

# **City of Mendon, Utah**

## **ZONING ORDINANCE**

This ordinance supersedes ordinance 2004-001

*Effective Date: March, 13 2008*

*Mayor: /s/ Michael Morgan*

*City Recorder: /s/ Paul Cressall*

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## CHAPTER 1 GENERAL PROVISIONS

### SECTION

- 1.1 TITLE
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  - 1.4 UNRECORDED PLATS
  - 1.5 VALIDITY OF ORDINANCE
  - 1.6 REPEALS OF ORDINANCES
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- 

1.1       **SHORT TITLE:** This ordinance shall be known as the Zoning Ordinance of the City of Mendon, and may be so cited and pleaded.

1.2       **PURPOSE:** This ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of MENDON, UTAH, including the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the city's commercial and industrial growth, and the protection of both residential and nonresidential development.

1.3       **INTERPRETATION:** In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

1.4       **CONFLICT:** This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

1.5       **EFFECT UPON PREVIOUS ORDINANCE AND MAP:** The existing zoning ordinance of MENDON CITY, including maps, is hereby superseded and amended to read as set forth herein; provided, however, that this ordinance shall be deemed a continuation of the previous ordinance, and not a new enactment, insofar as the substance of revisions of the previous ordinance is included, whether in the same or in different language; and this ordinance shall be so interpreted upon all questions of construction, including but not limited to questions of construction relating to tenure of officers and boards established by previous ordinance and to questions of conforming or nonconforming uses, buildings, or structures, and to questions as to dates upon which such uses, buildings, or structures became conforming or nonconforming.

- 1.6 **BUILDING PERMIT REQUIRED:** The construction, alteration, repair, removal or occupancy of any structure or any part thereof, as provided or as restricted in this ordinance, shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the planning and zoning commission. Structures less than 120 square feet in gross area do not require a building permit.

All applications for building permits for commercial land uses shall be accompanied by a site plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the existing buildings, buildings to be erected, and the buildings existing on adjacent property. In addition the application shall be accompanied by a septic tank permit (if applicable), proof of property ownership, a detailed copy of the building plans, and such other information as may be necessary to provide for the enforcement of this ordinance.

A careful record of such application and site plans shall be kept by the City Councilman in charge of building permits or other officer charged with administration and enforcement. A fee shall be charged for each building permit as determined by the cost of the building. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be used as a yard or open space for another building.

- 1.7 **EFFECTIVE DATE:** In the opinion of the City Council, it is necessary to the health, peace, and safety of the inhabitants of Mendon City, Utah, that this ordinance shall take effect upon its first publication.

Adopted and passed by the City Council of Mendon, Utah, this 14 day of March, 2008

- 1.8 **DEFINITIONS:** For the purposes of this ordinance, certain words and terms are defined as follows: (Words used in the present tense include the future; words in the singular number include the plural and the plural the singular.)

**ACCESSORY USE OR BUILDING:** A subordinate use or building, customarily incidental to and located upon the same lot occupied by the main use building.

**AGRICULTURE:** The tilling of the soil, the raising of crops, horticulture and gardening, but not including the 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.

**ALLEY:** A public thoroughfare less than twenty-six (26) feet wide.

**APARTMENT MOTEL:** Any building or group of buildings which contain dwelling units, and also satisfies the definition of a motel as defined in this ordinance.

**APARTMENT HOUSE:** See Dwelling, Multiple-family.

**BASEMENT:** A story partially underground. A basement shall be counted as a story for purposes of height measurement if one-half (1/2) of its height is above the average level of the adjoining ground.

**BOARDING HOUSE:** A building where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons who would not commonly be considered as part of the immediate household,

**BUILDING:** Any structure having a roof supported by columns or walls for permanent use.

**BUILDING, HEIGHT OF:** The vertical distance from the adjacent grade to the highest point of the coping to a flat roof or to the deck line of a mansard roof, or to the highest point of a gable, hip, or gambrel roof. The height of a stepped or terraced building is the maximum height of any segment of the building.

**BUILDING, MAIN:** The principal building or one of the principal buildings upon a lot, or the buildings or one of the principal buildings housing the principal use upon a lot.

**CARPORT:** A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.

**CELLAR:** A story having more than one-half (1/2) of its height below the average level of the adjoining ground.

**CLUB OR LODGE:** A private building used by an auxiliary, fraternal, or veteran's organization for the use and enjoyment of the membership and their guests.

**COURT:** An unoccupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.

**DAIRY:** A commercial establishment for manufacture of dairy products, not including the retail sale of said products.

**DISTRICT:** A portion of the incorporated area of Mendon City shown on a map attached to this Zoning Ordinance and given a district designation.

**DWELLING OR DWELLING UNIT:** Any building or portion thereof, which is designed for use for residential purposes except hotels, apartment hotels, boarding houses, lodging houses, motels, apartment motels, fraternities, and sororities.

**DWELLING, ACCESSORY ATTACHED:** A dwelling unit that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling, and is subordinate to the principal dwelling.

**DWELLING, MULTI-FAMILY:** A structure, or portion thereof, containing 3 or more dwelling units or apartments, where all such units are located on the same property.

**DWELLING, SINGLE FAMILY ATTACHED:** A structure containing 2 dwelling units attached by a common wall or walls, where each dwelling unit is located on a separate property.

**DWELLING, SINGLE FAMILY DETACHED:** A detached structure that accommodates a single dwelling or a manufactured home constructed on or after June 15, 1976, and attached to a permanent foundation in accordance with the Utah Code Section 10-9-106.5 and 58-56-3.

**ELDERLY RESIDENTIAL FACILITY:** A facility occupied by eight (8) or fewer elderly persons in a family-type arrangement where the facility is owned by one of the residents, or by an immediate family member of one of the residents. A residential facility for elderly persons may not operate as a business but may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility, in accordance with Section 10-9-501 of the Utah Code.

**EQUESTRIAN PARK:** A facility where horses are kept or boarded and open to the general public for the purposes of providing riding lessons or equestrian competitions.

**FAMILY:** One or more persons related by blood, marriage, or adoption, occupying a dwelling unit and living as a single house keeping unit as distinguished from renters, roomers, or as a group occupying a boarding house, lodging house, or hotel, as herein defined.

**FAMILY FOOD PRODUCTION:** The keeping of not more than two (2) horses, two (2) cows, five (5) sheep, two (2) goats, twenty rabbits, fifty (50) chickens or pheasants, ten (10) turkeys, ducks, or geese, two (2) pigs, and twenty (20) pigeons; provided that not more than three (3) of the above kinds of animals and fowl are permitted at any one time on any lot as described in each zoning district. For animals not listed above, reference a listed animal of comparative size.

**FRONTAGE:** That portion of a lot bordering a city street.

**GARAGE, PRIVATE:** An accessory building designed or used for the storage of not more than four (4) automobiles or trucks not more than two and one-half (2 1/2) ton capacity owned and used by the occupants of the building to which it is accessory; PROVIDED, that on a lot occupied by a multiple-family dwelling, the private garage may be designed and used for storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units in the multiple dwelling. On a lot with a dwelling, a garage shall be considered a part of the dwelling if the two structures have one (1) or more walls in common; where a garage is thus part of a dwelling, it shall require the same side yard and front yard as a dwelling in the same district. Where a garage is not thus part of a dwelling it must be provided with a front yard and a side yard equal to that required for a dwelling in that same district.

**GARAGE, PUBLIC:** A building or portion thereof, other than a private garage, designed and/or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

**GRADE:** The elevation of the finished surface of the ground adjacent to the midpoint of any exterior wall of a building or structure.

**HOME OCCUPATION:** An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling unit and that does not alter the exterior of the property or affect the rural or residential character of the neighborhood.

**HOTEL:** A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite.

**HOUSEHOLD PETS:** Animals ordinarily permitted in the house and kept for company or pleasure, including but not limited to dogs, cats, exotic birds, pot bellied pigs or pygmy goats but not including a sufficient number of dogs to constitute a kennel, as defined in this ordinance.

**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 metal, or other scrap material, 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.

**KENNEL, COMMERCIAL:** Any premises or portion thereof on which 5 or more domestic pets are maintained, harbored, possessed, trained, bred, boarded, or cared for in return for compensation, but not including an animal clinic, animal hospital, or veterinary office.

**KENNEL, HOBBY:** A facility located at the private dwelling of the dog owner, where 5 to 10 of the owner's dogs are maintained for purposes of breeding, hunting, organized field trials, obedience or training, competition, security or for personal enjoyment.

**LIMITED FAMILY FOOD PRODUCTION:** The keeping of a smaller number of animals than that defined for FAMILY FOOD PRODUCTION, intended for lot sizes smaller than one and one quarter (1 1/4) acres. The reduced limits are as follows: two horses or two (2) cows, or one (1) of each; and any two groups of the following: twenty-five (25) chickens or pheasants, two (2) pigs, three (3) sheep, two (2) goats, ten (10) turkeys, ducks, or geese, ten (10) pigeons, or twenty-five (25) rabbits. For animals not listed above, reference a listed animal of comparative size.

**LIVESTOCK FEEDYARD:** A commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement, and where all feed is provided for the purpose of

fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

**LODGING HOUSE:** A building where lodging is provided for compensation for five (5) to fifteen (15) persons.

**LOT:** A parcel of land occupied or to be occupied by a main building or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this ordinance and having frontage upon a street. Except for group dwellings, where more than one (1) dwelling is placed on a lot, each dwelling structure shall be provided with the minimum lot frontage, lot area, front yard, rear yard, and side yards as are required for any one such dwelling structure on a lot in the same district.

**LOT, CORNER:** A lot abutting on two intersections or intercepting streets, where the interior angle or intersection or interception does not exceed one hundred thirty-five (135) degrees.

**MANUFACTURED HOME:** A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974, in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. The manufactured home must be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code to be considered a single family dwelling.

**MOBILE HOME:** A transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act.

**MOTEL:** A group of attached buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

**NATURAL WATERWAYS:** Those areas, varying in width, along streams, creeks, springs, gulleys, or washes, which are natural drainage channels as, determined by the Building Inspector.

**NONCONFORMING BUILDING OR STRUCTURE:** A building or structure or portion thereof, lawfully existing at the time this ordinance became effective, which does not conform to all the height, area, and yard regulations herein prescribed in the zone in which it is located.

**NONCONFORMING USE:** A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

**NURSING HOME:** An establishment that provides permanent provisions for living, sleeping, eating, cooking, and sanitation and that provides health care needs to more than 8 individuals who, at a minimum, require: 1) inpatient care and services for 24 or more consecutive hours for unstable chronic health problems, 2) daily professional nursing supervision and licensed nursing care on a 24-hour basis, and 3) restorative, rehabilitative care and assistance in meeting daily living needs. Medical supervision may be necessary on a regular, but not daily, basis. A nursing home shall include, but not be limited to: skilled nursing facility, nursing facility, convalescent home, intermediate care, and sub-acute care.

