordinated to form a physically unified commercial facility which will be compatible with the surrounding land uses. At the time a CP Zone is established and before building permits are issued, deed restrictions on the property or properties covered under the zone change shall be filed by the applicant or owners of subject property with the County Recorder and shall provide that development take place on such property or properties in accordance with a final site development plan approved by the Town Council and on file with the Town Recorder.
 2. A CP Zone shall not be established upon a tract of land which would contain a non-conforming use after the passage of such amendment to the Zoning Ordinance unless the development planned for the tract includes the elimination of the non-conforming use or its integration into planned development.
 3. The location of the CP Zone shall have an acceptable relationship to and further the purposes of the Master Plan for the Town as determined by the Planning Commission.
- 12-20-8. Submission of Application.** A rezoning petition for a Planned Commercial Zone shall be submitted to the Planning Commission and shall be accompanied by a preliminary development plan for the commercial center showing a unified and organized arrangement of buildings and structures, their proposed uses, off-street parking, internal and external traffic circulation, service facilities, schematic architectural drawings, landscaping plans and sketches demonstrating the design and character of the proposed development. The developer shall submit all evidence deemed necessary by the Town Council and/or Planning Commission of his ability to undertake the proposed project.
- 12-20-9. Planning Commission Approval.** The Planning Commission shall recommend approval or denial of the zoning petition and preliminary development plan to the Town Council. The recommendation of the Planning Commission may contain conditions, limitations or amendments to the preliminary development plan to insure that the Planned Commercial Development is integrated into its surroundings and serves the public interest to the greatest extent possible. The Planning Commission shall also recommend a reasonable amount to be provided by the developer by cash deposit or bond, to insure the completion of the landscaping for the entire plan or phase thereof.
- 12-20-10. Town Council Action.** The Town Council after holding a public hearing thereon may

approve or disapprove a petition for a Planned Commercial Zone. In approving a zoning petition, the Town Council shall concurrently approve a preliminary development plan, the amount required to insure completion of the landscaping together with whatever amendments, conditions, or requirements as it may deem necessary to secure the purpose of this Article.

12-20-11. Building Permit Issuance. After the rezoning of the site to a CP Zone, a final development plan for the entire district or for the initial phase, if a stage plan development plan has been approved, shall be submitted to and approved by the Planning Commission as complying with the regulations and requirements attached thereto prior to the issuance of any building or land use permits. The final development plan shall show in detail the proposed areas and locations of building, off-street parking, internal and external traffic circulation, improvements, landscaping, signs and service facilities. No changes shall be made in the final development plan during the course of construction pursuant thereto without first obtaining prior approval of the Planning Commission. Copies of the approved final development plan shall be kept on file in the office of the Planning Commission, Building Inspector, and Town Recorder, and only changes which may be subsequently approved shall be added thereto.

12-20-12. Time Limitation.

1. A building permit shall be secured and construction begun in accordance with the approved final development plan within eighteen months from the effective date of the ordinance establishing such zone or other period of time as determined by the Town Council. Application may be made for not more than six months extension of the time limit for commencement of construction. Use and building permits shall be issued only for those uses and buildings indicated on the approved final development plan.
2. In the event that construction is not started within the specified time limits, the Planning Commission shall review the classification of the zone and the progress which has taken place and, if deemed necessary revoke the plan approval and initiate proceedings to rezone said property to its prior classification or to a zone consistent with the Comprehensive Master Plan.
3. All construction authorized in the approved final development plan shall be completed within three years of the date construction has commenced. A plan for stage development which will require more time than the limits contained herein may be approved by the Town Council, after recommendation by the Planning Commission.
4. In the event that construction is not completed within the time limits specified, the Planning Commission shall review the development which has taken place and if necessary initiate proceedings to reclassify the property or part thereof in a manner consistent with the General Plan.

12-20-13. Application to Existing Commercial District. In the case of existing Commercial Districts, the Planning Commission and Town Council may proceed to rezone such districts to an equivalent Planned Commercial Zone without the requirements of a preliminary development plan and other necessary information; but, after being so zoned to a Planned Commercial Zone a preliminary and final development plan of each subsequent development shall be submitted to and approved by the Planning Commission and Town Council in accordance with the provisions of this Article prior to the issuance of building permits, provided, however, that improvements already in existence at the time of rezoning shall not be affected.

SECTION 12-21 MANUFACTURING ZONE M-1

- 12-21-1. Purpose and Intent
- 12-21.2. Permitted Uses in an M-1 Zone
- 12-21-3. Conditional Uses in an M-1 Zone
- 12-21-4. Site Development Standards
- 12-21-5. Sign Regulations

12-21-1. **Purpose and Intent** The purpose of the manufacturing zone is to provide suitable areas that will accommodate the need for manufacturing and its associated accessory uses.

