

ORDINANCE 14-04

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 17 of the Hyrum City Municipal Code is known as the Zoning Ordinance of Hyrum City and sets forth regulations governing land use within the municipal limits; and

WHEREAS, Section 17.45.020 of Title 17 lists permitted uses in the Commercial C-2 Zone ; and

WHEREAS, after further review the Planning Commission is recommending adding Commercial Storage Units as a permitted use in the Commercial C-2 Zone; and

WHEREAS, Hyrum City's ordinance requires corner lots in all zones to have a side yard width which faces the street to not less than 30 feet for main and accessory buildings; and

WHEREAS, in order to provide property owners additional property to add garages to their homes the Planning Commission is recommending reducing corner lots side yard width which faces the street for main buildings to 25 feet.

NOW, THEREFORE, following a public hearing as required by Section 17.08.150 and upon recommendation of the Planning Commission, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE AS FOLLOWS: SECTION 17.45.020 TO ALLOW COMMERCIAL STORAGE UNITS AS A PERMITTED USE IN THE COMMERCIAL C-2 ZONE; AND TO AMEND THE SIDE YARD WIDTH WHICH FACES THE STREET TO NOT LESS THAN 25 FEET FOR MAIN BUILDINGS IN RESIDENTIAL R-1 AND R-2 ZONES, RESIDENTIAL AGRICULTURAL R-A ZONE, AND COMMERCIAL C-1 AND C-2 ZONES.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Section 17.45.020 Of Title 17 of the Hyrum City Municipal Code is hereby amended to read as follows:

**17.45.020 Use regulations.**

In this zone, no land use shall be permitted except those designated below. No uses will be permitted that will result in a public nuisance because of odor, noise or visual offense, such as junkyards, animal shelters, garbage disposal, heavy manufacturing,

stables and the killing and dressing of poultry and animals. In the commercial zone C-2, the following land uses shall be permitted:

A. Permitted Uses:

1. Single family dwellings with driveways, garages, off-street parking, fences and landscaping, utility lines, gardens, family food production (Per Chapter 17.85) and recreation animals.
2. Dwelling two family accessory apartment
3. Boarding or rooming house
4. Hotel or motel
5. Community centers
6. Churches and accessory buildings including rectories
7. Nursing homes
8. Schools (public and private)
9. Parks and playgrounds
10. Public structures (i.e. courts, City hall, fire stations, public works, electrical, gas, and telephone transmission stations, etc.).
11. Communication facilities (radio or TV transmission, telephone transmission, etc.)
12. Office buildings
13. Retail sales (groceries, bakeries, lumberyards, auto & trailer sales, hardware, clothing, etc).
14. Service industries, (laundry, carwash, barbers, auto repairs, restaurants, clinics & doctors offices, tailors, appliance repair, equipment repair, etc.).
15. Residential facilities for persons with a disability.
16. Residential facilities for the elderly.
17. Planned unit development.
18. Storage Units - Commercial.

B. Permitted accessory uses:

1. Accessory buildings.
2. Professional child care.
3. Swimming pools.
4. Home Occupations.
5. Combustible and flammable liquids over 500 gallons above or below ground.
  - a. Combustive and flammable liquids stored in containers in excess of 500 gallons are permitted in this zone provided the following conditions are met:
    - i. Must meet all of the requirements of the uniform building and fire codes.
    - ii. Must be emplaced in such a location as to allow loading and unloading operations to

be away from public sidewalks and roadways.

C. Conditional Uses:

1. Taverns.
2. Dancehall or night club.
3. Light manufacturing.

2. Sections 17.24.050, 17.28.040, 17.30.040, 17.38.040, 17.44.160, and 17.45.160 Of Title 17 of the Hyrum City Municipal Code is hereby amended to read as follows:

**17.24.050 Yard regulations.**

- A. Side yards shall have a minimum of twelve (12) feet on one side which has no encroachment (to provide vehicular access to back yard) and eight (8) feet on the other. The total width of the two required side yards shall not be less than twenty (20) feet. On corner lots, the side yard width which faces the street shall not be less than thirty (30) feet for ~~main~~ and accessory buildings and twenty five (25) feet for main buildings. Also, on corner lots the back yard thirty-foot (30') setback shall be allowed on the long axis of the property, irrespective of which street the house faces.
- B. The minimum setback for main building front walls shall not be less than thirty (30) feet from the property line. An exception is allowed if the other houses on the block, on the same side of the street, are setback less than thirty (30) feet. In this case the setback shall be the average of the existing buildings, but in no case shall setback be less than fifteen (15) feet.
- C. Attached garages are considered a part of the main building for purposes of establishing front, side and rear setbacks.
- B. Detached garages may be emplaced at the thirty (30) foot front setback line but the combination of house and garage must still meet the side yard setback stipulated in "A" above if the front of the garage is not behind a line established by the back wall of the house.
- C. Detached garages emplaced elsewhere on the lot shall have minimum side and rear setbacks of one (1) foot.
- D. All other accessory buildings (ie sheds, barns, etc.) shall be emplaced at least ten (10) feet to the rear of the main building and have minimum side and rear lot line setbacks of one (1) foot. Persons wishing to deviate from this standard may seek exception by presenting a design for review to the Planning Commission. The Planning Commission will consider structure design, landscaping, proximity to neighboring dwellings, and other pertinent data.

- E. The minimum rear yard depth from any main building shall not be less than thirty (30) feet.
- F. Front setback will be measured from the property line to the nearest point on the front wall of the structure with the following exceptions:
  - 1. When a porch extends toward the street having a roof supported by columns. The measurement will be made to the closest column.
  - 2. When a structure has an extended roof overhang or porch roof in excess of two feet, the setback will be measured to the front edge of the roofline and will be reduced to a twenty-eight (28) foot minimum.
  - 3. Where both extended roof overhang and support columns exist, the measurement will be made to whichever point (overhang or columns) that yields the greater setback.
- I. Side setback will be measured from the side property line to the nearest point on the side wall of the structure with the following exceptions:
  - 1. If any portion of the structure (except the roof), extends closer to the property line than the side wall, it will become the measurement point (e.g. bay windows, foundations, etc).
  - 2. When the side roof overhang extends more than two (2) feet beyond the wall. Side setback will be measured from the property line to the roof edge. The required minimum will be reduced by two (2) feet. (Example, a roof overhang extends three feet out from the side wall and a twelve (12) foot setback is required on that side. The adjusted setback of ten (10) feet would be measured from the property line to the edge of the roof).
- J. Rear setback will be measured from the rear property line to the rear wall of the structure with the following exceptions:
  - 1. If a covered patio is attached to the house, the rear wall of the patio will become the measurement point.
- K. Roofs and side lots must be designed as to ensure that snow and water runoff falls within the property on which the structure is located. Side lots must be configured so as to minimize roof runoff flowing to neighboring properties.

3. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This

repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

4. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

5. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

6. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 19<sup>th</sup> day of June, 2014.

HYRUM CITY

BY: \_\_\_\_\_  
Stephanie Miller  
Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Fricke  
City Recorder

Posted: \_\_\_\_\_