**OUTBUILDING:** Any building not attached to the main building, the use of which supports or is supplemental to the main use of the lot.

**PARKING LOT:** An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients, or customers.

**PARKING SPACE:** Space within a building, lot or parking lot for the temporary parking or storage of one (1) automobile.

**PROFESSIONAL PERSON:** Doctor, lawyer, architect, landscape architect, engineer, artist, planner, teacher, or other person whose occupation normally requires a college degree to indicate proficiency sufficient to allow practice.

**RESTRICTED LOT:** A parcel of land severed or placed in separate ownership after the effective date of this ordinance which does not meet all area, width, yard, or other requirements of this ordinance for a lot, or a parcel of land that does meet all the requirements of this ordinance for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in area, width, setback, yard, or other requirements, when such adjacent lot has a structure on it or a building permit issued for such structure.

**SIGN:** Any device used for visual communication to the general public and displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs to be viewed from out-of-doors, but not including any flag, badge, or ensign of any governmental agency.

**SIGN, ADVERTISING:** A sign, which directs attention to a use, product, commodity, or service not related to the premises.

**SIGN, BUSINESS:** A sign, which directs attention to a use conducted, a product or commodity sold, a service performed, or a home occupation conducted upon the premises.

**SIGN, IDENTIFICATION:** A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises.

**SIGN, NAME PLATE:** A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises.

**SIGN, PROPERTY:** A sign related to the property on which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer, or developer of the project, or warning against trespassing.

**SIGN, PUBLIC INFORMATION:** A sign erected by a public or nonprofit agency, service club, etc., giving information to direct the public to both public and private facilities and major uses.

**SIGN, TEMPORARY:** Temporary signs shall include any sign, banner, pennant or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time only.

**SOCIAL HALL:** An establishment, or portion thereof, used for social gatherings including but not limited to, weddings, receptions, dinners, bazaars, banquets, and reunions.

**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.

**STABLE, PUBLIC:** A stable other than a private stable.

**STORY:** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

**STORY, HALF:** A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

**STREET:** A public thoroughfare, which affords principal means of access to abutting property, and is more than twenty-six feet wide.

**STRUCTURE:** Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

**STRUCTURAL CHANGE:** Any change in supporting members or a building, such as bearing walls, columns, beams or girders.

TOWER OR ANTENNA STRUCTURE: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any structure.

TRAILER, MOBILE HOME, OR CAMPER: A vehicle with or without motive power, designed to be used for human habitation.

TRAILER CAMP OR MOBILE HOME PARK: Any area or tract of land used or designed to accommodate two (2) or more trailers or camping parties.

VETERINARY OR ANIMAL HOSPITAL: A building where both large and small animals are kept and/or treated by a licensed veterinarian.

YARD: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

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 or street line, and extending across the full width of the lot.

YARD, REAR: An open, unoccupied space on the same lot with a building, between the rear line of the building (exclusive of steps) and the rear line of the lot and extending from the side yard line to the other side yard line.

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 line of the lot and extending from the front yard line to the rear yard line.

ZONE: Same as DISTRICT.

**CHAPTER 2  
SUPPLEMENTARY AND QUALIFYING REGULATIONS**

- 2.1 EFFECT OF CHAPTER
- 2.2 LOTS IN SEPARATE OWNERSHIP PREVIOUS TO ORDINANCE
- 2.3 YARD SPACE FOR ONE BUILDING ONLY
- 2.4 EVERY DWELLING TO BE ON A "LOT"
- 2.5 SEPARATELY OWNED LOTS - REDUCED YARDS
- 2.6 YARDS TO BE UNOBSTRUCTED
- 2.7 WALL, FENCE, OR HEDGE
- 2.8 EXCEPTIONS TO HEIGHT LIMITATIONS
- 2.9 MINIMUM HEIGHT OF MAIN BUILDINGS
- 2.10 CLEAR VIEW IF INTERSECTING STREETS
- 2.11 ANIMALS AND FOWL
- 2.12 WATER AND SEWAGE
- 2.13 RESTRICTED LOTS
- 2.14 QUALITY AND APPEARANCE STANDARDS OF NEW BUILDINGS
- 2.15 MOTOR VEHICLE ACCESS
- 2.16 ACCESSORY DWELLINGS
- 2.17 TOWER OR ANTENNA STRUCTURE
- 2.18 HOME OCCUPATIONS

2.1 EFFECT OF CHAPTER

The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the zoning regulations appearing elsewhere in this ordinance.

2.2 LOTS IN SEPARATE OWNERSHIP PREVIOUS TO ORDINANCE

The requirements of this ordinance as to minimum building site requirements shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land is held in separate distinct individual ownership at the time this ordinance becomes effective, which lot was eligible for such use under the previous zoning ordinance.

2.3 YARD SPACE FOR ONE BUILDING ONLY

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this 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.

2.4 EVERY DWELLING TO BE ON A "LOT"

Every dwelling shall be located and maintained on a "lot" as defined in this ordinance, and all parts of such building shall be connected in a substantial manner by common walls or a

continuous roof. Except for group houses, or as provided in the definition of "lot" there shall be no more than one (1) such building on a lot.

## 2.5 SEPARATELY OWNED LOTS - REDUCED YARDS

On any lot under a separate ownership from adjacent lots and of record at the time of passing of this ordinance, and such lot having a smaller frontage than required for the zone in which it is located the two required side yards for a single-family dwelling shall total in width at least thirty (30) percent of the lot; PROVIDED, that in no case shall the smaller of the two side yards be less than six (6) feet or the larger of the two side yards be less than ten (10) feet, and that on a corner lot the side yard adjacent to the street not less than ten (10) feet in width; PROVIDED FURTHER that no main buildings shall be built nearer than ten (10) feet to any existing main building on adjacent lots.

## 2.6 YARDS TO BE UNOBSTRUCTED

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

## 2.7 WALL, FENCE, OR HEDGE

Height of fences, hedges, or shrubs: No fence or wall or other similar structure shall be erected in any required front, rear or side yard to a height in excess of six (6) feet except for accessory buildings and structures permitted herein. Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average elevation of finished grades of the adjoining properties in question at the fence line, except that no fence need be less than forty-two (42) inches in height.

Where a retaining wall protects a cut below the natural grade and is located on the line separating lots, such retaining wall may be topped by a fence, wall, or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall, or hedge, providing that in any event a protective fence or wall not more than forty-two (42) inches in height may be erected at the top of the retaining wall.

## 2.8 EXCEPTIONS TO HEIGHT LIMITATIONS

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

## 2.9 MINIMUM HEIGHT OF MAIN BUILDINGS

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

## 2.10 CLEAR VIEW OF INTERSECTING STREETS

No obstruction to view in excess to two (2) feet in height, except a reasonable number of lawn trees, shall be maintained on the premises of a corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, PROVIDED, that such trees as are planted shall be not less than fifteen (15) feet from the front and side street lines, and are pruned high enough to permit unobstructed vision to automobile drivers.

## 2.11 ANIMALS AND FOWL

No animals or fowls, exclusive of family pets, which are allowed to be kept under the provisions of this ordinance shall be kept or maintained closer than sixty (60) feet to any dwelling other than the dwelling on the property upon which the animals are kept. Adequate enclosure must be provided to maintain proper isolation of animals and fowls kept on a lot.

## 2.12 WATER AND SEWAGE

Domestic water supply and sewage disposal shall comply with the City Council requirements as represented by a certificate of approval from the State Health Office in all applications for a building permit where either an approved supply of piped water under pressure, or a sewer, is not available.

## 2.13 RESTRICTED LOTS

No building permits shall be issued on restricted lots.

## 2.14 QUALITY AND APPEARANCE STANDARDS OF NEW BUILDINGS

Each new building, residence or otherwise, erected or moved into the City of Mendon, Utah shall meet or exceed the building quality and overall aesthetic appearance of the average new building placed in the city during the preceding five years. The judgment of whether or not a new building meets this criteria shall lay with the board of adjustments.

## 2.15 MOTOR VEHICLE ACCESS

### A. BUSINESS REQUIRING ACCESS

Service stations, roadside stands, public parking lots, and all other businesses, requiring motor vehicles access shall meet the requirements as hereinafter provided or as prescribed in the Utah State Department of Highways manual entitled "Regulations for the Control and Protection of State Highway Rights-of-Way" (whichever requirements are the greater).

### B. ROADWAYS AND CURBS

Access to the station or other structure or parking lot shall be controlled as follows:

1. Access shall be by not more than three (3) roadways for each one hundred (100) feet or fraction thereof of frontage on any street, and in no event shall such roadways exceed in width seventy (70) percent of the entire street frontage.
2. No two (2) of said roadways shall be closer to each other than twelve (12) feet, and no roadway shall be closer to a side property line than one and one-half (1½) feet.
3. Each roadway shall be not more than thirty-six (36) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
4. No roadway shall be closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.
5. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways.
6. Where there is no existing curb and gutter or sidewalk, the applicant may, at his option, install such safety island and curb or, in place thereof, shall construct along the entire length of the property line except in front of the permitted roadways, a curb, fence, or pipe rail not exceeding two (2) feet or less than eight (8) inches in height.

C. LOCATION OF GASOLINE PUMPS

Gasoline pumps shall be set back not less than eighteen (18) feet from any street line to which the pump island is vertical and twelve (12) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential or zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

2.16 ACCESSORY DWELLINGS

A. General Standards for Accessory Dwellings.

1. The maximum floor area for an accessory dwelling shall be 60 percent of the gross floor area of the primary dwelling up to a maximum of 1000 square feet, whichever is less.
2. A principal dwelling with a valid Certificate of Occupancy must be present on the subject property.
3. No more than 1 permanent additional dwelling shall be permitted on a property.
4. One additional off-street parking space shall be provided for the dwelling.
5. Either the principal dwelling or the accessory dwelling must be owner-occupied at all times.

6. The accessory dwelling shall be attached to principal permitted dwelling and shall be architecturally compatible with the principal permitted dwelling and shall use building materials (including, but not limited to, roofing, siding, and finish materials and exterior wall treatments) similar in appearance and color to those on the principal permitted dwelling.

## 2.17 TOWER OR ANTENNA STRUCTURE

### A. Applicability.

1. The following regulations shall apply to tower structures and associated equipment for the purpose of commercial radio, television, telephone, paging, or satellite reception and/or transmission.

2. A facility that meets one of the following standards shall be reviewed as an accessory use. Any other facility shall be reviewed as a conditional use.

3. The proposed facility is located on an existing structure or on the ground and the proposed facility does not exceed 10 feet in height.

4. The tower or antenna structure does not exceed 10 feet in height, is accessory to a permitted or approved use, and the proposed facility meets all conditions of the previously approved use.