12-21-2. **Permitted Uses.**

1. Any use permitted in a C-3 Zone except dwelling units
2. Accessory uses and buildings customarily incidental to a permitted use
3. Agriculture
4. Animal hospitals
5. Animals and fowl for family food production
6. Boat building
7. Bookbinding
8. Bottling works, soft drinks
9. Carpenter shop, cabinet shop
10. Carpet and rug cleaning and dyeing
11. Coal, fuel and wood yards
12. Construction of buildings to be sold and moved off the premises
13. Dairy
14. Dwelling unit for watchman and his family
15. Egg handling, processing and sales
16. Electric appliances and/or electronic instrument assembling
17. Express office
18. Garage, public
19. Honey extraction
20. Ice manufacturing and storage
21. Kennel
22. Knitting mill
23. Laboratory
24. Laundry
25. Lithographing, including engraving and photo engraving
26. Machine shop
27. Manufacturing, compounding, processing, packing and treatment of the following products;
 - a. Bakery goods
 - b. Candy
 - c. Dairy products
 - d. Pharmaceuticals
28. Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials:
 - a. Cellophane
 - b. Canvas
 - c. Cloth
 - d. Cork
 - e. Felt

- f. Shell
 - g. Straw
 - h. Textile
 - i. Wood
 - j. Yarn
29. Manufacturing and maintenance of the following:
 - a. Business machines
 - b. Cameras and photographic equipment
 - c. Electric and neon signs, billboards and/or commercial advertising structures
 - d. Light sheet metal products, including heating and ventilating ducts and equipment
 - e. Musical instruments
 - f. Novelties
 - g. Rubber and metal stamps
 - h. Toys
 30. Monument work
 31. Motion picture studio
 32. Motor vehicles, trailers, bicycles and machinery repairing, rentals and sales and reconditioning
 33. Parking lot
 34. Planning mills
 35. Printing, including engraving and photo engraving, blueprinting, Photostatting and duplicating
 36. Public and quasi-public uses
 37. Radio and television transmitting towers
 38. Sand blasting
 39. Service station
 40. Sign painting shop
 41. Temporary building for uses incidental to construction work, including living quarters for a guard or night watchmen, which buildings must be removed upon completion or abandonment of the construction work
 42. Tire retreading and/or vulcanizing
 43. Transfer company
 44. Upholstering, including mattress manufacturing, rebuilding, and renovating
 45. Used car lot
 46. Veterinary, and hotel and beauty parlors for cats and dogs
 47. Warehouse
 48. Weaving
 49. Welding shop
 50. Wholesale business

12-21-3. Conditional Uses. The following uses shall be permitted only when authorized by a Conditional Use Permit as provided in Article 7 of this Zoning Ordinance:

1. Any conditional use allowed in a C-3 zone, except dwelling units
2. Airport
3. Battery manufacture
4. Blacksmith shop
5. Contractors equipment storage yard or rental of equipment used by contractors
6. Freighting or trucking yard or terminal
7. Fertilizer and soil conditioner manufacture, processing and/or sales, providing only non-animal products and by-products are used

8. Manufacture of brick and all clay, ceramic, cinder, concrete, synthetic, cast stone, plastic and pumice stone products, including the manufacture of fabrication of building blocks, tile or pipe from raw material for use in building construction or for sewer or drainage purposes, and including rock or gravel crushing of raw materials which is incidental to the manufacture or fabrication of the above-described products, and provided that such crushing facilities shall be located not closer than two hundred feet to any property line
9. Building materials sales yard, including the sale of rock, sand, gravel, and the like, as an incidental part of the main business, but excluding concrete mixing except as such concrete mixing is necessary in the preparation and manufacture of any of the products specified in this Section
10. Foundry, casting light-weight, non-ferrous metal without causing noxious odors or fumes
11. Glass manufacturing
12. Manufacturing, compounding, processing, packing and treatment of the following products:
 - a. Cosmetics
 - b. Food products, excluding the following: fish, sauerkraut, pickles, vinegar, yeast, the rendering of fat
 - c. Toiletries
13. Manufacturing, compounding and treatment of articles of merchandise from the following previously prepared materials:
 - a. Bone
 - b. Feathers
 - c. Fiber
 - d. Fish
 - e. Glass
 - f. Hair
 - g. Horn
 - h. Leather
 - i. Paint
 - j. Paper
 - k. Plastic
 - l. Rubber
 - m. Tobacco
14. Meat products smoking, curing, and packing, provided that no objectionable fumes are emitted.

12-21-4. Site Development Standards.

