

**TITLE 10**  
**ZONING REGULATIONS**

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CHAPTER 1  
**GENERAL PROVISIONS**

**SECTION:**

- 10-1-1: Title
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10-1-1:       **TITLE:** This title shall be known and cited as *THE ZONING ORDINANCE OF LAKETOWN, UTAH*. (Ord. A-1, 5-21-1981)

10-1-2:       **AUTHORITY:** These regulations are authorized by Utah Code Annotated title 10, chapter 9, as amended or subsequently codified. (Ord. A-1, 5-21-1981)

10-1-3:       **PURPOSE:** This title 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 the town, including, among other things, securing safety from fire and other dangers, classification of land uses and distribution of land development and utilization, protection of tax base, protection of community economy, and the protection of residential-agricultural areas. (Ord. A-1, 5-21-1981)

10-1-4:       **SEVERABILITY:** Should any section, paragraph, sentence, clause or phrase be held invalid by a court of competent jurisdiction, the remainder of this title shall not be affected thereby. (Ord. A-1, 5-21-1981)

10-1-5:       **REPEAL OF CONFLICTING ORDINANCES:** All ordinances or parts thereof in conflict with this title are hereby repealed to the extent necessary to give this title full force and effect. (Ord. A-1, 5-21-1981)

10-1-6:       **INTERPRETATION:** In their interpretation and application, the provisions of this title shall be held to minimum requirements for the purpose set forth. Whenever the requirements of this title conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the more restrictive provisions shall govern. (Ord. A-1, 5-21-1981)

## CHAPTER 2

### DEFINITIONS

#### SECTION:

#### 10-2-1: Definitions

10-2-1: **DEFINITIONS:** Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; words not included herein but defined in the uniform building code shall be construed as defined herein.

For the purpose of this title, certain words and terms are defined as follows:

<b>AGRICULTURE:</b>	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 farms, animal hospitals or similar uses.
<b>ALLEY:</b>	A public thoroughfare twenty six feet (26') or less in width.
<b>ANIMAL UNIT:</b>	An animal unit is equal to one horse or one cow or one pig or three (3) sheep or five (5) small noncarnivorous animals (i.e., rabbits).
<b>BOARDING HOUSE:</b>	A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.
<b>BUILDING:</b>	Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

BUILDING, ACCESSORY:	A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.
BUILDING, HEIGHT OF:	The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between ridge and eaves of a gable, hip or gambrel roof.
BUILDING, MAIN:	A residential building must be the main building on a residential lot and must be constructed first. (Ord. 2019-02 2-5-2020)
BUILDING, PUBLIC:	A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the state of Utah or any of its subdivisions.
CARPORT:	A private garage not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage.
CLUSTER DEVELOPMENT:	A method of development permitted on sites of two (2) or more acres subject to the conditional use provisions of this title whereby the area, width and yard regulations are waived in lieu of the developer providing properly designed common areas on at least forty percent (40%) of the site.
CONDITIONAL USE:	A use of land for which a conditional use permit is required pursuant to chapter 9 of this title.
DAIRY:	A commercial establishment for manufacture or process of dairy products.
DAYCARE CENTER:	An establishment for the care and/or instruction, whether or not for compensation, of six (6) or more children other than members of the family residing on the premises.

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DWELLING:	Any building or portion thereof, which is designed for use for residential purposes, except the following: hotels, boarding houses, motels, trailers or mobile homes.
DWELLING, FOUR-FAMILY:	A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.
DWELLING, SINGLE-FAMILY:	A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.
DWELLING, THREE-FAMILY:	A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.
DWELLING, TWO-FAMILY:	A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
DWELLING UNIT:	One or more rooms in a dwelling designed for or occupied by one family for living, sleeping purposes and having kitchen facilities for the use of not more than one family.
FAMILY:	One or more persons related by blood, marriage or adoption, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from renters, roomers or as a group occupying a boarding house, lodging house or hotel, as herein defined.
FOWL UNIT:	Twenty five (25) small fowl (chickens, etc.) or five (5) large fowl (turkeys, geese, ducks, etc.).
FRONTAGE:	All property fronting on one side of the street between intersecting or intercepting streets, or between a street and right of way, waterway, end of dead-end street or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**GARAGE, PRIVATE:**

An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory; provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of two (2) times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common.

**GRADE:**

A. For buildings adjoining one street only, the elevation of the ground (finished surface) at the center of that wall adjoining the street.

B. For buildings adjoining more than one street, the average of the elevations of the ground (finished surface) at the centers of all walls adjoining the streets.