### B. General standards for commercial tower structures and associated equipment.

1. The facility shall comply with FCC standards regarding radio frequency (RF) emissions.

2. The facility shall have approval from the Federal Aviation Administration prior to operation.

3. The applicant or owner shall be required to obtain all necessary permits, as may be required under Federal, State or local statutes, regulations, or ordinances including, but not limited to, building permits.

4. The facility shall be maintained in compliance with all Federal, State, and local regulations and the construction standards set forth in this Section.

5. The owners of the facility shall have a continuous obligation to insure the maintenance and upkeep and to prevent the creation of a public nuisance.

6. The tower and associated facilities shall be removed within 60 days of cessation of use.

7. Tower construction, setback, and fall zone standards:

a. The tower shall be constructed to the Telecommunications Industry Association/Electronic Industries Association (TIA\EIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Supporting Structures", or as

hereinafter may be amended.

b. Towers over 20 feet in height must be designed to allow for future arrangements of antennas upon the tower. Such towers must also be designed to accept antennas mounted at varying heights.

c. If the tower does not exceed the height limitations of the applicable base district, the tower shall meet the setback requirements of the district. If the tower exceeds the height limitation of the applicable base district, the tower shall meet the setback requirements of the district or it shall be set back 1 foot for every 10 feet of total tower height from all property lines, whichever is greater.

d. In addition to the setback requirement noted in the preceding paragraph, a fall zone for each tower shall be delineated and permanently restricted from future development, as follows:

i. The fall zone shall consist of the land area centered beneath the tower and circumscribed by a circle with a radius equal to a length of 1 foot for every 10 feet of tower height.

ii. If the fall zone does not lie completely within the subject property, the applicant must obtain a non-revocable easement from all owners of property within the fall zone that prohibits the construction or placement of new structures within the fall zone, except as may be specifically permitted through the conditional use process. If an easement is utilized, a copy of the fully executed easement agreement shall be submitted as part of the application.

e. Towers shall be architecturally and visually compatible with the existing structures, vegetation, and/or uses in the area or likely to exist in the area under the terms of the applicable base district and/or comprehensive plan. The decision-making body shall consider, but shall not be limited to, the following factors: similar height, color, bulk, and/or shape, or camouflage techniques to disguise the facility. This shall not preclude towers requiring FAA painting and/or marking from meeting those standards.

C. Application requirements. The application materials shall include the following written documentation:

1. Suitability analysis of the proposed site. The analysis shall include, but is not limited to, the following:

a. Description of the surrounding area within 1 mile of the subject site including topography;

b. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be placed at the chosen location.

2. If applicable, relevant portions of a signed lease agreement that requires the applicant to remove the tower and/or associated facilities upon cessation of use.

D. Additional application requirements for facilities that require a conditional use approval.

1. Engineering data showing that the tower is designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of 1 additional user if the tower is over 20 feet in height. If the tower is over 110 feet in height, it shall be designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of 2 additional users.

2. A report from a qualified and licensed professional engineer that describes the facility height and design (including a cross section and elevation); documents the height above grade for the recommended mounting position for co-located antennas and the minimum separation distances between antennas; describes the facility's capacity; and any other information necessary to evaluate the request. The report must include the engineer's stamp and registration number.

3. A letter of intent committing the facility owner and successors to allow the shared use of the facility, as required by this Title, if additional users agree in writing to meet reasonable terms and conditions for shared use.

4. Written analysis demonstrating that the facility cannot be accommodated on an existing or approved tower within:

a. A 2-mile radius for towers with a height over 110 feet;

b. A 1-mile radius for towers with a height over 80 feet, but not more than 110 feet;

c. A ½ mile radius for towers with a height over 50 feet, but not more than 80 feet; or

d. A ¼ mile radius for towers with a height of 50 feet or less.

5. It shall be the burden of the applicant to demonstrate that the proposed facility cannot be accommodated on an approved tower or structure within the required search radius due to one or more of the following reasons:

a. Unwillingness of a property owner, or tower or facility owner to entertain shared use.

b. The planned equipment would exceed the structural capacity of the existing tower or structure, as documented by a qualified and licensed professional engineer, and the existing tower or facility structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

c. The planned equipment would cause radio interference with material impacting the usability of other existing or planned equipment at the tower or

structure, and the interference cannot be prevented at a reasonable cost as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.

- d. Existing or approved towers or other structures within the search radius cannot accommodate the planned equipment at a height necessary to be commercially functional as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
- e. The proposed co-location with an existing tower or structure would be in violation of a local, State, or Federal law.
- f. Any other unforeseen reasons that make it unfeasible to co-locate upon an existing or approved tower or structure as documented by a qualified and licensed professional engineer, or other professional qualified to provide necessary documentation.

## 2.18 HOME OCCUPATIONS

### A. Purpose

It is the intent of this section to allow as home occupations only those uses that conform to the standards of this section. The standards for home occupations are intended to ensure compatibility with permitted residential uses and the residential character of the neighborhood and to maintain the subordinate and incidental status of the home occupation in relation to the primary residence.

### B. Classification of Home Occupations

Home occupations are classified into two (2) levels designated as Level One and Level Two. Level One includes those occupations that have no negative impacts on surrounding properties and shall be permitted uses in the applicable zoning district. Level Two home occupations are more intense uses that may have undesirable impacts on surrounding properties if not closely regulated; these uses require a conditional use permit as outlined in Section D.

### C. Level One Home Occupations

A level one home occupation must meet the standards and requirements identified in this section. The applicant for such a home occupation is required to obtain, and keep current, a business license from Mendon City. The business license is subject to revocation in the event of a failure to maintain compliance with the stated standards and requirements.

1. Location: Any property in the residential zone

2. The home occupation shall be conducted entirely in the dwelling, and not more than 25 percent of the floor area, excluding garages, storage attics, and unfinished basements of said dwelling shall be used for a home occupation or for storing goods associated with the home occupation. Materials may be stored in an attached garage or storage area, provided it does not reduce the required off-street parking below the standard established for that district.
3. No activity connected to the home occupation or any storage of goods, materials, or products, connected with a home occupation shall be allowed in any detached accessory building.
4. The home occupation shall not involve the use of more than 1 commercial vehicle.
5. The home occupation shall not receive more than 14 commercial vehicle trips including, but not limited to, Parcel Post, United Parcel Service, or similar in-town delivery service trucks per week.
6. The home occupation shall be conducted by family members inhabiting the dwelling, and no more than one non-resident employee shall be permitted. The home occupation shall not serve as a headquarters or main office where employees come to the site and are dispatched to other locations.
7. No retail sales shall be permitted from the dwelling except the sale of 1) services or items produced or fabricated on the premises as a result of the home occupation or 2) products related to the home occupation.
8. Off-street parking space shall be provided in addition to the required off-street parking for the dwelling.

D. Level Two Home Occupations

A level two home occupation shall only be allowed as a conditional use. All conditional uses shall not commence until the applicant has obtained a conditional use permit and a business license from Mendon City. Level two home occupations shall be allowed as conditional uses subject to the following:

1. All requirements for a level one home occupation shall apply unless otherwise noted in this section.
2. Applications for a conditional use permit shall be submitted to the Planning and Zoning Commission for review. Subsequent to such review, the Commission shall recommend to the City Council the approval, including recommended conditions consistent with this Chapter, or denial of the conditional use permit.

3. The home occupation shall be conducted in a manner such that the impact on neighbors and the surrounding area is minimized.
4. Accessory Building: In addition to the incidental use of the dwelling, one accessory building occupying no more than twenty-five per cent (25%) of the rear yard or having no more than a 2600 square foot footprint, whichever is less, may be used for a Level II Home Occupation.
5. Accessory Buildings shall comply with the Height Regulations, Area Requirements and Frontage Regulations, Side Yard Regulations, Front Yard Regulations, and Rear Yard Regulations of the zoning district in which they are located.
6. Outside Storage: No outside storage, display of goods or merchandise, or external evidence of a level two home occupation shall occur except as specifically allowed by this subsection.
7. Operator: The operator of the home occupation shall reside in a dwelling on the subject property.
8. Employees: There shall be no more than two (2) full or part-time employees in addition to those family members dwelling in the home.
9. Noise: A level two home occupation shall be compliant with the current Mendon City Noise Ordinance in a residential area.
10. Equipment and Process Restrictions: A level two home occupation shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. A home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property or cause fluctuations in line voltage off the subject property.
11. Traffic: A level two home occupation shall not generate more than 20 vehicle trips per day. A vehicle trip is defined as a vehicular movement to and from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer or client vehicle.
12. Parking: The Planning and Zoning Commission may recommend a condition regulating the parking of home occupation vehicles not meeting level one requirements.
13. Access: The subject property must have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners

whose property access is affected agree to allow access to the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement.

E. Review of Conditional Use Permits

1. Conditional use permits shall be reviewed once every two (2) years to ensure compliance with this Ordinance.
2. Notwithstanding 1. above, the Planning and Zoning Commission upon receipt of a written complaint that a conditional use permit holder is in violation of permit conditions may conduct such investigation deemed necessary and upon a finding of violations recommend the revocation or suspension of the permit.
3. Applicants for a conditional use permit and permit holders shall permit reasonable inspections by a city-appointed inspector of the premises where a home occupation is to be or is being conducted to determine compliance with the conditional use permit.
4. To conduct a home occupation business permitted under a conditional use permit, it is necessary to have a conditional use permit and a business license issued by Mendon City. If either or both the permit and/or business license is revoked, suspended, or otherwise terminated operation of the home occupation shall be immediately discontinued.
5. Appeals. Any appeals in connection with the denial, revocation, or suspension of a conditional use permit or refusal to renew a business license related to a conditional use are governed by Section 7.3 of the Mendon City Zoning Ordinance.

F. Existing Home Occupations

Existing home occupation activities and uses, which have been in legal existence for a period of one year prior to the time this amendment is effective, but which are no longer legally allowed within the zone in which they are located by reason of the amendment shall be deemed non-conforming uses

## **CHAPTER 3 NONCONFORMING BUILDINGS, USES AND PROPERTY**

- 3.1 PURPOSE
- 3.2 NON-CONFORMING BUILDINGS
- 3.3 NON-CONFORMING USE
- 3.4 NON-CONFORMING PROPERTY

### 3.1 PURPOSE:

The purpose of this Chapter is to allow any nonconforming property, use, or structure that was lawfully existing prior to the effective date of this Title to continue until they are removed, but not to encourage their continuation. It is further the intent of this Chapter that nonconforming uses or structures shall not expand or extend the nonconforming aspect of the use or structure.

### 3.2 NON-CONFORMING BUILDINGS:

#### A. MAINTENANCE PERMITTED

A nonconforming building or structure may be maintained.

#### B. REPAIRS AND ALTERATIONS

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

#### C. ADDITIONS, ENLARGEMENTS AND MOVING

1. A building or structure nonconforming as to use regulations shall not be added to or enlarged in any manner, unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located.

2. 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.