- | | | |
|----|-----------------------------|--|
| 1. | Minimum Lot Area | - 3,000 square feet |
| 2. | Minimum Lot Width | -40 feet |
| 3. | Minimum Yard Setbacks | |
| a. | Front | -20 feet |
| b. | Side | - None, except 20 feet adjacent to a residential zone boundary |
| c. | Rear | - None except 20 feet where building |
| | rears on a residential zone | |
| 4. | Building height | |
| a. | Minimum- 1 story | |
| b. | Maximum | - None |
| 5. | Lot Coverage | - Not over 80% of lot area by buildings |

12-21-5. Sign Regulations. The height, size, and location of the following permitted signs shall be in

accordance with the regulations set forth in the Outdoor Sign Code of the Town of Howell.

1. Animated sign
2. Business sign
3. Construction project sign
4. Directional sign
5. Flat sign
6. Free standing sign
7. Identification and information sign
8. Marquee sign
9. Name Plate
10. Off premise sign
11. Projection sign
12. Roof sign
13. Temporary sign
14. Wall sign

SECTION 12-22 PLANNED MANUFACTURING ZONE MP-1

- 12-22-1. Purpose and Intent**
- 12-22-2. Use Regulations**
- 12-22-3. Site Development Standards**
- 12-22-4. Protection of Adjoining Residential Properties**
- 12-22-5. Special Parking Requirements**
- 12-22-6. General Regulations**
- 12-22-7. Submission of Application**
- 12-22-8. Planning Commission Approval**
- 12-22-9. Town Council Action**
- 12-22-10. Building Permit Issuance**
- 12-22-11. Time Limitation**
- 12-22-12. Application Existing Manufacturing Districts**

- 12-22-1. Purpose and Intent.** The intent of the Planned Manufacturing Zone is to permit the establishment of a well designed complex of manufacturing facilities for the community or region which will minimize traffic congestion on public streets in the vicinity, and which shall best fit the general environment and land use pattern of the area to be served. The protective standards contained in this Article are intended to minimize any adverse effect of the Planned Manufacturing Zone on nearby property values by achieving maximum compatible integration of land uses, by preserving the aesthetic qualities of the area, and to provide for safe efficient use of the Planned Manufacturing Zone itself. It is not the intent that the Planned Manufacturing Zone shall be applied in a broad brush manner, but rather be used discriminately in areas where it is determined by the Planning Commission and/or Town Council that the Planned Manufacturing Zone and its built in control processes would be highly beneficial in protecting the established surrounding environment, especially residential uses in abutting residential zones.
- 12-22-2. Use Regulations.** Any permitted use or any conditional use, allowed in the M-1 Zone shall be permitted in the MP-1 Zone provided where applicable a Conditional Use Permit is obtained as provided in Article 7 of this Zoning Ordinance. Such uses shall be indicated on the final development plan.
- 12-22-3. Site Development Standards.** Same as provided in 12-23-4 or as determined by the Planning Commission and/or Town Council.
- 12-22-4. Protection of Adjoining Residential Properties.** Where a Planned Manufacturing development adjoins any lot in any Residential Zone, there shall be provided and maintained along such property line a wooden or ornamental fence of not less than six feet in height, provided, however, that such fence shall be three and one-half feet in height along the property line which bounds the front yard of adjoining residential zone.
- 12-22-5. Special Parking and Sign Limitations.** Notwithstanding the provisions of Article 4 of this ordinance there shall be provided off-street parking facilities of not less than one space for each employee on the highest work shift or as determined by the Planning Commission. Notwithstanding the provisions of Article 21 of this Zoning Ordinance off premise signs shall not be permitted in any MP Zone.

12-22-6. General Regulations.

1. A MP Zone may be established only upon land held in single ownership or under unified control or where the Planning Commission determines the manufacturing development on separate adjoining properties should be coordinated to form a physically unified manufacturing facility which will be compatible with the surrounding land uses.
2. A MP Zone shall not be established upon a tract of land which would contain a non-conforming use after the passage of such amendment to the Zoning Ordinance unless the development planned for the tract includes the elimination of the non-conforming use or its integration into planned development.
3. The location of the MP Zone shall have an acceptable relationship to further the purposes of the Master Plan for the Town as determined by the Planning Commission

12-22-7. Submission of Application. A rezoning petition for a Planned Manufacturing Zone shall be submitted to the Planning Commission and shall be accompanied by a preliminary development plan showing a unified and organized arrangement of building and structures and their proposed uses, off-street parking, internal and external traffic circulation, and service facilities, and schematic architectural drawings, landscaping plans and sketches demonstrating the design and character of the proposed development. The developer shall submit all evidence deemed necessary by the Town Council and/or Planning Commission of his ability to undertake the proposed project.

12-22-8. Planning Commission Approval. The Planning Commission shall recommend approval or denial of the zoning petition and preliminary development plan to the Town Council. The recommendation of the Planning Commission may contain conditions, limitations or amendments to the preliminary development plan to insure that the Planning Commission may contain conditions, limitations or amendments to the preliminary development plan to insure that the Planned Manufacturing Development is integrated into its surroundings and serves the public interest to the greatest extent possible.