C. For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the building.

**HEIGHT:**

The vertical distance measured from a point representing the average finished grade surrounding a structure to a point representing the average elevation of the roof or top of the structure.

**HOME OCCUPATION:**

Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building not normally associated with residential use. Home occupa-



tion shall include the care of not more than five (5) children other than members of the family residing in the dwelling. A home occupation in a multiple-dwelling unit (2 or more units) will be considered as one of the units in determining the allowable number of units.

**HOUSEHOLD PETS:**

Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a "kennel" as defined herein. Household pets may also include the keeping of not more than two (2) chickens, four (4) pigeons, two (2) mature rabbits, one lamb not over eight (8) months old, and two (2) ducks.

**KENNEL:**

The keeping of three (3) or more dogs at least four (4) months old.

**LIVESTOCK  
FEEDYARD:**

An operation on a parcel of land where livestock are kept in corrals or yards for more than thirty (30) days at a density which permits little movement, and where all feed is provided for the purpose of fattening or maintaining the condition of livestock.

**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 title and having frontage upon a street. Except for group dwellings, not more than one dwelling structure shall occupy any one lot.

**LOT, CORNER:**

A lot abutting on an intersection or intercepting streets, where the interior angle or intersection or interception does not exceed one hundred thirty five degrees (135°).

**LOT, INTERIOR:**

A lot other than a corner lot.

**MOBILE HOME:**

A detached single-family dwelling unit with all of the following characteristics:

A. Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems;

B. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detached wheels; and

C. Arriving at the site where it is to be occupied as a complete dwelling, including major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

**MOTEL:**

A group of attached or detached 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.

**NONCONFORMING  
BUILDING OR  
STRUCTURE:**

A building or structure or portion thereof, lawfully existing at the time the ordinance codified herein 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 the ordinance codified herein became effective and which does not conform with the use regulations of the zone in which it is located.

**PARKING SPACE:**

Space within a building, lot or parking lot for the parking or storage of one automobile.

**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, product or commodity sold, or service performed 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, NAMEPLATE:	A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on 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.
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:	The space within a building included between the surface of any floor and the surface of the ceiling next 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 ( $\frac{2}{3}$ ) 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 (26') wide.
STRUCTURAL ALTERATIONS:	Any change in supporting members of a building, such as bearing walls, columns, beams or girders.
STRUCTURE:	Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.
TINY HOME:	A small dwelling or house intended for human habitation typically sized under 600 square feet on wheels or on a foundation. (Ord. 2019-19 2-5-2020)
TRAILER CAMP OR MOBILE HOME PARK:	Any area or tract of land used or designed to accommodate two (2) or more trailers, mobile homes or camping parties.
TRAILER OR CAMPER:	A vehicle with or without motive power or wheels, designed to be used for human habitation.
USE, ACCESSORY:	A subordinate use customarily incidental to and located upon the same lot occupied by a main use.
VETERINARY OR ANIMAL HOSPITAL:	A building and runs where both large and small animals are kept and/or treated by a licensed veterinarian.
WIDTH OF LOT:	The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

- YARD:** A space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.
- YARD, FRONT:** A space on the same lot with a building, between the front line of the building (exclusive of steps) and the front lot line, and extending across the full width of the lot.
- YARD, REAR:** A 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 the full width of the lot.
- YARD, SIDE:** A space on the same lot with a building, between the side line of the building (exclusive of steps or open stairways) and the side line of the lot and extending from the front yard line to the rear yard line.
- ZONE:** A municipal area in a city or town designated for a particular type of building, enterprise or activity. (Ord. A-1, 5-21-1981; amd. 2001 Code)

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## CHAPTER 3

**ADMINISTRATION; PERMITS**

## SECTION:

- 10-3-1: Building Inspector To Enforce
- 10-3-2: Permits To Comply With Title
- 10-3-3: Powers And Duties Of Building Inspector
- 10-3-4: Changes And Amendments
- 10-3-5: Areas Annexed
- 10-3-6: Building Permit Required
- 10-3-7: Certificate Of Occupancy Required

10-3-1: **BUILDING INSPECTOR TO ENFORCE:** The building inspector is hereby designated and authorized as the officer charged with the enforcement of this title; from time to time such administration may be entrusted in whole or in part to any other officer without amendment to this title. (Ord. A-1, 5-21-1981)