#### D. ALTERATION WHERE PARKING INSUFFICIENT

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

#### E. RESTORATION OF DAMAGED BUILDINGS

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earth-quake, or other calamity or Act of God or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, existing at the time of such damage or destruction, may be continued or

resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

3.3 NON-CONFORMING USE:

A. ONE YEAR VACANCY

A building or structure or portion thereof occupied by a nonconforming use which is, or hereafter becomes, vacant and remains unoccupied for a continuous period of one (1) year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

B. CONTINUATION OF USE

The occupancy of a building or structure by a nonconforming use, existing at the time this ordinance became effective, may be continued.

C. CHANGE OF USE

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

D. NONCONFORMING USE OF LAND

The nonconforming use of land, existing at the time this ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this ordinance.

3.4 NONCONFORMING PROPERTY

A. Any property nonconforming with respect to the minimum land area required by the zoning district within which it lies shall not be further diminished in size.

B. Any property reduced by governmental action that reduces an existing conforming parcel below the required property size shall be deemed as a conforming property for the purpose of development. To be deemed a conforming property, the owner or applicant shall submit documents proving the following:

1. The property was in compliance with the minimum property size requirement of the applicable zoning district prior to the decrease in property size; and
2. The decrease in property size was caused by acquisition through prescription, purchase, or other means by a Highway District, Transportation Department, or other local, State, or Federal agency.

## CHAPTER 4 ADMINISTRATION

- 4.1 THE PLANNING AND ZONING COMMISSION
- 4.2 BOARD OF ADJUSTMENT
- 4.3 CITY COUNCIL
- 4.4 PUBLIC HEARINGS
- 4.5 PERMITS TO COMPLY WITH ORDINANCE
- 4.6 POWERS OF THE ENFORCEMENT OFFICIAL
- 4.7 LICENSING
- 4.8 PENALTIES
- 4.9 VALIDITY

### 4.1 THE PLANNING AND ZONING COMMISSION

#### A. ORGANIZATION

1. There shall be appointed a Planning and Zoning Board consisting of a minimum of five (5) members, who shall serve without pay, each to be appointed by the City Council for a term of three (3) years; provided, that the terms of the members of the first board as appointed shall be such that the term of not more than two (2) members shall expire each year. Any member may be removed for any cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. At least one member of the City Council shall be a non-voting advisor to the Planning and Zoning Commission. Terms of members of the planning commission shall begin on or before the first Monday in February of each year. No member may serve more than two (2) consecutive terms.

2. The members of the planning commission shall select from their own members a chairman and such other officers as deemed necessary and shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings.

#### B. POWERS AND DUTIES

The Planning and Zoning Commission shall:

1. Prepare and recommend a general plan and amendments to the general plan to the City Council;
2. Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council;
3. Approve, deny, or approve with modifications and/or conditions conditional use applications;

4. Recommend subdivision regulations and amendments to those regulations to the City Council;
5. Recommend approval or denial of subdivision applications in accordance with the duly adopted Mendon City Subdivision Ordinance and the provisions of this title;
6. Advise the City Council on matters as the City Council directs;
7. Exercise any other powers that are necessary to enable it to perform its function or delegated to it by the City Council.

C. MEETINGS

1. The planning commission shall meet on the third Wednesday of each month and at such other times as the planning commission may determine. A simple majority of the planning commission shall constitute a quorum.
2. All meetings of the Planning and Zoning Commission shall be open to the public and shall comply with the requirements of this title pertaining to public hearings and Title 52, Chapter 4 of the Utah Code, as it may be amended from time to time.
3. Report of official acts and recommendations of the planning commission shall be public and made by the chairman in writing to the governing body and shall indicate how each member of the commission voted with respect to such act or recommendation. Any member of the commission may also make a concurring or dissenting report or recommendation to the governing body.

4.2 BOARD OF ADJUSTMENT

A. ORGANIZATION

1. In order to carry out the provisions of Utah law relating to planning and zoning, there is hereby created a board of adjustment. The Board of adjustment shall consist of 5 members.
2. Members of the Board of adjustment shall be appointed by the Mendon City Council. Any member may be removed for cause by the appointing authority upon written charges and after public hearing if such hearing is requested. A new member shall promptly be appointed by the City Council to fill the unexpired portion of any term which becomes vacant by reason of death, resignation, removal, or disqualification of any member.
3. The term of service on the Board of Adjustment shall be 5 years, except that the term of service for the first Board of Adjustment shall be such that the term of one member shall expire each year. One member shall be appointed on or before the first Monday in February of each year.
4. The Board of Adjustment shall organize and elect a chairman and secretary, and shall adopt rules and procedures as necessary for the conduct of meetings and carrying out of duties as provided by this ordinance. An acting chairman shall be selected in the absence of a chairman.

B. POWERS AND DUTIES

The Board of Adjustment shall:

1. Hear appeals from any person or from any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer, wherein it is alleged that there has been any error in any order, requirement, or decision or determination made by such officer in the enforcement of this ordinance. Upon hearing the appeal the Board of Adjustment shall affirm or reverse the decision, in whole or in part, in accordance with the provisions of contained within this title;
2. Approve, deny, or approve with conditions variance applications in accordance with the standards contained within this title

C. MEETINGS

1. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman of the board or, in his absence, the acting chairman may compel the attendance of witnesses and administer oaths.
2. All meetings of the Board of Adjustment shall be open to the public and shall comply with the requirements of this title pertaining to public hearings and Title 52, Chapter 4 of the Utah Code, as it may be amended from time to time.
3. The Board of Adjustment 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.

4.3 CITY COUNCIL

A. POWERS AND DUTIES

In accordance with the requirements of the Utah Code and the provisions of this Title, the City Council shall:

1. adopt a general plan and amendments to the general plan;
2. adopt a zoning ordinance and map and approve or deny amendments to the zoning ordinance and map;
3. approve, deny, or approve with conditions subdivision applications;
4. enforce the provisions of this Title. The City Council, by resolution or ordinance, may from time to time entrust the administration and enforcement of some part or the whole of this ordinance to any other officer of Mendon City, without amendment to this ordinance.

B. MEETINGS

1. The City Council shall meet on the second Thursday of each month and at such other times as the City Council may determine.

2. All meetings of the City Council in the administration or enforcement of this Title shall be open to the public and shall comply with the requirements of this title pertaining to public hearings and Title 52, Chapter 4 of the Utah Code, as it may be amended from time to time.

#### 4.4 PUBLIC HEARINGS

1. All public hearings held in the administration or enforcement of this Title shall comply with the requirements of Title 52, Chapter 4 of the Utah Code as it may be amended from time to time.

2. Each public body shall give not less than 24 hours public notice of the agenda, date, time and place of each of its meetings. Public notice shall be satisfied by posting written notice at the principal office of the public body, or if no such office exists, at the building where the meeting is to be held; and providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the public body, or to a local media correspondent.

3. In addition to the posting of the agenda, public notice for applications requiring a public hearing shall consist of a legal notice in the newspaper of general circulation within the geographic jurisdiction of the City, posting a notice on the premise of the application (except for zoning ordinance text amendments), and a radius notice to property owners within 300' of the property being considered. In each case, notice shall be provided at least fourteen (14) days prior to the public hearing.

#### 4.5 PERMITS TO COMPLY WITH ORDINANCE

From the time of the effective date of this ordinance, no permit shall be granted for the construction or alteration of any building or structure or the moving of a building or structure onto a lot, if such building or structure would be in violation of any of the provisions of the ordinance nor shall any Mendon City officer grant any permit or license for the use of any building or land if such use would be in violation of this ordinance.

#### 4.6 POWERS OF THE ENFORCEMENT OFFICIAL

The Enforcement Official shall enforce all of the provisions of this ordinance, entering actions in the court when necessary, and his failure to do so shall not legalize any violation of such provisions. No building permit shall be issued by the Enforcement Official unless the plans of and for the proposed erection, construction, reconstruction, alteration and use fully conform to all zoning regulations then in effect.

#### 4.7 LICENSING

All departments, officials and public employees of Mendon City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance, and any such permit or license, if used in conflict with the provisions of the ordinance, shall be null and void.

#### 4.8 PENALTIES

Any violation of any provisions of this ordinance may be restrained by action of the City Council in the name of the city and such violation shall be punishable by a fine not to exceed two hundred ninety-nine (\$299.00) or by imprisonment for not more than six (6) months, or both. Each day a violation is permitted to exist shall constitute a separate offense.

#### 4.9 VALIDITY

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid. The Planning Commission and Board of Adjustment or individual members thereof shall not be held liable.

## CHAPTER 5 PARKING AND LOADING SPACE

- 5.1 PURPOSE
- 5.2 OFF-STREET PARKING REQUIRED
- 5.3 DESIGN STANDARDS
- 5.4 REQUIRED NUMBER OF OFF-STREET PARKING SPACES
- 5.5 OFF-STREET LOADING SPACE REQUIREMENTS

### 5.1 PURPOSE

The purpose of this Article is to provide regulations and standards for off-street parking and loading facilities with the intent to provide off-street parking areas, minimize traffic hazards and congestion, and mitigate impacts on surrounding properties.

### 5.2 OFF-STREET PARKING REQUIRED

The following standards shall apply to any new construction, alteration, or moving of a structure or any new or more intense use of property. The number of off-street parking spaces, as hereinafter set forth, shall be provided for all allowed uses in any district. A greater number of spaces may be required in any application involving conditional use approval.

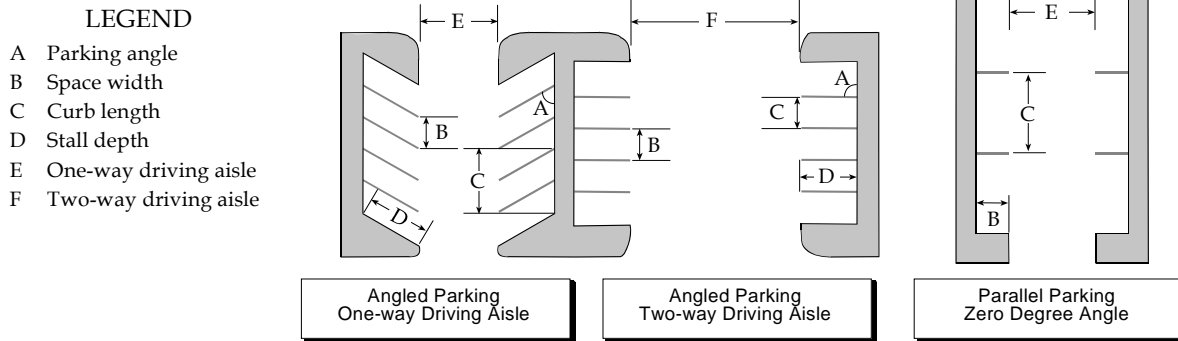
### 5.3 DESIGN STANDARDS

#### A. Design of parking areas.

1. All parking areas shall be designed and constructed to provide the type and number of off-street parking spaces required by this Chapter.
2. All parking spaces required by this Article shall be located on the same property as the use for which parking is required.
3. Handicap accessible parking spaces shall be provided in accordance with the Americans With Disabilities Act.