12-22-9. Town Council Action. The Town Council after holding a public hearing thereon may approve or disapprove a petition for a Planned Manufacturing Zone. In approving the zoning petition, the Town Council shall concurrently approve a preliminary development plan, together with whatever amendments, conditions, or requirements as it may deem necessary to secure the purpose of this Chapter.

12-22-10. Building Permit Issuance. After the rezoning of the site to a MP Zone a final development plan for the entire district or for the initial phase, if a stage development plan has been approved, shall be submitted to and approved by the Planning Commission as complying with the regulations and requirements attached thereto prior to the issuance of any building or land use permits. The final development plan shall show in detail the proposed areas and locations of building, off-street parking, internal and external traffic circulation, improvements, landscaping, signs and service facilities. No changes shall be made in the final development plan during the course of construction pursuant thereto without first obtaining prior approval of the Planning Commission. Copies of the approved final development plan shall be kept on file in the office of the Planning Commission, Building Inspector, and Town Recorder, and only changes which may be subsequently approved shall be added thereto.

12-22-11. Time Limitation.

1. A building permit shall be secured and construction begun in accordance with the approved final development plan within eighteen months from the effective date of the ordinance establishing such zone or other period of time as determined by the Town Council. Application may be made for not more than six months extension of the time limit for commencement of construction. Use and building permits shall be issued only for those uses and buildings indicated on the approved final development plan.
2. In the event that construction is not started within the specified time limits, the Planning Commission shall review the classification of the zone and the progress which has taken place and, if deemed necessary revoke the plan approval and initiate proceedings to rezone said property to its prior classification or to a zone consistent with the Comprehensive Master Plan.
3. All construction authorized in the approved final development plan shall be completed within three years of the date construction has commenced. A plan for stage development which will require more time than the limits contained herein may be approved by the Town Council, after recommendation by the Planning Commission.
4. In the event that construction is not completed within the time limits specified, the Planning Commission shall review the development which has taken place and if necessary initiate proceedings to reclassify the property or part thereof in a manner consistent with the General Plan.

12-22-12. Application to Existing Manufacturing District. In the case of existing manufacturing districts, the Planning Commission and Town Council may proceed to rezone such districts to an equivalent Planned Manufacturing Zone without the requirements of a preliminary development plan and other necessary information: but, after being so zoned to a Planned Manufacturing Zone a preliminary and final development plan of each subsequent development shall be submitted to and approved by the Planning Commission and Town Council in accordance with the provisions of this Article prior to the issuance of building permits, provided, however, that improvements already in existence at the time of rezoning shall not be affected.

SECTION 12-23 SENSITIVE AREA OVERLAY ZONE SA

- 12-23-1. Purpose and Intent
- 12-23-2. Permitted Uses
- 12-23-3. Conditional Uses
- 12-23-4. Site Development Standards
- 12-23-5. Special Review Procedure
- 12-23-6. Site Plan Review Considerations
- 12-23-7. Application Procedure
- 12-23-8. PRUD Preliminary Site Plan Review Satisfaction
- 12-23-9. Approval of Conditional Use Permit
- 12-23-10. Appeals

12-23-1. **Purpose and Intent.** The purpose of the SA Zone is to delineate those areas within the corporate limits of Howell that possess geologically and environmentally sensitive terrains with specific intent to (1) control the arrangement of the use of land in the defined SA Zone, (2) protect the general health, safety and welfare of the citizens of Howell, (3) minimize public and private property damage, and (4) provide for public awareness of sensitive environs.

12-23-2. **Permitted Uses.** None

12-23-3. **Conditional Uses.** Any use allowed as a permitted or conditional use in the respective zone over which the Sensitive Area Overlay Zone extends. The allowed uses are confined to the boundaries of their respective zones within the SA Overlay Zone, which zones, over which the SA Overlay Zone, but are confined to the respective zone boundaries.

12-23-4. **Site Development Standards.** Same as those specified for the particular use in the respective zone over which the Sensitive Area Overlay Zone extends. Before building permits are issued for any development in the SA Overlay Zone, the procedure set forth in Section 10-23-5 must be complete and a Conditional Use Permit must be approved by the Planning Commission in accordance with the provisions of Article 7 of the Zoning Ordinance.

12-23-5. **Special Review Procedure.** The Planning Commission, at its discretion, may require that a site plan submitted for a development in a Sensitive Area Overlay Zone be reviewed by a representative of any or all of the following:
Utah Geological Survey, U.S. Soil Conservation Service, U.S. Forest Service, Utah Division of Wildlife Resources, and any or all departments of the Town of Howell or any other professional expertise or group necessary. The intent of providing for such a review procedure is to assist the Planning Commission in properly designing developments in sensitive areas to assure the least detrimental effect on the land to attempt to identify and offset potential terrain hazard to present and future residents of Howell.