10-3-2: **PERMITS TO COMPLY WITH TITLE:** From the time of the effective date hereof, the building inspector shall not grant a permit 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 this title, nor shall any officer grant any permit or license for the use of any building or land if such use would be in violation of this title. (Ord. A-1, 5-21-1981)

10-3-3: **POWERS AND DUTIES OF BUILDING INSPECTOR:** It shall be the duty of the building inspector to inspect or cause to be inspected all buildings in course of construction or repair. He shall enforce all of the provisions of this title, entering actions in the court when necessary, and his failure to do so shall not legalize any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration and use fully conform to all zoning regulations then in effect. (Ord. A-1, 5-21-1981)

10-3-4:       **CHANGES AND AMENDMENTS:** This zoning title, including the maps, may be amended from time to time after thirty (30) days' notice and public hearing, but all proposed amendments shall be first proposed by the planning and zoning commission or shall be submitted to the planning and zoning commission for its recommendation. (Ord. A-1, 5-21-1981)

10-3-5:       **AREAS ANNEXED:** New areas annexed to the town shall be zoned at the time of annexation. (Ord. A-1, 5-21-1981)

10-3-6:       **BUILDING PERMIT REQUIRED:** The construction, alteration, repair, removal or occupancy of any structure or any part thereof, as provided or as restricted in this title, shall not be commenced or proceeded with, except after the issuance of a written permit for the same by the building inspector. (Ord. A-1, 5-21-1981)

10-3-7:       **CERTIFICATE OF OCCUPANCY REQUIRED:** No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use, until a certificate of occupancy shall have been issued by the building inspector, stating that the building or the proposed use thereof, or the use of the land, complies with the provisions of this title, or for the renewing, changing or extending of a nonconforming use. A certificate of occupancy either for the whole or a part of a building or structure shall be applied for coincidentally with the application for a building permit, and shall be issued within the ten (10) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed in conformity with the provisions of this title. (Ord. A-1, 5-21-1981)



**CHAPTER 4**  
**BOARD OF ADJUSTMENT**

**SECTION:**

- 10-4-1:       **Organization**  
10-4-2:       **Powers And Duties**

10-4-1:       **ORGANIZATION:** A board of adjustment is hereby established which shall consist of five (5) members appointed by the town council for a term of five (5) years; provided, that the term of one member shall expire each year. Any vacancy occurring on the board by reason of death, resignation, removal or disqualification shall be promptly filled by the town council for the unexpired term of such member. One member shall be a member of the planning and zoning commission. (Ord. A-1, 5-21-1981; amd. 2001 Code)

10-4-2:       **POWERS AND DUTIES:**

- A.    **Appeals:** It shall be the duty of such board to hear all appeals taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the officer in charge of the administration of this title. Said board shall adopt rules for the regulation of its procedure and conduct of its duties not inconsistent with the provisions of this title or of state law.
- B.    **Variances, Exceptions, Interpretation:** In addition to any other powers given by state law or town ordinance, the board, after proper notice and public hearing, shall have the following powers:
1. **Variances:** When by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the ordinance codified herein, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the provisions of the ordinance codified herein would

result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of the property, the board may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this title.

2. Special Exceptions: The board may permit a temporary building for commerce or industry or residential use, which building is incidental to a permitted use, such permit to be issued for a period of not more than one year.

3. Interpretation:

a. The board may interpret the zoning map.

b. The board may hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made in the enforcement of this title.

c. The board may permit the enlargement of or addition to a nonconforming building or structure or a building or structure occupied by a nonconforming use.

d. The board may permit the relocation on a lot of a nonconforming building or structure or a building or structure occupied by a nonconforming use.

e. The board may reduce the amount of off-street parking required, where acquisition of land for such use would cause exceptional hardship. (Ord. A-1, 5-21-1981)

## CHAPTER 5

**ZONES ESTABLISHED**

## SECTION:

- 10-5-1: Establishment Of Zones  
10-5-2: Boundaries Of Zones  
10-5-3: Rules For Locating Boundaries

10-5-1: **ESTABLISHMENT OF ZONES:** For the purpose of this title, the following zones are created, to be applied as necessary to realize the general purposes as set forth in this title:

Residential-Agricultural 1 Zone (RA-1)

Residential-Agricultural  $\frac{1}{3}$  Zone (RA- $\frac{1}{3}$ ) Existing (RA- $\frac{1}{3}$ ) lots are grandfathered. Further creation of (RA- $\frac{1}{3}$ ) is eliminated.