Required Automobile Width and Stall Length by Parking Angle

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Parking Angle	Stall Width	Curb Length	Stall Depth	1-way Driving Aisle	2-way Driving Aisle
0°	9'-0"	23'-0"	9'-0"	12'-0"	25'-0"
30°	9'-0"	18'-0"	17'-8"	11'-0"	25'-0"
45°	9'-0"	12'-9"	20'-5"	13'-0"	25'-0"
60°	9'-0"	10'-5"	21'-10"	16'-0"	25'-0"
90°	9'-0"	9'-0"	20'-0"	22'-0"	25'-0"



**B. Improvements**

1. All permanent off-street parking areas shall be improved with a compacted gravel base, not less than 4 inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material.
2. All permanent off street parking areas shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions.
3. Parking spaces and access lanes shall be marked including handicapped symbols and signs.

**5.4 REQUIRED NUMBER OF OFF-STREET PARKING SPACES**

- A. The minimum number of required off-street parking spaces shall be as set forth in the table below. Where the standards require a fractional space, the next larger whole number shall be the number of spaces required. When more than one standard is provided, the standard that results in the greatest number of required parking spaces shall apply.
- B. The number and design of accessible handicap automobile parking spaces shall be in accord with the Americans with Disabilities Act.
- F. Upon any change of use, the number of automobile parking spaces to be provided shall be calculated according to the requirement of this Chapter for the new use. For the purposes of this Chapter, a change of use shall include, but not be limited to, an expansion, alteration, or change in occupancy resulting in a more intense use of a site, such as additional dwelling units, gross floor area, seating capacity, or other unit of measurement specified as a standard in the following table.
- C. The minimum number of required automobile parking spaces shall be provided and continuously maintained.
- D. No parking area or space provided, as required by this chapter, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities are provided.

E. Table notes are as follows:

1. Gross floor area shall be the measure of total square footage of habitable space of a structure.
2. For fixed bench seating, 1 seat shall mean 24 inches of linear length of bench.
3. The number of employees shall be based on employees present during the largest shift.

Required Parking Space by Use

<b>Use</b>	<b>Required Number of Automobile Spaces</b>
Agricultural use	1 per 2 employees
Aircraft landing field	1 per 2 employees
Amusement or recreation facility, indoor	1 per 200 square feet of gross floor area
Bowling	2 per lane
Movie theater	1 per 8 seats
Amusement or recreation facility, outdoor	
structure	1 per 8 seats
open space	4 per acre
Golf driving range	1 per 2 driving stations
Animal clinic, animal hospital, or veterinary office	1 per 500 square feet of gross floor area
Asphalt or concrete ready-mix plant	1 per 2 employees
Auction establishment, outdoor	1 per 8 seats
Automobile or recreational vehicle sales	1 per 1,200 square feet of gross floor area
Automobile or recreational vehicle service	1 per service bay
Automobile, major repair	1 per service bay
Bank	1 per 500 square feet of gross floor area
Bed and breakfast establishment	1 per 2 sleeping rooms + 1 for owner's dwelling
Boarding house	1 per 2 sleeping rooms
Cemetery	1 per 2 employees
Church	1 per 8 seats in main sanctuary
Clinic, medical (excluding animal or veterinary)	1 per 500 square feet of gross floor area
Club or lodge or social hall	1 per 200 square feet of gross floor area
Contractor's yard or shop	1 per 1,000 square feet of gross floor area
Day care facility	1 per 2 employees
Day care home, group	1 per 2 employees
Drug and alcohol treatment facility	1 per 2 beds + 1 per 2 employees
Dwelling, Multi-family	1 per dwelling unit

Use	Required Number of Automobile Spaces
Dwelling, accessory attached or detached	1 per dwelling
Dwelling, single family detached	1 per dwelling unit
Golf course	2 per hole
Golf course country club	1 per 200 square feet of gross floor area
Grain elevator	1 per 2 employees
Home occupation	1 per dwelling
Hospital	1 per 2 beds
Hotel or motel	1 per 2 sleeping rooms
Laundromat	1 per 500 square feet of gross floor area
Mortuary	1 per 200 square feet of gross floor area
Nursery, retail	1 per 1,200 square feet of gross floor area
Nursery, wholesale	1 per 4,000 square feet of gross floor area
Office building	1 per 500 square feet of gross floor area
Outdoor storage	1 per 2 employees
Personal, business, or professional service	1 per 500 square feet of gross floor area
Power plant	1 per 1,000 square feet of gross floor area
Processing plant for agricultural or dairy products	1 per 1,000 square feet of gross floor area
Product fabrication, assembly, or packaging	1 per 1,000 square feet of gross floor area
Public or quasi-public use publicly owned buildings public utility and infrastructure facility public recreation facility (structure) public recreation facility (open space)	1 per 600 square feet of gross floor area 1 per 2 employees 1 per 8 fixed seats 4 per acre
Recreational vehicle park	1 per space
Recycling center	1 per 1,000 square feet of gross floor area
Recycling plant	1 per 1,000 square feet of gross floor area
Research and development facility	1 per 1,000 square feet of gross floor area
Residential care facility	1 per 6 beds
Restaurant or eating place	1 per 200 square feet of gross floor area

<b>Use</b>	<b>Required Number of Automobile Spaces</b>
Retail store, durable goods	1 per 1,200 square feet of gross floor area
Retail store, other	1 per 500 square feet of gross floor area
Roadside produce stand	1 per 200 square feet of gross floor area
Sawmill or planing mill	1 per 1,000 square feet of gross floor area
School, public or private Elementary middle, junior high, and senior high	1 per 2 employees + 1 per 12 students 1 per 2 employees + 1 per 8 students
School, vocational or trade	1 per 4 students
Shooting range, indoor or outdoor	1 per target and/or shooting station
Slaughterhouse	1 per 1,000 square feet of gross floor area
Stable, commercial	1 per 2 stable stalls
Storage facility, self-service	1 per entrance to site
Vehicle impound yard	1 per 2 employees + 1 per 4 acres
Warehouse	1 per 4,000 square feet of gross floor area
Winery	1 per 1,000 square feet of gross floor area

**5.5 OFF-STREET LOADING SPACE REQUIREMENTS**

A. Any structure having a gross floor area of 5,000 square feet or more, to be occupied by a commercial or industrial use, shall be required to provide and maintain at least one off-street loading space. One additional off-street loading space shall be required for each subsequent 20,000 square feet of gross floor area (e.g., 25,000 square feet, 45,000 square feet, etc.)

B. Each loading space shall be not less than 10 feet in width and 30 feet in length and shall have 14 feet of vertical clearance.

C. Parking and loading areas shall be designed so vehicles shall not back out into the street.

## CHAPTER 6 ZONING DESIGNATIONS

- 6.1 ESTABLISHMENT OF ZONES
- 6.2 BOUNDARIES OF ZONES
- 6.3 FILING OF ORDINANCE AND MAP
- 6.4 RULES FOR LOCATING BOUNDARIES
- 6.5 SINGLE FAMILY RESIDENTIAL ZONE R-1A
- 6.6 MULTIPLE FAMILY RESIDENTIAL ZONE R-2
- 6.7 AGRICULTURAL ZONE A-1
- 6.8 COMMERCIAL ZONE C-1
- 6.9 LIGHT INDUSTRIAL ZONE L-1
- 6.10 SENSITIVE LANDS OVERLAY
- 6.11 HILLSIDE OVERLAY

### 6.1 ESTABLISHMENT OF ZONES

For the purposes of this ordinance, the following zones are created to be applied as necessary to regulate the development of land in the City of Mendon, Utah.

Residential District	R-1A
Residential District	R-2
Agricultural District	A-1
Commercial District	C-1
Light Industrial	L-1

### 6.2 BOUNDARIES OF ZONES

The boundaries of each of the said districts are hereby established as shown on the map (or maps) entitled "Zoning Map of the City of Mendon, Utah," or as hereafter amended, which map (or maps) is attached, and all boundaries, notations and other data shown thereon are made by this reference as much a part of this ordinance as if fully described and detailed herein.

### 6.3 FILING OF ORDINANCE AND MAP

The ordinance and map shall be filed in custody of the city council of Mendon City, Utah and may be examined by the public subject to any reasonable regulations established.

### 6.4 RULES FOR LOCATING BOUNDARIES

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

1. Wherever the district boundary is indicated as being approximately upon the centerline of a street, alley, or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the such street, alley, or block, or such property line, shall be construed to be the boundary of such district.

2. Wherever such boundary line of such district is indicated as being approximately at the center line of any irrigation canal or other waterway or railroad right-of-way, or public land or section line, then the center line shall be deemed to be the boundary of such district.

3. Where the application of the above rules does not clarify the zone boundary location, the Board of Adjustment shall interpret the map.

6.5 SINGLE FAMILY RESIDENTIAL ZONE R-1A

A. PURPOSE

To provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment of, with proper controls, the public and semi-public uses such as churches, schools, libraries, parks, and playgrounds, which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

B. PERMITTED USES

- 1. Single-family dwelling, detached
- 2. Household pets; home occupations
- 3. Family Food Production in R-1A-54 or Limited Family Food Production in all districts
- 4. Accessory uses and buildings
- 5. Agriculture

C. CONDITIONAL USES

- 1. Churches, except temporary revival tents or buildings
- 2. Libraries, museums, and art galleries.
- 3. Public schools.
- 4. Public parks, public buildings.
- 5. Accessory uses and building customarily incidental to the above uses.
- 6. Residential facilities for elderly persons.
- 7. Accessory dwelling, attached

D. HEIGHT REGULATIONS

No main building shall be erected to a height greater than 35 feet or two and one-half stories, whichever is greater, and no accessory building shall be erected to a height greater than twenty-four (24) feet.

E. AREA REQUIREMENTS AND FRONTAGE REGULATIONS

<u>District</u>	<u>Minimum Area</u>	<u>Minimum Lot Width</u>
R-1A-27	5/8 Acre (27225 sq. ft.)	82.5 feet
R-1A-43	1 Acre (43560 sq. ft.)	100 feet
R-1A-54	1 1/4 Acre (54450 sq. ft.)	100 feet

| The lot width shall be measured at a distance of thirty (30) feet back from the front lot line.

F. SIDE YARD REGULATIONS

The minimum side yard for any building shall be ten (10) feet except that accessory buildings may have a minimum side yard of five (5) feet. For corner lots the side yard on the side facing the street shall be the same as the front yard.

G. FRONT YARD REGULATIONS

The minimum setback for main buildings shall be thirty (30) feet. The minimum setback for accessory buildings shall be at least ten (10) feet in the rear of the main building, except for private garages. If a private garage is closer than ten (10) feet to the house, the garage shall have the same side yard as the building.