12-23-6. **Site Plan Review Considerations.** When an application for a Conditional Use Permit in a SA Zone is received by the Planning Commission, the accompanying site plan shall be reviewed with consideration of but not limited to the following:

1. Determine whether or not subject site is traversed by possible earthquake faults. If so, the Planning Commission may require the developer to engage the services of an Engineering Geologist recognized by the Utah Geological Survey to precisely locate such fault so that the

Planning Commission can insure that no buildings are placed on or across a fault. For reference, use Wasatch Fault, A Guide to Land Use Planning by Woodward/Clyde and Associates.

2. Buildings should not be placed on or across a fault nor within fifty feet thereof unless it is determined by the Planning Commission that the distance of fifty feet may be reduced without creating a potential hazard. The Planning Commission may require a greater distance from the fault line.
3. Flexible joints shall be required where utility lines cross identified faults.
4. Determine whether or not the proposed development will adversely affect a sensitive wildlife habitat, and if so, determine what measures, if any, are necessary to protect that sensitive wildlife habitat.
5. Determine whether or not the proposed development will adversely affect existing vegetative cover, and if so, determine what measures, if any, are necessary to protect that sensitive vegetation.
6. Determine if the proposed development will generate sufficient vehicular traffic to cause an overloading of capacity of existing street systems, and if so, what remedies are suggested and needed.
7. Determine if the proposed development site possesses areas of steep slope in excess of 15% and if so, what measures, if any, are necessary to prevent adverse terrain erosion, soil instability, excessive storm water runoff, unnecessary cut and fill and excessive street grades.
8. Determine if the site is related to active or potential land slides, and if so, the Planning Commission may require that the developer engage the services of an Engineering Geologist to evaluate the land slide area in order to insure against personal or public property damage.
9. Determine if adequate public utilities such as storm sewer, sanitary sewer, and culinary water are available to support the proposed development. If not, what facilities are necessary?
10. Determine if the proposed site development plan and building elevations compliment the sensitive nature of the terrain, and if not, what measures are necessary to adjust those plans to enhance the overall development.

12-23-7. Application Procedure. Any person, persons, groups, agencies, partnerships, or corporations who desire to develop in a designated Sensitive Area Overlay Zone must obtain a Conditional Use Permit Application from the Town of Howell Planning Commission. Said permit must be filled out and returned to said office with a sepia of the proposed development site plan. The Planning Commission staff will present the application and site plan to the Planning Commission at the Planning Commission's next regularly scheduled meeting. The Planning Commission will at the time determine which agencies or departments should review the site plan. Any agency or department reviewing a site plan may refer any recommendations it feels necessary regarding a particular development to satisfy the concerns of this Article. The recommendations of any agency or department are in no way binding on the decision of the Planning Commission to grant a Conditional Use Permit, but the Planning Commission may incorporate the recommendations as conditions of approval of a Conditional Use permit.

- 12-23-8. PRUD Preliminary Site Plan Review Satisfaction.** In the event the development application in the SA Zone is for a PRUD, the site plan review procedure for the Conditional Use Permit application shall suffice to satisfy the preliminary site plan review procedure for a PRUD as required in Article 8 of Title 10.
- 12-23-9. Approval of Conditional Use Permit.** The Planning Commission shall not issue a Conditional Use Permit unless evidence is presented to establish:
1. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community, and
 2. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property and improvements in the community, but will be compatible with and complimentary to the intent and purpose of this chapter when considering the specifics in Sections 10-7-5 and 10-23-6.
- 12-23-10. Appeals.** If the applicant is dissatisfied with the decision of the Planning Commission, an appeal may be submitted to the Town Council in accordance with Section 10-7-6 of this Zoning Ordinance.

SECTION 12-24 SITE PLAN REVIEW

- 12-24-1 Purpose and Objectives
- 12-24-2 Approval Required
- 12-24-3 Application and Fee
- 12-24-4 Site Plan requirements
- 12-24-5 Grading and Drainage Plan Requirements
- 12-24-6 Utility Plan Requirements
- 12-24-7 Landscaping Plan Requirements
- 12-24-8 Architectural Renderings
- 12-24-9 Other information
- 12-24-10 Consideration in Review of Applications
- 12-24-11 Consideration Relating to Traffic
- 12-24-12 Consideration Relating to Outdoor Advertising
- 12-24-13 Consideration Relating to Landscaping
- 12-24-14 Considerations Relating to Buildings and Site Layout
- 12-24-15 Considerations Relating to Drainage and Irrigation
- 12-24-16 Findings and Decisions
- 12-24-17 Notification of Approval or Denial
- 12-24-18 Completion and Maintenance of Site
- 12-24-19 Site Plan Modifications and Amendments
- 12-24-20 Issuance of Permit
- 12-24-21 Bonds
- 12-24-22 Deadline for Development

