

ORDINANCE 14-12

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 17.04.070 of the Hyrum City Municipal Code defines storage of autos but doesn't specifically list storage of operative automobiles/RV's in good repair; and

WHEREAS, upon recommendation from the Utah League of Cities and Towns Section 17.08.150 of the Hyrum City Municipal Code needs to include a statement that rezoning applications are discretionary legislative decisions; and

WHEREAS, the Hyrum City Council adopted Ordinance 14-09 repealing the Residential R-4 Zone and Section 17.20.010 needs to be amended to reflect that change; and

WHEREAS, Section 17.49.020 of the Hyrum City Municipal Code sets forth use regulations for the Manufacturing Zone M-2 and lists permitted uses, permitted accessory uses, and conditional uses; and

WHEREAS, the Hyrum City Council wants to encourage businesses in Hyrum City's Manufacturing Zone M-2 by allowing bakeries, food processing mills, office buildings, and retail sales as permitted uses in the M-2 Zone; and

WHEREAS, the Hyrum City Council has determined there is a need to reduce the frontage of residential lots in major subdivisions to 82 1/2 feet, reduce residential lots size to 9,900 square feet; and residential lot side yards reduced to eight feet and ten feet.

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

AN ORDINANCE AMENDING SECTIONS 17.04.070, 17.08.150, 17.20.010, AND 17.49.020 OF TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO AMEND THE DEFINITION OF STORAGE OF AUTO/RV'S IN GOOD REPAIR TO BE ALLOWED WITHIN A 6' ENCLOSURE, WALL, OR FENCE; FURTHER DEFINE REZONE APPLICATIONS AS A

DISCRETIONARY LEGISLATIVE DECISION; TO DELETE THE LISTING OF THE R-4 RESIDENTIAL ZONE; AND TO ALLOW BAKERIES, FOOD PROCESSING MILLS, OFFICE BUILDINGS, AND RETAIL SALES AS A PERMITTED USE RATHER THAN A CONDITIONAL USE IN THE M-2 MANUFACTURING ZONE.

1. Section 17.04.070 Definitions "Storage of Autos" of the Hyrum City Municipal Code is hereby amended to read as follows:

17.04.070 Definitions.

Storage of autos - "Storage of autos" means a tract of land devoted to storing operative and/or inoperative automobiles and/or other vehicles that is enclosed by a wall of at least eight feet in height, and which accommodates, on a continuing basis, the storage of such automobiles and/or vehicles. Storage of operative automobiles/RV's, in good repair, may be allowed within a six foot enclosure, wall, or fence, as determined by the Planning Commission. In no instance shall wrecking and/or salvage operations be affiliated with the use of the land.

2. Section 17.08.150 of the Hyrum City Municipal Code is hereby amended to read as follows:

17.08.150 Amendments.

The ordinance codified in this title, including zoning maps, may be amended from time to time by the City Council after ten days' notice and public hearing. A public hearing must be held by the Planning Commission. All proposed amendments shall first be recommended by the Planning Commission or shall be submitted to the Planning Commission for its recommendation which shall be returned to the City Council for its consideration within thirty days. Submissions to each of these agencies shall be made a minimum of two weeks prior to the next regularly scheduled meetings. Failure of the Planning Commission to submit its recommendation within the prescribed time shall be deemed approval by such commission of the proposed change or amendment. The City Council may overrule the Planning Commission's recommendations by a majority vote of its members. Zoning changes initiated by residents in the area proposed for rezoning must be supported by a petition signed by seventy-five percent of the property owners in the area proposed for change. Said petition shall include information as to why the resident(s) want(s) to change the zoning ordinance or the zoning map and clearly identify the differences between the current code or zone and the proposed code or zone, especially the differences between permitted uses, permitted accessory uses, and conditional uses. Residents applying for a rezone shall first pay a nonrefundable filing fee to Hyrum City. Rezoning applications are discretionary legislative decisions. (Ord. 08-07)

3. Section 17.20.010 of the Hyrum City Municipal Code is hereby amended to read as follows:

17.20.010 Designated.

For the purposes of this title, the City is divided into several zoning districts, as follows:

Zone

- OS Open Space
- R-1 Residential
- R-2 Residential
- R-3 Residential
- ~~R-4 Residential~~
- R-5 Residential
- R-2A Residential Multi-Family Housing
- RA Rural Agricultural
- C-1 Commercial
- C-2 Commercial
- M-1 Light Manufacturing
- M-2 Manufacturing
- PT Professional Technology Park

(Ord. 13-02)

4. Section 17.49.020 of the Hyrum City Municipal Code is hereby amended to read as follows:

17.49.020 Use Regulations.

In this zone, no land use shall be permitted except those designated below.

A. Permitted uses:

- 1. Auto repair
- 2. Kennel
- 3. Manufacturing plants (no excessive noise, dust, smoke, or odor)
- 4. Maintenance and repair facilities
- 5. Paint shops
- 6. Storage units, commercial warehouses
- 7. Storage yards (i.e. sand, gravel, lumber, etc.)
- 8. Public structures (i.e. courts, city hall, fire stations, public works, electrical, gas, and telephone transmission lines and stations, etc.)
- 9. Communication facilities (radio, television, telephone transmission, etc.)
- 10. Bakeries
- 11. Food processing/mills
- 12. Office buildings
- 13. Retail Sales

B. Permitted accessory uses:

- 1. Combustible and flammable liquids over 500 gallons

C. Conditional uses:

- 1. Animal farms (fowl, cattle feedlots, etc.)
- 2. Packing plants/~~food processing mills~~
- 3. Auto wrecking yards
- 4. Sand, gravel, asphalt operations
- 5. Heavy industry with potential for moderate noise, smoke/dust
- 6. Office building

- 7. ~~Retail Sales~~
- 8. Sexually-oriented business

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.

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.

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

ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 20th day of November, 2014.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: _____