Residential- Agricultrual  $\frac{1}{2}$  Zone (RA- $\frac{1}{2}$ )

Commercial Zone (C)

Light Industrial Zone (LI)

(Ordinance 2019-05 2/5/2020) (Ord. A-1, 5-21-1981)

10-5-2: **BOUNDARIES OF ZONES:** The boundaries of each of the said zones are hereby established as described herein or shown on the zoning map, which is attached to the ordinance codified herein and all boundaries, notations and other data shown thereon are made by this reference, as much a part of this title as if fully described and detailed herein. (Ord. A-1, 5-21-1981)

10-5-3: **RULES FOR LOCATING BOUNDARIES:** Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

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- A. Wherever the zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley or block or such property line, shall be construed to be the boundary of such zone.
- B. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right of way, or public park or other public land or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right of way or the boundary lines of such public land or such section line shall be deemed to be the boundary of such zone.
- C. Where the application of the above rules does not clarify the zone boundary location, the board of adjustment shall interpret the map. (Ord. A-1, 5-21-1981)

## CHAPTER 6

## RESIDENTIAL ZONES

**ARTICLE A. RESIDENTIAL-AGRICULTURAL  
ZONES (RA-1, RA-<sup>1</sup>/<sub>3</sub>, RA-1/2)**

## SECTION:

- 10-6A-1: Purpose
- 10-6A-2: Permitted Uses
- 10-6A-3: Conditional Uses
- 10-6A-4: Area, Width And Yard Regulations
- 10-6A-5: Height Regulations
- 10-6A-6: Modifying Regulations
- 10-6A-7: Nightly Rentals Prohibited

10-6A-1: **PURPOSE:** The purpose of this zone is to provide for smaller residential lots and at the same time attempt to maintain an agricultural atmosphere. (Ord. A-1, 5-21-1981; amd. 2001 Code)

10-6A-2: **PERMITTED USES:**

Accessory buildings and uses.

"Agriculture", as defined in section 10-2-1 of this title.

Animal unit, one, the keeping of, and one fowl unit or two (2) animal units or two (2) fowl units per one-third (<sup>1</sup>/<sub>3</sub>) acre of area, or per one-half (1/2) acre of area, or any combination thereof. (Ordinance 2019-05 2/5/2020)

Greenhouse, maximum four hundred (400) square feet.

Home occupations.

Household pets.

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Single-family dwellings. (Ord.A-1, 5-21-1981)

**10-6A-3: CONDITIONAL USES:**

Church.

Cluster subdivisions.

Daycare center.

Home based business beyond the scope described in the definition of “home occupation” in chapter 2 of this title.

Livestock and fowl, additional.

Mobile home parks as regulated by the mobile home ordinance<sup>1</sup>.

Mobile homes on individual lots as regulated by the mobile home ordinance.

Public buildings.

Public parks and playgrounds.

Public riding stables.

Schools.

Two-, three- and four-family dwellings (Ord. 2003-10, 6-12-2003)

**10-6A-4 AREA, WIDTH AND YARD REGULATIONS: ZONES:**

District	Area	Width	Front	Side	Rear
*RA - ⅓	⅓ acre	100 feet	30 feet	10 feet	20 feet
RA - ½	½ acre	100 feet	30 feet	12 feet	30 feet
RA – 1	1 acre	150 feet	30 feet	12 feet	30 feet

\*as grandfathered as of February 5, 2020. No additional 1/3 acre lots will be created.

(Ord. A-1, 5-21-1981) (Ordinance 2019-08 2/5/2020)

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1. See title 12 of this code.

**10-6A-5: HEIGHT REGULATIONS:**

- A. No building shall be erected to a height greater than thirty-five feet (35').
- B. The building height shall not include belfries, chimneys, cupolas, domes, flues, spires, air conditioning units, solar panel, nor apply to similar structures and mechanical appurtenances placed on roofs, provided that no such structure shall be used for human occupancy, nor exceed five feet above the peak of the roof unless approval is given by the Planning and Zoning Commission.
- C. No accessory building shall be erected to a height greater than twenty-five feet (25'). The building height shall not include belfries, chimneys, cupolas, domes, flues, spires, air conditioning units, solar panel, nor apply to similar structures and mechanical appurtenances placed on roofs, provided that no such structure shall be used for human occupancy, nor exceed five feet above the peak of the roof unless approval is given by the Planning and Zoning Commission.
- D. Flag pole maximum height on a residential lot shall be no greater than thirty-five feet (35'). (Ordinance 2019-06 2/5/2020)