H. REAR YARD REGULATIONS

The minimum rear yard for any main building shall be thirty (30) feet, and for accessory buildings three (3) feet, provided that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located no closer than eight (8) feet to such side yard.

I. DENSITY & LAYOUT

In order to maintain the residential density of Mendon proper, the Mendon City street grid, and promote a mixture of lot sizes, no more than twelve (12) homes are allowed per any given ten (10) contiguous acres in the R-1A zone, less roads, regardless of minimum lot size.

New development in the R-1A zone shall follow, as much as possible, the layout of Mendon proper. This includes, but is not limited to, square 10-acre blocks consisting of a mix of 1 1/4 and 5/8 acre lots, and straight north-south and east-west streets that align with existing Mendon City streets which are bordered by swales for storm water control, where feasible.

J. SIZE OF DWELLINGS

The ground floor area of any single-family dwelling shall be at least eight hundred (800) square feet exclusive of open porches and carports. For other buildings there shall be no size requirements.

K. SPECIAL PROVISIONS

Quality and appearance of new buildings and landscape shall be such as to meet or exceed the average quality and appearance of buildings and landscaping placed in the zone during the preceding 5 years.

L. ACCESSORY STRUCTURE STANDARDS

1. A dwelling shall be present on the subject property.
2. The accessory structure shall not be used as an additional dwelling, except as provided for by the accessory dwelling provisions of Chapter 2.
3. The structure shall not be used for commercial or industrial purposes.

4. Accessory structures shall be located behind the dwelling and not be located in any required yard or on any publicly dedicated easement. For the purposes of this provision, behind means at or behind a line drawn parallel to the road frontage and tangent to the furthest point on the dwelling from the road frontage.
5. An accessory structure located in the rear yard shall not exceed a height of 24 feet.
6. No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard.

## 6.6 MULTIPLE FAMILY RESIDENTIAL ZONE R-2

### A. PURPOSE

To provide appropriate locations for multiple family dwellings. The regulations permit a variety of necessary public services and activities. Certain retail and service activities which are in harmony with the intent of the regulations are allowed, subject to control.

### B. PERMITTED USES

1. Single-family dwelling, attached or detached
2. Multi-family dwelling
3. Home occupations
4. Accessory dwelling, attached
5. Accessory uses and buildings
6. Agriculture
7. Residential facilities for elderly persons

### C. CONDITIONAL USES

1. Private educational institutions having a curriculum similar to that ordinarily given in public schools; colleges and universities; boarding houses and lodging houses; fraternities and sororities; child day care or nursery.
2. Accessory uses and buildings customarily incidental to the above.
3. Museum
4. Boarding house
5. Church, except temporary revival tent or buildings
6. Club, Lodges, Social Halls
7. Hospital (not including animal hospital)
8. Public Library
9. Public buildings
10. Public park or playground
11. Public Utilities
12. School

### D. HEIGHT REGULATIONS

No buildings shall be erected to a height greater than two and one-half stories or 35 feet.

E. AREA REGULATIONS

The minimum lot area shall be not less than 1/2 acre (21,780 square feet) feet with an additional one thousand (1,000) square feet for each additional dwelling unit in excess of two dwelling units. For developments utilizing a shared septic system (upon approval of the Health Authority), the minimum land area per dwelling unit shall be 4,000 square feet for multiple-family dwelling developments.

F. FRONTAGE REGULATIONS

The minimum width of any lot for a main building shall be eighty (80) feet at a point thirty (30) feet back from the front lot line.

G. SIDE YARD REGULATIONS

The minimum side yard for any building shall be eight (8) feet and total width of the two required side yards shall be not less than eighteen (18) feet. Accessory buildings shall have a side yard of at least three (3) feet. Side yards on a corner lot shall be the same as front yard on the side facing the street.

H. FRONT YARD REGULATIONS

The minimum front yard shall be thirty (30) feet from the property line to the house or other main building.

I. REAR YARD REGULATIONS

A minimum of thirty (30) feet is required for any main building and three (3) feet for accessory buildings provided that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located no closer than eight (8) feet to such side yard.

J. GROUP DWELLINGS

These buildings 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 single dwelling structures. Group dwellings shall be not more than two and one half stories or 35 feet in height. Each two and one-half story group dwelling development shall have a minimum court of 30 feet in width and 40 feet in length, in addition to its required yards. Each one story group dwelling development shall have a minimum court of 20 feet in width and 30 feet in length in addition to its required yards. In a group dwelling development, no two separate dwelling structures shall be closer to each other along the sides or ends of a court than 10 feet.

6.7 AGRICULTURAL ZONE A-1

A. PURPOSE

The A-1 Agricultural Zone has been established as a district in which the primary use of the land is for the production of agricultural and livestock products. This Zone has been created to preserve appropriate areas of Mendon, Utah for permanent agricultural use. Uses normally

and necessarily related to agriculture are permitted and uses inimical to the continuance of agricultural activity are not allowed.

This zone is characterized by dwellings situated on small, part-time subsistence farms. The zone is also characterized by family garden plots and the keeping of animals and fowls for family food production.

Representative of the uses within this zone are barns, milking parlors, corrals, row crops, fruits, livestock, pasturing of animals, and dwellings occupied by persons obtaining all or part of their livelihood from the land on which the dwelling is located but excluding production of fur-bearing animals.

**B. PERMITTED USES**

1. Single family dwellings and buildings accessory thereto, when located on a farmstead of at least two (2.5) acres. When lot size is at minimum, livestock numbers will be governed by regulations under Family Food Production.
2. The production of agricultural produce.
3. Fruit and vegetable packing plants and produce depots; fruit and vegetable stands provided such stands are temporary and will be moved in the off season and are made exclusively of wood frame or light metal material.
4. Farm produce sheds, buildings, and cellars.
5. Nurseries (plant)
6. Machinery sheds for the storage of farm machinery.
7. The raising of livestock and poultry.
8. Barns, corrals, pens and coops, for the keeping and breeding of animals and fowls.
9. Chicken hatcheries; milking parlors, and outbuildings accessory thereto.
10. Poultry killing and dressing.

**C. CONDITIONAL USES**

1. Public utility buildings; and other public buildings.
2. Schools and churches.
3. Sewage treatment plants when approved by the State Department of Health and by the Board of Adjustment.
4. Water reservoirs and water and drainage facilities.
5. Airports
6. Country Clubs
7. Golf courses
8. Cemeteries
9. Residential facilities for elderly persons
10. Tower or Antenna Structure
11. Equestrian Park
12. Gravel Pit
13. Other similar uses ruled by the Planning Commission to be in harmony with the objectives and characteristics of the zone.

**D. HEIGHT REGULATIONS**

None.

E. AREA REQUIREMENTS

An area of not less than two (2.5) acres shall be provided and maintained for all permitted uses, except Schools and churches shall have a building site of at least (5) acres. Buildings housing animals and fowls shall be kept a minimum of one hundred and thirty (130) feet from the street. Area requirements for conditional uses shall be as required by the Planning Commission provided a minimum of two (2.5) acres shall be required.

<u>District</u>	<u>Minimum Area</u>	<u>Minimum Lot Width</u>
A-1-108	2.5 Acres (108,900 sq. ft)	330 feet
A-1-217	5 Acres (217,00 sq. ft)	330 feet

F. WIDTH REQUIREMENTS

The minimum width of any building site for dwellings or other main buildings shall be at least three hundred thirty (330) feet.

G. FRONT YARD REGULATIONS

All buildings and structures shall be set back at least sixty (60) feet from the center of any public road, or forty (40) feet from the right-of-way, whichever is the greater distance, except that all buildings and structures situated adjacent to state or federally designated highways shall be set back at least fifty feet from the right-of-way line.

H. SIDE YARD REGULATIONS

All buildings shall be set back at least ten (10) feet from a side property line, except that a one (1) foot side setback shall be required for accessory buildings and for barns, coops, and sheds which are located adjacent to waterway boundaries or on road right-of-ways. On corner lots the required setback from the side property line which abuts upon a street shall be the same as the front setback.

I. REAR YARD REGULATIONS

All buildings shall be set back from the rear property line at least eight (8) feet, except that no setback shall be required for accessory buildings, barns, coops, and sheds which are located adjacent to a waterway or road right-of-way.

J. SIZE OF DWELLINGS

The ground floor area of any single-family dwelling shall be at least eight hundred (800) square feet exclusive of open porches and carports. For other buildings there shall be no size requirements.

K. SPECIAL PROVISIONS

1. Space around buildings and structures shall be kept free from refuse and debris.

2. Domestic water supply and sewage disposal shall comply with State Department of Health requirements as represented by a letter or other approval there from.

## 6.8 COMMERCIAL ZONE C-1

### A. PURPOSE

The C-1 Commercial Zone has been established as a district in which the primary use of the land is for retail and service uses. This zone is characterized by a mixture of dwellings, businesses, agriculture and livestock raising. The area contained within this zone is comparatively small and is usually traversed by a major street or highway or is located in the central part of a community which it is designed to serve. Inasmuch as the C-1 Zone includes dwellings and is usually located adjacent to a major road, it is intended that traffic congestion and traffic hazards be reduced to a minimum and that residential amenities in the surrounding area be preserved and protected insofar as possible. To this end certain requirements with regard to the maintenance of premises and location of buildings, structures, and off street parking facilities have been adopted.

The objectives in establishing this zone are:

1. To set aside appropriate areas within the town for the development of retail service establishments where they will best serve the needs of the surrounding community.
2. To prohibit industrial and commercial uses from scattering indiscriminately into the surrounding zones.
3. To prohibit the use of outdoor advertising signs and billboards separate from the commercial establishment to which they refer, except as noted in other sections of this ordinance.
4. To reduce the cost of providing fire and police protection and other governmental services.