12-24-1 **Purpose and Objectives** The site plan review procedures set forth herein are established in order to encourage adequate advance planning and assure a good quality of environment for Box Elder County. This procedure is intended to provide for orderly, harmonious, safe and functionally efficient development consistent with priorities, values, and guidelines stated in the Box Elder County Land Use Management and Development Code, and various elements of the General Plan and for the general welfare of the community. It is not the purpose of this Chapter to so rigidly control design so as to stifle creativity or individual expression, or to cause substantial, unnecessary expense; rather, any control exercised is intended to be the minimum necessary to efficiently achieve the objectives stated herein.

12-24-2 **Approval Required** Except as may be provided for elsewhere in this Chapter, site plan approval shall be required for all of the following uses, together with any others for which it is required elsewhere in these Ordinances:

- (a) Any industrial use.
- (b) Any commercial use.
- (c) Any institutional use.
- (d) Any multifamily residential development.

In situations requiring site plan approval, no building permit for the construction of any building, structure, or improvement to the site shall be issued prior to approval of the site plan. No clearing, grubbing, grading, drainage work, parking lot construction or other site improvement shall be allowed prior to approval of the site plan.

12-24-3 Application and Fee

- (1) Application for site plan review shall be made by the property owner, or the property owner's authorized agent, on a form prescribed for this purpose by the Town of Howell. At the time of filing the application, the applicant shall pay to the Town of Howell a fee as provided in the Town of Howell's schedule of fees, which fees may be changed from time to time by resolution of the Town of Howell.
- (2) The application for site plan approval shall consist of the following:
 1. Application form completed.
 2. A Survey at a scale no smaller than 1" = 100' showing the deed boundary, all deed boundaries of adjacent parcels, and all existing natural and man-made features, such as fences, ditches, buildings, etc., within fifty feet (50') of the property line.
 3. Seven (7) copies of the site development plan(s) at a scale no smaller than 1" = 100' and one reduced copy on 11 X 17 inch paper. The site plan shall be prepared, stamped and signed by a professional engineer licensed by the State of Utah. Each copy shall contain the following items:

12-24-4 Site Plan showing the following items:

- (a) All facilities related to the project that are within 250 feet of the site boundary.
- (b) Layout, dimensions, and names of existing and future road rights of way. New street names must be cleared through the Howell.
- (c) Project name, North arrow, and tie to a section monument.
- (d) The boundary lines of the project site with bearings and distances.
- (e) Layout and dimensions of proposed streets, buildings, parking areas, and landscape areas.
- (f) Location, dimensions, and labeling of other features such as signage, fences, etc.
- (g) Location of man-made features including irrigation facilities, bridges, railroad tracks, and buildings.
- (h) A tabulation table, showing total gross acreage, square footage of street rights of way, square footage of building footprint, square footage of total building floor area, square footage of landscaping, and number of parking spaces.

12-24-5 Grading and Drainage Plan showing the following:

- (a) North arrow, scale, and site plan underlay.
- (b) Topography at 1 foot intervals.
- (c) Areas of substantial earth moving with an erosion control plan.
- (d) Location of existing water courses, canals, ditches, springs, wells, culverts, and storm drains,

and proposed method of dealing with all irrigation and waste water.

- (e) Location of any designated flood plain and/or wetland boundaries.
- (f) Direction of storm water flows, catch basins, inlets, outlets, waterways, culverts, detention basins, orifice plates, outlets to off site facilities, and off site drainage facilities when necessary. Drainage plans are to facilitate a ten (10) year storm event. The discharge rate off-site is restricted to 0.1 cubic ft./second, or less where off-site facilities to accept storm water are limited.
- (g) Hydraulic and hydro logic storm drainage calculations using a ten year storm event. One hundred year events may need to be accommodated in certain location in the path of major drainage.

12-24-6 Utility Plan showing the following:

- (a) North arrow, scale, and site plan underlay.
- (b) All existing and proposed utilities including but not limited to: sewer, culinary water, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communications lines, cable television lines, and streetlights.
- (c) Minimum fire flow required by the Uniform Fire Code for the proposed structures, and fire flow calculations at all hydrant locations.
- (d) Location and dimensions of all utility easements.
- (e) A letter from the Sewer and Water providers, addressing the feasibility and their requirements to serve the project.