**10-6A-6: MODIFYING REGULATIONS:**

- A. Side Yards: Main buildings, other than dwellings such as schools, libraries, etc., shall have a minimum side yard of twenty feet (20') and the total of the two (2) side yards shall be forty feet (40'). Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side yard of five feet (5'), except the street side yard of a corner lot shall be a minimum of thirty feet (30') for main and accessory buildings.
- B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building shall have a rear yard of a minimum of ten feet (10') provided, that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be ten feet (10'). (Ordinance 2019-10 2/5/2020)
- C. Distance Between Buildings: No building, structure or enclosure housing animals or fowl shall be constructed closer to a dwelling on the adjacent lot than one hundred feet (100'). (Ord. A-1, 5-21-1981)

**10-6A-7: NIGHTLY RENTALS PROHIBITED:** The term "nightly rental" shall mean the rental of a dwelling unit or a portion thereof, including a lockout unit for less than thirty (30) days to a single person or persons. Nightly rental does not include the use of a dwelling for commercial uses in commercial zones. Nightly rental will not be permitted in Laketown residential or residential-agricultural zones. (Ord. 2009-02, 5-14-2009)

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## CHAPTER 7

## COMMERCIAL ZONES

**ARTICLE A. COMMERCIAL ZONE (C)**

## SECTION:

- 10-7A-1: Purpose
- 10-7A-2: Permitted Uses
- 10-7A-3: Conditional Uses
- 10-7A-4: Area, Width And Yard Regulations
- 10-7A-5: Height Regulations
- 10-7A-6: Buffer Requirements

10-7A-1: **PURPOSE:** The purpose of this zone is to establish general commercial areas for sales and services. (Ord. A-1, 5-21-1981; amd. 2001 Code)

10-7A-2: **PERMITTED USES:**

Accessory buildings and uses incidental to any permitted use.

Business and/or professional offices.

Financial institutions such as banks and savings and loan offices.

Repair and service uses such as laundry and dry cleaning, photographic studios, radio and television repairs.

Restaurants.

Retail stores which supply commodities to residents of the community such as bakeries, barber and beauty shops, book and stationary stores, grocery and drug stores, hardware and appliance stores, variety stores, florist and pet shops, auto and boat accessory shops.

Theaters. (Ord. A-1, 5-21-1981)

**10-7A-3: CONDITIONAL USES:**

Automobile service stations.

Bowling alleys, dance halls or similar commercial establishments for gatherings or recreational uses.

Drive-in and take-out restaurants.

Hotels, motels and boarding houses.

Lumber yard. (Ord. A-1, 5-21-1981; amd. 2001 Code)

**10-7A-4: AREA, WIDTH AND YARD REGULATIONS:**

- A. Minimum lot area; For every square foot of building area, three (3) square feet of land area is required.
- B. Minimum lot width; none.
- C. Minimum front yard; fifty feet (50') from property line.
- D. Minimum side yard; five feet (5'). (Ordinance 2019-12 2/5/2020)
- E. Minimum rear yard; none. (Ord. A-1, 5-21-1981)

**10-7A-5: HEIGHT REGULATIONS:** No building shall be erected to a height greater than thirty-five feet (35').

- A. The building height shall not include belfries, chimneys, cupolas, domes, flues, spires, air conditioning units, solar panel, nor apply to similar structures and mechanical appurtenances placed on roofs, provided that no such structure shall be used for human occupancy, nor exceed five feet above the peak of the roof unless approval is given by the Planning and Zoning Commission.
- B. No accessory building shall be erected to a height great than thirty-five feet (35'). The building height shall not include belfries, chimneys, cupolas, domes, flues, spires, air conditioning units, solar panel, nor apply to similar structures and mechanical appurtenances placed on roofs, provided that no such structure shall be used for human occupancy, nor exceed five feet above the peak of the roof unless approval is given by the Planning and Zoning Commission. (Ordinance 2019-18 3/04/2020)

**10-7A-6: BUFFER REQUIREMENTS:** A buffer zone shall be required for commercial developments abutting on residential zones, or any conflicting use or zone. Requirements shall be determined by the planning and zoning commission. (Ord. A-1, 5-21-1981)

February and March 2020

## CHAPTER 8

## INDUSTRIAL ZONES

## ARTICLE A. LIGHT INDUSTRIAL ZONE (LI)

## SECTION:

- 10-8A-1: Purpose
- 10-8A-2: Permitted Uses
- 10-8A-3: Conditional Uses
- 10-8A-4: Area, Width And Yard Regulations
- 10-8A-5: Height Requirements
- 10-8A-6: Buffer Requirements

10-8A-1: **PURPOSE:** The purpose of this zone is to provide an area for sound, environmentally safe industrial development which is generally not objectional because of the absence of heavy truck traffic, noise or fumes; or any light industrial development which might generate nuisances that can be substantially improved with the use of buffers or other similar techniques. (Ord. A-1, 5-21-1981; amd. 2001 Code)

10-8A-2: **PERMITTED USES:**

Blacksmith shops.