### B. PERMITTED USES

1. Art shop and artists' supplies; athletic goods store; art needlework shop
2. Bakery, in which manufacture is limited to goods retailed on the premises only; bank; baby formula service; barber shop; beauty parlor; bicycle shop; bird store; book store
3. Candy store, catering establishment; camera and photo supplies; clothes cleaning or dry cleaning agency or pressing establishment, altering and repair of wearing apparel; confectionery, cafe or refreshment stand; cafeteria; christmas tree sales; china and silver shop
4. Dairy products store; drug store; delicatessen; diaper service; dramatics school
5. Single family dwelling when located on the second floor of an allowed retail use.
6. Florist; fruit juice store, frozen food lockers, fruit and vegetable stand; fish stores, sidewalk cafe
7. Gift shop; grocery; greenhouse; glass and china store

8. Hardware store, not including sale of powered vehicles using motors greater than 5 horsepower; health food store; hobby supply store
9. Ice cream shop; ice store or vending station
10. Jewelry store, including repair of jewelry, watches and clocks
11. Laundry, customer self-service only; library, lunch service, commercial locksmith
12. Medical and dental clinics and laboratories; milk distributing stations and sale of dairy products, but not including processing or bottling; meat store; museum; music store
13. Newsstand notions; nurses' or baby sitter's agency
14. Office, business or professional; optometrist or optician
15. Paint and wallpaper store; photographer or sale of photographic supplies; photo studio; post office; plant materials; private schools; popcorn or nut shop
16. Radio and television sales and repair
17. Stationery and greeting card sales; shoeshine shop; shoe repair shop; studios for professional work or teaching any form of fine arts; soft water sales and service, excluding welding or tank repair
18. Taxi stand; tailor shop; toy store; tobacco shop
19. Variety store, limited to selling only items which may be sold by any other use by right in this chapter
20. Accessory uses and buildings, customarily incidental to, subordinate to the above uses and devoted exclusively to the main permitted use of the premises

C. CONDITIONAL USES

1. Automobile service station, including the repairing, painting or upholstering of motor vehicles
2. Coal and fuel sales establishment
3. Garden supplies store
4. Manufacture of goods to be sold at retail on the premises, provided such manufacture is conducted within a completely enclosed building and is clearly incidental to the operation in connection with a use permitted in this chapter.
5. Schools
6. Public Utilities
7. Similar Businesses as determined by the Planning and Zoning Commission
8. Tower or Antenna Structure

D. SPECIAL PROVISIONS

1. Auto wrecking, junk yards or salvage yards, asphalt or concrete mixing plant, equipment storage yards, and building wrecking yards, shall not be permitted. The C-1 Zone allows any use permitted in the R-2 Zone, provided those R-2 uses meet the zoning requirements Set forth in that chapter.
2. There are no minimum area, width, and yard requirements for commercial buildings in the Commercial zone except that approval of any construction and plat layout must be obtained from the Planning and Zoning Commission and the City Council before construction is commenced.
3. The required yards shall be kept free from refuse, debris and waste material. All such refuse, debris, garbage, and waste material shall be kept in approved containers.

4. Domestic sewage disposal and water supply shall comply with the requirements of the State Board of Health as evidenced by a letter or certificate of approval there from.
5. Facilities for the storage and handling of flammable liquids shall be installed in accordance with the latest edition of the Uniform Fire Code.
6. Business in the C-1 Zone shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles.
7. All products, whether primary or incidental, shall be sold at retail on the premises.
8. All uses shall be free from objections because of odor, toxic fumes, dust, smoke, noise, vibration or other causes.

6.9 LIGHT INDUSTRIAL ZONE L-I

A. PURPOSE

To provide areas where industries necessary and beneficial to the local economy may locate and operate. The regulations of the zone are designed to protect and preserve the environment of the zone, adjacent areas, and the entire community.

B. PERMITTED USES

1. Asphalt or concrete ready-mix plant
2. Auction establishment, outdoor
3. Automobile or recreational vehicle sales or service
4. Automobile, major repair
5. Composting facility, commercial
6. Contractor's yard or shop
7. Explosive manufacturing or storage
8. Farm, garden, lumber, or building supply store
9. Flammable substance storage
10. Foundry
11. Freight or truck terminal
12. Gasoline or diesel fuel sales facility
13. Grain elevator
14. Heavy equipment sales or service
15. Junk yard or automobile wrecking yard
16. Laundry or linen supply
17. Manufacture of electronic or electrical products
18. Manufacture or processing of hazardous chemicals or gases
19. Manufactured home storage
20. Meat packing facility
21. Nursery, wholesale (only)
22. Office building
23. Outdoor storage
24. Pit, mine, or quarry
25. Power plant
26. Processing plant for agricultural or dairy products
27. Product fabrication, assembly, or packaging
28. Recycling center or plant
29. Research and development facility
30. Restaurant or eating place
31. Sawmill or planing mill
32. School, vocational or trade
33. Storage facility, self-service
34. Tannery
35. Transit facility
36. Vehicle impound yard
37. Warehouse

C. CONDITIONAL USES

1. Restaurants and service stations
2. Manufacture of any of the following products from raw materials: acids, asphalt, carbide, caustic soda, carbon or bone black, cellulose, charcoal, chlorine, creosote, fertilizer, hydrogen, industrial alcohol, nitrates of an explosive nature plastics, portland cement, potash, synthetic resins and fibers.
3. Any of the following processes: distillation of wood or bones; nitrating of cotton or other materials; reduction, refining, smelting and alloying of metals or metal ores; refining of petroleum and petroleum products; slaughtering and packing of animals larger than poultry or rabbits; tanning of raw, green or salted hides or skins.
4. Storage of fireworks or explosives except where incidental to a permitted use.
5. Tower or Antenna Structure.

D. SPECIAL PROVISIONS

1. Manufacture of fireworks or explosives shall not be permitted. Automobile salvage and wrecking operations, and industrial metal, rag, glass or paper salvage operations shall not be permitted.
2. There are no minimum area, width, and yard requirements for industrial buildings in the industrial zone except that approval of any construction and plat layout must be obtained from the Planning and Zoning Commission and the City Council before construction is commenced.
3. The required yards shall be kept free from refuse, debris and waste material. All such refuse, debris, garbage, and waste material shall be kept in approved containers.
4. Domestic sewage disposal and water supply shall comply with the requirements of the State Board of Health as evidenced by a letter or certificate of approval there from.
5. Facilities for the storage and handling of flammable liquids shall be installed in accordance with the latest edition of the Uniform Fire Code.
6. All uses shall be free from objections because of odor, toxic fumes, dust, smoke, noise, vibration or other causes.

E. HEIGHT REQUIREMENTS

None, except that within 100 feet of the boundary of any adjoining zone, no building shall exceed the height limit established for main buildings in such adjoining zone.

F. AREA, WIDTH, AND YARD REGULATIONS

None, except that for any parcel in the M-1 zone having a lot line in common with a lot in an adjoining zone or lying across the street or alley from such adjoining zone, the front, side and rear yards as prescribed for such adjoining zone shall be maintained in the M-1 zone.

## 6.10 SENSITIVE LANDS OVERLAY

### A. PURPOSE

The purpose of this Article is to implement the policies of the Mendon City General Plan pertaining to Sensitive Lands and to protect the public health, safety, and welfare by establishing standards to:

1. Protect all natural waterways from habitat and water degradation;
2. Protect City water facilities from degradation.

### B. APPLICABILITY

These regulations shall apply to: 1) new subdivisions, 2) new roads, and 3) new construction, alteration, moving, or change of use of existing structures adjacent to a natural waterway (as herein defined) and within the Mendon Well Catchment Area and Mendon Springs Delineation Protection Management Area as identified on the Mendon City General Plan Land Use Map.

### C. STANDARDS

1. The minimum setback for new structures or roads adjacent to any natural waterway shall be 50' from the edge of the waterway.
2. Prior to the initiation of any new development the applicant shall submit documentation showing that the new development will not adversely impact the natural waterway or water quality within the Mendon Well Catchment Area or Mendon Springs Delineation Protection Management Area. At a minimum, said documentation shall be prepared and stamped by a professional engineer registered in the State of Utah and shall contain a description of the hydrology of the site, conclusions on the proposed development, and recommendations regarding measure to protect water quality. The report shall include results of field investigations of the site.

## 6.11 HILLSIDE OVERLAY

### A. PURPOSE

To provide the maximum in public safety and welfare in the development and design of building sites, roadways, and other service amenities and to preserve and enhance the hillside landscape by encouraging the maximum retention of natural features, such as drainage swales, streams, slopes, ridgelines, crests of hills, rock outcroppings, vistas, and natural formations.

### B. APPLICABILITY

These provisions shall apply to any proposed construction, grading, filling, clearing or excavation on any hillside that meets or exceeds a slope of 15%. Trail development that does not exceed 5 feet in width and does not exceed 3 feet of cut or 3 feet of fill shall be exempt from these provisions.

### C. REQUIREMENTS

Prior to the initiation of any construction, grading, filling, clearing, or excavation within the Hillside Overlay, the applicant shall provide the following, prepared and stamped by a professional engineer registered in the State of Utah, to the City Engineer for review and approval:

1. Preliminary Grading Plan. Said plan shall be designed to ensure that the properties within the development are able to conform to the excavation and engineered grading requirements of the Uniform Building Code.
2. Slope stabilization and re-vegetation plan and report. The report shall include a complete description of the existing soils, existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted, and slope stabilization measures to be implemented.
3. Engineering Hydrology Report. Said report shall contain a description of the hydrology of the site, conclusions on the proposed development, and recommendations covering the adequacy of the sites to be developed. The report shall include results of field investigations of the site unless existing information is determined

### D. FINDINGS

Prior to issuance of a permit for construction within the Hillside Overlay District, and based upon the above noted reports, the City Engineer shall find that:

1. The site is physically suitable for the design and siting of the proposed development. The development shall result in minimum disturbance of hillside areas;
2. The Grading and excavation proposed in connection with the development shall not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability or fire hazard that would adversely affect the public, health, safety and welfare;
3. Disruption of existing native vegetation and wildlife habitat is minimized

## CHAPTER 7 APPLICATIONS

- 7.1      CONDITIONAL USE
- 7.2      VARIANCES
- 7.3      APPEALS
- 7.4      ANNEXATIONS
- 7.5      ZONING AND ORDINANCE AMENDMENTS

### 7.1      CONDITIONAL USE

#### A.      PURPOSE

To provide for the regulation of land uses to insure their compatible integration in the land use pattern of Mendon, Utah.

#### B.      APPLICABILITY

The regulations of this Chapter shall apply to any use that requires conditional use approval as noted in the applicable base district or overlay district.

Any modification or expansion of a previously approved conditional use shall require a new conditional use approval.

An approved conditional use may be sold or assigned to subsequent property owners or operators without considering and acting upon a new application. Any use 1) that requires a license to operate or 2) that cannot or will not comply with the original conditions of approval shall reapply for conditional use upon change in ownership. Conditional use approval is not transferable from one property to another.

#### C.      APPLICATION PROCESS

A conditional use shall be subject to a public hearing, review, and approval subject to the regulations of this Chapter. The approval process shall be as follows:

1.      An application and fees, as adopted by the City Council, shall be submitted to the Planning and Zoning Commission.
2.      A site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, fences, landscaping, automobile parking and loading areas, and other pertinent information shall be submitted.
3.      The Planning and Zoning Commission shall apply the general conditional use standards and the findings listed in this Chapter to review and approve or deny the conditional use.
4.      Prior to issuance of a building permit, the applicant shall provide written documentation indicating the facility has been approved by all applicable public

agencies.

5. The approval shall be limited to a one-year period in which the applicant or owner must obtain all necessary permits and obtain a building permit.

6. An affected party may appeal any decision of the Planning and Zoning Commission regarding a conditional use to the Board of Adjustment within fifteen (15) days from the date from which the decision was final. Any such appeal shall comply with the provisions of this chapter regarding appeals.