12-24-7 Landscaping Plan showing the following:

To be approved by the Planning Commission

12-24-8 Architectural Renderings (Building Elevations) showing the following:

- a. Accurate front, rear, and side elevations drawn to scale.
- b. All exterior surfacing materials and colors shall be specified.
- c. Outdoor lighting, furnishings and architectural accents shall be specified.
- d. Location and dimensions of all signage proposed to be attached to the building or structure.

12-24-9 Other Information that may be Required:

- a. Any necessary agreements with adjacent property owners regarding storm drainage or other pertinent matters.

- b. When the project is located within the Hillside Overlay District, additional reports are required.
- c. Evidence of compliance with all applicable federal, state, and local laws and regulations.
- d. A traffic analysis.
- e. Warranty Deed or Preliminary Title Report.
- f. Wastewater discharge approval from Bear River District Health Department.
- g. Quarter section aerial map(s) of the site from Box Elder County Surveyor's Office.
- h. Courtesy notice of the public meeting at which the site plan application is reviewed by the Planning Commission shall be provided in accordance with notice requirement contained in this code.

12-24-10 **Consideration in Review of Applications** The Planning Commission and the Howell Town Staff shall review the application and consider the following matters, and others when applicable.

12-24-11 **Considerations Relating to Traffic Safety and Traffic Congestion.**

- (1) The effect of the site development plan on traffic conditions on abutting streets and neighboring land uses, both as existing and as planned.
- (2) The layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways.
- (3) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provisions of Town of Howell ordinances regarding the same.
- (4) The location, arrangement, and dimensions of truck loading and unloading facilities.
- (5) The circulation patterns within the boundaries of the development.
- (6) The surfacing and lighting of off-street parking facilities.
- (7) Provision for transportation modes other than personal motor vehicles, including such alternative modes as pedestrian, bicycle, and mass transit.

12-24-12 **Consideration Relating to Outdoor Advertising.** Compliance with the provisions of the Town of Howell Sign Ordinance. Sign permit applications will be reviewed and permits issued as a separate process and action simultaneous with or following site plan review.

12-24-13 **Consideration Relating to Landscaping.**

- (1) The location, height, and materials of walls, fences, hedges, and screen plantings to

provide for harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.

- (2) The planting of ground cover or other surfaces to prevent dust and erosion.
- (3) The unnecessary destruction of existing healthy trees.
- (4) Compliance with Town of Howell General Plan guidelines to promote consistent forms of development within the districts of the Howell as identified in the General Plan.

12-24-14 Consideration Relating to Buildings and Site Layout.

- (1) Consideration of the general silhouette and mass, including location on the site and elevations, in relationship to the character of the district or neighborhood and the applicable provisions of the General Plan.
- (2) Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street, line and pitch of roofs, the arrangement of structures on the parcel, and appropriate use of materials and colors to promote the objectives of the General Plan relating to the character of the district or neighborhood.
- (3) Compliance of project with applicable development standards and Zoning Ordinance.

12-24-15 Consideration Relating to Drainage and Irrigation.

The effect of the site development plan on the adequacy of the storm and surface water drainage. The need for piping of irrigation ditches bordering or within the site.

Other Considerations Relating to Neighborhood Compatibility, including, but not limited to:

- (1) Buffering.
- (2) Lighting.
- (3) Placement of trash containers and disposal facilities.

12-24-16 Findings and Decisions. Upon a finding by the Planning Commission, or other review body as this code may require, that the application meets the intent of this Chapter and after consideration of the items listed in the previous Section, the design approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied. The Planning Commission, or other review body, may request further information or subsequent presentation prior to approval or denial.

12-24-17 Notification of Approval or Denial. Upon granting or denying of site plan approval, the Howell Town Planning Commission shall prepare and mail or deliver to the applicant a formal statement of the decision, and, in the case of a denial, the reasons therefore. The applicant shall provide the Howell Town Planning Commission a copy of the site plan including any corrections or revisions required by this ordinance. Once in final, approved

form, the site plan shall be marked as “Approved” by the Town of Howell.

12-24-18 Completion and Maintenance of Site. Every site shall conform to the approved site plan or amended site plan. No structures or improvements may be added to a site that are not included on the approved site plan. All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner. Failure to complete or maintain a site in accordance with the approved site plan shall be a violation of the terms of this Chapter.

12-24-19 Site Plan Modifications and Amendments. Except as may be provided for elsewhere in this Chapter, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan as follows:

- (1) When Required. An amended site plan shall be submitted to the Planning Commission for review and approval whenever any of the following changes are proposed for a site which would require site plan review under in accordance with this Chapter.
- (2) The exterior dimensions of a building on the site are to be changed;
- (3) The amount or type of proposed landscaping is to be changed (unless the applicant adds landscaping in addition to the landscaping required by the original site plan);
- (4) The number or location of on-site parking spaces is to be changed;
- (5) Exterior display areas are to be established or changed;
- (6) Additions or deletions to existing buildings, structures or fixtures on site are being made;
- (7) New buildings or structures are being added to the site;
- (8) Provisions of this Title require an amended site plan to be submitted.