Boat works; building and repair.

Building materials sales or storage yards (excluding asphalt or concrete mixing).

Contractors offices and equipment storage facilities.

Fuel, oil, ice, coal and wood sales.

Mini-warehouses and storage facilities.

Parking, necessary, required for permitted uses.

Scientific research laboratories.

Storage areas, fully enclosed, for bulk material or machinery.

Wholesale business and storage. (Ord. A-1, 5-21-1981)

**10-8A-3: CONDITIONAL USES:**

Food processing and packaging plants.

Manufacturing.

Any other light industrial uses not listed above. (Ord. A-1, 5-21-1981)

**10-8A-4: AREA, WIDTH AND YARD REGULATIONS:**

- A. Minimum lot area; for every square foot of building area, five (5) square feet of land area is required.
- B. Minimum lot width; none.
- C. Minimum front yard; none.
- D. Minimum side yard; none, unless abutting lots are incompatible uses, and/or zones, in which case a buffer zone is required.
- E. Minimum rear yard; none, unless abutting lots are incompatible uses, and/or zones, in which case a buffer zone is required. (Ord. A-1, 5-21-1981)

**10-8A-5: HEIGHT REQUIREMENTS:** No building shall be erected to a height greater than thirty five feet (35').

- A. The building height shall not include belfries, chimneys, cupolas, domes, flues, spires, air conditional units, solar panel, nor apply to similar structures and mechanical appurtenances placed on roofs, provided that no such structure shall be used for human occupancy, nor exceed five feet above the peak of the roof unless approval is given by the Planning and Zoning Commission. (Ordinance 2019-16 3/4/2020)
- 8. No accessory building shall be erected to a height greater than thirty-five feet (35'). The building height shall not include belfries, chimneys,

cupolas, domes, flues, spires, air conditioning units, solar panel, nor apply to similar structures and mechanical appurtenances placed on roofs, provided that no such structure shall be used for human occupancy, nor exceed five feet above the peak of the roof unless approval is given by the Planning and Zoning Commission.  
(Ordinance 2019-16 3/4/2020)

**10-8A-6: BUFFER REQUIREMENTS:** A buffer zone shall be required for industrial developments abutting on residential zones or any conflicting use or zone. Requirements shall be as determined by the planning and zoning commission. (Ord. A-1, 5-21-1981)

March 2020

CHAPTER 9  
**CONDITIONAL USES**

**SECTION:**

- 10-9-1: Purpose  
10-9-2: Conditional Use Permit Required

10-9-1: **PURPOSE:** The purpose of this chapter is to provide for the regulation of uses to ensure their compatible integration in the land use pattern of the town. (Ord. A-1, 5-21-1981; amd. 2001 Code)

10-9-2: **CONDITIONAL USE PERMIT REQUIRED:** An approved conditional use permit shall be required for each conditional use listed in this title. No building permit or other permit or license shall be issued for a conditional use by any officer or employee of the town unless a conditional use permit shall have been approved.

- A. **Application:** Application for a conditional use permit shall be made to the planning and zoning commission on forms provided for that purpose.
- B. **Development Plan:** The applicant for a conditional use permit shall prepare 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 any other information the planning and zoning commission may deem necessary.
- C. **Fee:** As per the fee schedule adopted by the town council.
- D. **Hearing:** A hearing need not be held; however, a hearing may be held when the planning and zoning commission shall deem a hearing to be necessary to serve the public interest.

E. Planning And Zoning Commission Action:

1. The planning and zoning commission may approve, modify and approve, or deny the conditional use application. In approving any conditional use, the planning and zoning commission shall impose regulations and conditions as are necessary to protect the public welfare.