D. CONDITIONAL USE STANDARDS

1. The applicant shall guarantee to comply with the approved plans and specifications.

2. The applicant shall have a continuous obligation to maintain adequate housekeeping practices so as not to create a nuisance.

3. The applicant or owner shall obtain the written approval of the appropriate Fire Authority with regard to the location specifications of any proposed structure, facility, or use.

4. The owner and/or operator shall maintain sanitary practices so as not to create a public nuisance and to reduce noise and odor.

5. The owner and/or operator shall furnish evidence that any dangerous characteristics of the proposed use have been or shall be eliminated or minimized so as not to create a nuisance or be detrimental to the public health, safety, or welfare.

6. If abutting or within a residential district, the facility hours may be limited by the Planning and Zoning Commission.

7. If abutting or within an agricultural district, the proposed use shall not cause detrimental impacts to agriculture.

8. The Planning and Zoning Commission may require additional conditions to mitigate impacts. The conditions may include, but not be limited to, any or all of the following:

a. Standards related to unsightly views or the emission of noise, vibration, odors, and other potentially objectionable aspects of a land use.

b. Limits on time of day for the conduct of the specified use.

c. The period within which the permit shall be exercised or otherwise lapse.

d. Other standards necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property.

E. REQUIRED FINDINGS

The Planning and Zoning Commission may approve, approve with modifications, or deny any conditional use application subject to the following required findings:

1. The proposed use is not detrimental to the public health, safety, or welfare;
2. The proposed use shall not create undue adverse impacts on surrounding properties;
3. The proposed use is consistent with the General Plan;
4. The proposed use complies with the purpose statement of the applicable base district;
5. The proposed use complies with all applicable City ordinances;
6. The proposed use complies with all applicable State and Federal regulations;
7. The proposed use and facilities shall not impede the normal development of surrounding property; and
8. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use.

#### F. REVOCATION

A conditional use permit may be revoked by the Planning and Zoning Commission upon failure to comply with the conditions imposed with the original approval of the permit. Any such revocation shall require a public hearing.

Failure to comply with a duly authorized revocation order shall result in penalties consistent with Section 4-8 of this Title.

#### 7.2 VARIANCES

##### A. Process

1. The applicant for a variance shall submit an application in writing to the Board of Adjustment. Such application shall describe the variance requested, and present all applicable information regarding measurements, uses and, in particular, shall state how each of the requirements for a variance are met.
2. A site plan and any other pertinent drawings, photographs, or exhibits supporting the variance request shall be submitted with the application.
3. The Board of Adjustment shall fix a reasonable time for hearing of the application, give public notice thereof, as well as due notice to the parties of interest, and shall hold the hearing and render a decision within a reasonable time. At the hearing, any party may appear in person or by agent or by

attorney.

B. Required Findings

After due consideration of applicable facts and circumstances, the Board of Adjustment may grant a variance from the terms of this ordinance provided all of the following conditions and limitations are met:

1. The variance will not be contrary to the public interest.
2. Owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardships and difficulties.
3. The spirit of the ordinance shall be observed.
4. Substantial justice shall be done.
5. The variance will not substantially affect the comprehensive plan of zoning in the city.
6. Special circumstances are attached to the property covered by the application which does not generally apply to the other property in the same district.
7. Because of special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same district, and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district. Variances shall not be used to circumvent the provisions of the ordinance, or to grant benefits and advantages generally denied by the ordinance.

7.3 APPEALS

A. Process

1. Any final decision, determination, or order of the administrative officer or the Planning and Zoning Commission may be appealed to the Board of Adjustment as provided for in this Section.
2. Any such appeal shall be filed within fourteen (14) days from the date upon which the final decision, determination, or order became effective. Appeals shall be filed in writing with the Board of Adjustment and shall specify the grounds for the appeal.
3. The Board of Adjustment shall transmit all the papers constituting the record upon which the appeal is based to the City Council, 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 party may appear in person or by agent or by attorney.

4. Any final decision, determination, or order of the City Council may be appealed to the District Court. A petition for review of the decision shall be filed with the District Court within 30 days as provided for by Section 10-9-1001 of the Utah Code.
5. An appeal stays all proceedings in furtherance of the action appealed unless the Administrative Officer or Planning and Zoning Commission certifies to the Board of Adjustment that a stay would cause imminent peril to life or property.

B. Required Findings

1. The Board must find clear and convincing evidence that the final decision, determination, or order being appealed was made in error or in violation of this ordinance.
2. Upon hearing the appeal and after due consideration of evidence, the Board of Adjustment shall affirm, reverse or modify the decision, determination, or order in whole or in part to correct any error and bring the order or decision into conformity with the provisions of this ordinance. To this end the board shall have all the powers of the administrative officer or commission from whom the appeal is taken.

The concurring vote of five members of the board shall be necessary for a decision.

7.4 ANNEXATIONS

A. Process

1. Annexation to the City of Mendon shall be a result of an application filed by the property owners seeking annexation. Any such application shall fully comply with the requirements of Title 10, Chapter 2 of the Utah Code, shall specify the desired zoning designation subsequent to the annexation, and shall be filed with the City Clerk for review and recommendation of the Planning and Zoning Commission.
2. Annexations shall be treated as a zoning ordinance map amendment and shall be processed in accordance with the provisions of the Utah Code and this title pertaining to annexation and zoning ordinance amendments. Any such application shall be considered by the Planning and Zoning Commission at public hearing and shall be forwarded to the City Council with a recommendation of approval or denial. Upon the recommendation of the Planning and Zoning Commission, the City Council shall hold a public hearing

and shall approve or deny the application based upon the standards of the Utah Code

B. Standards

1. Newly annexed land shall be contiguous with the existing Mendon City Limits and will not leave or create an unincorporated island or peninsula, except as provided for in Subsection 10-2-418(1)(b) of the Utah Code.
2. Newly annexed land shall be given a zoning designation that is consistent with the policies and land use map of the Mendon City General Plan.

C. Required Findings

An application for approval of annexation shall only be approved by the Mendon City Council after finding that all of the following conditions are true:

1. The area proposed for annexation is a contiguous area that is contiguous to the existing incorporated area of Mendon City;
2. The annexation will not leave or create an unincorporated island or peninsula;
3. A petition has been filed by the property owner requesting annexation;
4. Mendon City has the ability and intent to provide municipal services to the annexed property.

7.5 ZONING ORDINANCE AMENDMENTS

A. Process

1. A zoning ordinance amendment (map or text) may be initiated by the City Council, the Planning and Zoning Commission, a property owner, or a citizen of Mendon City.
2. All proposed amendments shall be submitted to the Planning Commission for its recommendation and shall be forwarded to the Mendon City Council for its consideration within thirty (30) days. Failure of the Planning Commission to submit its recommendation within the prescribed time shall be deemed a recommendation of approval of the proposed change or amendment.
3. The Mendon City Council shall conduct a public hearing on the application within forty five (45) days of the Commission's decision.

**B. Required Findings**

Upon recommendation from the Commission, the Council shall make a full investigation and shall, at the public hearing, review the application. In order to grant a map or text amendment to the zoning ordinance, the Council shall make the following findings:

1. The zoning ordinance amendment complies with the Mendon City General Plan;
2. The zoning ordinance amendment complies with the regulations outlined for the proposed base zone, specifically the purpose statement;
3. The zoning ordinance amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The zoning ordinance amendment shall not result in an adverse impact upon the delivery of any municipal services.

## CHAPTER 8 SIGNS

- 8.1 SIGNS ALLOWED
- 8.2 ANIMATED, FLASHING, INTERMITTENT SIGNS
- 8.3 CONSTRUCTION
- 8.4 ILLUMINATION
- 8.5 LOCATION OF SIGNS
- 8.6 MONUMENT SIGNS
- 8.7 TEMPORARY AND SPECIAL SIGNS
- 8.8 ON PREMISE SIGNS
- 8.9 OFF PREMISE SIGNS
- 8-10 WALL SIGNS
- 8-11 TRAFFIC SIGNS

### 8.1 SIGNS ALLOWED

The following described signs shall be allowed. All permanent signs shall be On-Premise Signs and reviewed by the Planning and Zoning Commission prior to construction.

TYPE OF SIGN	MAX SIZE OF SURFACE AREA & TYPE	MAX HEIGHT*	ZONE DISTRICT	ILLUMINATION
Billboard	Not Allowed	-	-	-
Business	50 Sq.Ft. (Monument Sign)	8 Ft.	Commercial and Industrial	Indirect, Flood, Neon
Wall	15% of a bldg face		Commercial and Industrial	Indirect
Property Identification, Sale, Lease, No Trespassing, No Parking, Private	6 Sq.Ft.	7 Ft.	All Zones	None
Public Information	50 Sq.Ft. (Monument Sign)	8 Ft.	All Zones	Indirect
Temporary and Special	50 Sq.Ft.	8 Ft.	All Zones	None
Home Occupation (one sign per lot)	16 Sq.Ft. Monument 4 Sq.Ft. Wall	4 Ft. Monument	All Zones	None
Traffic Sign	See MUTCD	See MUTCD	All Zones	See MUTCD

\*The vertical distance from the grade to the highest point of a sign or any vertical projection, including its supporting columns.

## 8.2 ANIMATED, FLASHING, INTERMITTENT SIGNS

Animated, flashing or intermittent signs are not allowed in any of the zones in this ordinance.

## 8.3 CONSTRUCTION

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

## 8.4 ILLUMINATION

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

## 8.5 LOCATION OF SIGNS

All signs shall maintain a clear view of intersecting streets as provided in this ordinance. In any zone requiring a front yard, all ground signs in that zone shall adhere to the front yard requirements.

## 8.6 MONUMENT SIGNS

A freestanding sign with a solid base, and which incorporate architectural features which complement the sign construction. Pole-type supports are not permitted.

## 8.7 TEMPORARY AND SPECIAL SIGNS

A nonpermanent sign intended for use for a short period of time. Includes any banner, pennant or advertising display constructed with or without frame. Examples are construction signs, grand opening displays, residential land subdivision signs and subdivision directional signs.

## 8.8 ON PREMISE SIGNS

All signs must be on premise. These are signs that are located on the same parcel of land or a site

## 8.9 OFF PREMISE SIGNS

Off premise signs are not allowed. These are signs located on a separate parcel of land or a separate site from the place where the product, service or business is located.

#### 8.10 WALL SIGNS

A sign attached to or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of said wall, and not extending from over 12 inches from the wall of the building or structure. Wall signs for home occupations are not required to be reviewed by the Planning and Zoning Commission, but must meet size requirements listed in the previous table.

#### 8.11 TRAFFIC SIGNS

Traffic signs are allowed in the UDOT and City right-of-ways where warranted. All Traffic Signs must meet requirements of the MUTCD and/or Mendon City Standards.