The procedure for approval of an amended site plan shall be the same as the procedure for approval of an original site plan as set forth in this Chapter.

Required Improvements. Except as provided for elsewhere in this Chapter, when a site plan is amended, the site shall be brought into compliance with the current Zoning Ordinance in the following areas:

- (a) Landscaping.
- (b) Storage.
- (c) Off-street parking.
- (d) Lighting.
- (e) Vehicular access.
- (f) Off-street loading and unloading.
- (g) Setbacks and building heights.
- (h) On-site surface water drainage.
- (i) Off-site curb, gutter and sidewalk.

- (j) Piping of irrigation ditches.
- (k) Sign requirements.

12-24-20 Issuance of Permit. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this Chapter have been complied with. Any building permit issued shall expressly require that development be undertaken and completed in conformity with the site plans as approved.

12-24-21 Bonds. In order to assure that the development will be constructed to completion in an acceptable manner, the applicant may be required to enter into an agreement and provide a satisfactory letter of credit or escrow deposit similar to the requirements applicable to subdivisions. The agreement and letter of credit or escrow deposit shall assure timely construction and installation of improvements required for site plan approval.

12-24-22 Deadline for Development. Failure to obtain a building permit within one (1) year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the Planning Commission may require that a new site plan be submitted and approval obtained pursuant to this Chapter.

SECTION 12-25 AGRICULTURAL PROTECTION AREA

- 12-25-1. Definitions**
- 12-25-2. Planning Commission Duties.**
- 12-25-3. Minimum Size for Agriculture Protection Areas.**
- 12-25-4. Fees for Accepting and Processing Agriculture Protection Area Proposals.**
- 12-25-5. Filing Procedure.**
- 12-25-6. Publication.**
- 12-25-7. Severability.**
- 12-25-8. Conflicting Ordinances.**

12-25-1. Definitions.

Definitions as used in this chapter:

- a. **Agriculture Protection Area** means a geographic area created under the authority of this Ordinance that is granted the specific legal protection contained in this Ordinance.
- b. **Advisory Board** means the Agriculture Protection Advisory Board appointed by the Box Elder County Commission.
- c. a. **Agricultural Production** means production for commercial purposes of crops, livestock, and livestock production.

b. **Agricultural Production** includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50 percent of the processed or merchandised products are produced by the farm operator.
- d. **Crops, livestock, and livestock products included**
 - a. land devoted to the raising of useful plants and animals with a reasonable expectation of profit including:
 - 1. forages and sod crops;
 - 2. grains and feed crops;
 - 3. livestock meaning all domestic animals, honey bees, poultry, fur-bearing animals, and fish;
 - 4. trees and fruits; or
 - 5. vegetables, nursery, floral, and ornamental stock; or
 - b. lands devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.
- e. **Political Subdivision** means the city, county school district, or special district.
- f. **Proposed Sponsors** means the owners of land in agricultural production who are sponsoring the proposal for creating an agricultural protection area.
- g. **State Agency** means each department, commission, board, council agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

- 12-25-2. Planning Commission Duties.**
The Howell Town Planning Commission will perform the duties set out in Section 17-41-303 of the Utah Code, or any later amendment or enactment of that section.
- 12-25-3. Minimum Size for Agriculture Protection Areas.**
Pursuant to Utah Code Annotated Section 17-41-301 (4), or any later amendment of enactment of that section, at least two (2) contiguous acres must be included in each agriculture protection area established within the Town of Howell.
- 12-25-4. Fees for Accepting and Processing Agriculture Protection Area Proposals.**
Any person or persons filing a proposal to create an agriculture protection area pursuant to Utah Code Annotated Title 17, Chapter 41 shall pay a fee at the time of filing. The amount of the fee shall be established by resolution of the Howell Town Council. In addition, any person or persons filing a proposal for creation of a agriculture protection area shall reimburse Howell for all publication costs incurred by Howell in publishing the notices required under Utah Code Annotated Title 17, Chapter 41 or any subsequent amendment or enactment of that statute.
- 12-25-5. Filing Procedure.**
All proposals to create agriculture protection areas within the Town of Howell shall be filed in the office of the Town of Howell Clerk. All proposals must be accompanied by the filing fee established by the Town of Howell.
- 12-25-6. Publication.**
Pursuant to Utah Code Annotated Section 10-3-711, a complete copy of this Ordinance is ordered posted in three (3) public places within the Town of Howell, Box Elder County, State of Utah.
- 12-25-7. Severability.**
In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.
- 12-25-8. Conflicting Ordinances.**
To the extent that any ordinances, resolutions or policies of the Town of Howell conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.