2. In approving a conditional use, the planning and zoning commission shall find that:

a. The proposed use is necessary or desirable and will contribute to the general well-being of the community.

b. The use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

c. The proposed use will comply with the regulations of this title.

d. The proposed use is in harmony with the intent of the master plan. (Ord. A-1, 5-21-1981)

F. Appeals: Appeal of any decision of the planning and zoning commission shall be to the board of adjustment. Appeals shall be in writing and shall be filed at the office of the town clerk not more than ten (10) working days after the decision by the planning and zoning commission. The board of adjustment may affirm, modify or reverse the decision of the planning and zoning commission. However, the board of adjustment shall present, in writing, the reasons for its action. (Ord. A-1, 5-21-1981; amd. 2001 Code)

G. Inspection: The building inspector shall inspect the conditional use during the course of construction to ensure that it complies with the conditions of the use permit.

H. Time Limit: A conditional use permit shall be null and void one year after approval of construction to ensure that it complies with the conditions of the use permit.

I. Revocation: A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit. (Ord. A-1, 5-21-1981)

CHAPTER 10  
**NONCONFORMITIES**

**SECTION:**

- 10-10- 1: Maintenance Permitted
- 10-10- 2: Repairs Or Alterations
- 10-10- 3: Additions, Enlargements And Moving
- 10-10- 4: Alteration Where Parking Insufficient
- 10-10- 5: Restoration Of Damaged Buildings
- 10-10- 6: One-Year Vacancy
- 10-10- 7: Continuation Of Use
- 10-10- 8: Occupation Within One Year
- 10-10- 9: Change Of Use
- 10-10-10: Nonconforming Use Of Land

10-10-1:     **MAINTENANCE PERMITTED:** A nonconforming building or structure may be maintained. (Ord. A-1, 5-21-1981)

10-10-2:     **REPAIRS OR ALTERATIONS:** Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use. (Ord. A-1, 5-21-1981)

10-10-3:     **ADDITIONS, ENLARGEMENTS AND MOVING:** 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, except as permitted by the board of adjustment. (Ord. A-1, 5-21-1981)

10-10-4:     **ALTERATION WHERE PARKING INSUFFICIENT:** A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered or enlarged, provided additional automobile parking space is supplied to meet



the requirements of this title for such alteration or enlargement. (Ord. A-1, 5-21-1981)

**10-10-5: 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, earthquake or other calamity, or act of God or the public enemy, may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion. (Ord. A-1, 5-21-1981)

**10-10-6: 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 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. (Ord. A-1, 5-21-1981)

**10-10-7: CONTINUATION OF USE:** The occupancy of a building or structure by a nonconforming use, existing at the time the ordinance codified herein became effective, may be continued. (Ord. A-1, 5-21-1981)

**10-10-8: OCCUPATION WITHIN ONE YEAR:** A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became nonconforming. (Ord. A-1, 5-21-1981)

**10-10-9: 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. (Ord. A-1, 5-21-1981)

**10-10-10: NONCONFORMING USE OF LAND:** The nonconforming use of land, existing at the time the ordinance codified herein 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,

10-10-10

10-10-10

or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land shall be in conformity with the provisions of this title. (Ord. A-1, 5-21-1981)



## CHAPTER 11

**PARKING AND LOADING SPACE**

## SECTION:

- 10-11-1: Off-Street Parking Required
- 10-11-2: Parking Space For Dwellings
- 10-11-3: Parking Space For Buildings Or Uses Other Than Dwellings
- 10-11-4: Location Of Parking Space
- 10-11-5: Parking Lot Regulations
- 10-11-6: Off-Street Truck Loading Space

10-11-1: **OFF-STREET PARKING REQUIRED:** There shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions of ingress and egress by standard-sized automobiles as hereinafter provided. (Ord. A-1, 5-21-1981)

10-11-2: **PARKING SPACE FOR DWELLINGS:** In all zones there shall be provided in a private garage, or in an area properly located for a future garage, a hard-surfaced space for the parking of one automobile for the first six hundred (600) square feet or fraction thereof of gross floor area in a new dwelling, plus one extra parking stall for each additional eight hundred (800) square feet or fraction thereof, plus one additional parking space for each six hundred (600) square feet of such space added in the case of the enlargement of an existing building. In no case shall there be less than one such parking space nor more than three (3) such parking spaces for each dwelling unit. There shall be no change of use without the attendant space to accommodate the increased off-street parking needs. A minimum parking space shall be at least nine feet by twenty feet (9' x 20'). (Ord. A-1, 5-21-1981)

10-11-3: **PARKING SPACE FOR BUILDINGS OR USES OTHER THAN DWELLINGS:**

- A. For a new building, or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building,

there shall be at least one permanently maintained parking space of not less than one hundred eighty (180) square feet net area (9 feet by 20 feet) as follows:

Boarding houses	At least 1 parking space for every 1½ persons for whose accommodation the building is designed or used.
Church, school, college and university auditoriums and theaters, general auditoriums, stadiums and other similar places of assembly	At least 1 parking space for every 5 fixed seats provided in said buildings or structures.
Hospitals	At least 1 parking space for each 2 beds, including infant cribs and children's beds.
Hotels and/or motels	At least 1 parking space for each 2 sleeping rooms up to and including the first 20 sleeping rooms, and 1 parking space for each 3 sleeping rooms over 20 sleeping rooms.
Medical and dental clinics	At least 15 parking spaces; provided, that 3 additional parking spaces shall be provided for each doctor or dentist having offices in such clinic in excess of 3 doctors or dentists.
Mortuaries	At least 30 parking spaces.
Restaurants or establishments that serve meals, lunches or drinks to patrons either in their cars or in the building, for retail stores selling directly to the public and recreational places of assembly	At least 1 space for each 100 square feet of floor space in the building and 1 space for each 2 employees working on the highest employment shift or 5 parking spaces, whichever requirement is the greater.
For all business or industrial uses not listed above, not providing customer services on the premises	1 parking space for each 2 employees working on the highest employment shift.

(Ord. A-1, 5-21-1981; amd. 2001 Code)

- B. In no case shall a building be constructed, altered or increased where, if the foregoing parking provisions are inadequate to provide sufficient spaces for all employees and customers combined, the provision of adequate parking spaces shall supersede any and all foregoing formulas. (Ord. A-1, 5-21-1981)

**10-11-4: LOCATION OF PARKING SPACE:** Parking space as required above shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located not farther than five hundred feet (500') therefrom. (Ord. A-1, 5-21-1981)

**10-11-5: PARKING LOT REGULATIONS:** Every parcel of land hereafter used as a parking lot shall be paved with a surfacing material of oil, asphalt or concrete composition and shall have appropriate bumper guards where needed as determined by the building inspector. Any lights used to illuminate the lot shall be so arranged as to reflect the light away from adjoining premises in any residential zone. (Ord. A-1, 5-21-1981)

**10-11-6: OFF-STREET TRUCK LOADING SPACE:** On the same premises with every building, structure or part thereof, erected and occupied or increased in capacity after the effective date hereof, for manufacturing, storage, warehouse, goods display, department store, grocery, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt or distribution by vehicle of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys. (Ord. A-1, 5-21-1981)

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## CHAPTER 12

**SIGNS**

## SECTION:

- 10-12-1: Permitted Signs  
 10-12-2: Animated, Flashing, Intermittent, Roof Signs  
 10-12-3: Construction  
 10-12-4: Illumination  
 10-12-5: Location Of Signs

- 10-12-1: **PERMITTED SIGNS:** The following described signs shall be allowed as indicated in the accompanying table:

See Definitions	Maximum Size In Square Feet	Maximum Height In Feet* For Freestanding Signs	Permitted Use	Conditional Use	Type Of Illumination
Advertising	35	16	Industrial	Commercial	Indirect
Business	35	16	Commercial Industrial		Indirect Flood
Identification	12	8	All zones		Indirect
Nameplate	2	8	All zones		Indirect
Property, sale, lease, trespass	6	8	All zones		None
Property, other	35	16	All zones		None
Public information	18	8		All zones	Indirect
Temporary	35	16	All zones		None
*The distance from the top of the sign to the ground supporting it.					

(Ord. A-1, 5-21-1981)



10-12-2:     **ANIMATED, FLASHING, INTERMITTENT, ROOF SIGNS:**  
Animated, flashing, intermittent or roof signs are not allowed in any of the zones in this title. (Ord. A-1, 5-21-1981)

10-12-3:     **CONSTRUCTION:** All signs in commercial zones shall have a surface of noncombustible material; provided, however, that combustible structural trim may be used thereon. (Ord. A-1, 5-21-1981)

10-12-4:     **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. (Ord. A-1, 5-21-1981)

10-12-5:     **LOCATION OF SIGNS:** All signs shall be so located in order to permit a clear view of intersecting streets as provided in this title. In any zone requiring a front yard, all ground signs in that zone shall adhere to the front yard requirements. (Ord. A-1, 5-21-1981) There must be a minimum of 600 feet between signs along Utah State Road 30. There must be a minimum of 600 feet between freestanding signs in the commercial zone. (Ordinance 2019-04   3/4/2020)

March 2020