

ORDINANCE 13-02

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, including establishment of zones and use regulations; and

WHEREAS, the City Council, following an open house and public hearing held by the Planning Commission, and upon its recommendation, has determined there is a need to amend those regulations governing multi-family housing by no longer allowing new multi-family housing as conditional uses in Residential Zones R-2 and R-4, to create an R-2A Residential Zone allowing multi-family housing units, and by placing architectural design standards on all new multi-family housing units;

NOW, THEREFORE, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING TITLE 17, OF THE HYRUM CITY MUNICIPAL CODE, THE ZONING ORDINANCE TO ADD ARCHITECTURAL DESIGN STANDARDS FOR MULTI-FAMILY HOUSING; TO CREATE CHAPTER 17.30 RESIDENTIAL ZONE R-2A; AND TO RESTRICT MULTI-FAMILY HOUSING TO RESIDENTIAL R-2A, COMMERCIAL ZONES C-1 AND C-2, AND PLANNED UNIT DEVELOPMENTS.

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

1. Section 17.28.005 of Chapter 17.28 Residential Zone R-2 of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.28.005 Purpose.

The R-2 Zone is a mixed density residential zone. It's minimum lot size is 12,000 square feet for a single family dwelling, ~~larger lots for multi family dwellings. No more than one multi family dwelling is permitted per city block, and must be spaced at least 660 feet apart.~~

A Senior Housing Development would be considered in this zone provided that it would be placed in close proximity to The Senior Center and retail areas. Blocks 16 and 25 of Plat 01-024 are

suitable for this use. Due to the higher density envisioned in a residential housing development for seniors, it would have to be pursued as a Planned Unit Development (PUD).

2. Section 17.28.010 of Chapter 17.28 Residential Zone R-2 of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.28.010 Use regulations.

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

A. Permitted uses:

1. Single family dwellings with driveway, garages, off-street parking, fences and landscaping, utility lines, gardens, family food production (per 17.85), and recreation animals.
2. Dwelling two-family accessory apartment.
3. Public schools with attendant off-street parking, accessory buildings, and playground.
4. Public structures such as electrical, gas, telephone transmission, and fire stations.
5. Public parks and playing fields.
6. Churches with associated off-street parking and accessory buildings.
7. Community center.
8. Residential facilities for persons with a disability.
9. Residential facilities for the elderly.
10. Planned unit development.

B. Permitted Accessory Uses:

1. Accessory buildings.
2. Swimming pool.
3. Professional child care.
4. Home Occupation.

C. Conditional uses:

- ~~1. Duplex, triplex or fourplex.~~
12. Nursing home.
23. Private schools.

3. Section 17.28.020 of Chapter 17.28 Residential Zone R-2 of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.28.020 Area regulations.

The minimum lot area for a single family dwelling is 12,000 square feet, ~~for a duplex dwelling it is 13,500 square feet, for a~~

~~triplex dwelling it is 15,000 square feet and for a fourplex it is 16,500 square feet.~~

4. Section 17.28.030 of Chapter 17.28 Residential Zone R-2 of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.28.030 Frontage regulations.

- A. The setback line from the property line for all main buildings shall not be less than thirty (30) feet.
- B. New annexations and new subdivisions shall have a minimum lot width of one hundred (100) feet, with the exception of mini-subdivisions which will be allowed minimum lot width of eighty two and one half (82 ½) feet.
- C. Establishing setback for lots with concave or convex front property lines: It is intended that the nearest portion of the building to the street be setback at least thirty (30) feet from the front property line, and that the width of the property be not less than one hundred (100) feet at that point (see illustration). The property may not be narrower than forty feet at the front property line.
- ~~D. Lots on which multi-family units are to be emplaced will have a minimum frontage of one hundred (100) feet at both the street and setback line.~~

5. Section 17.28.070 of Chapter 17.28 Residential Zone R-2 of Title 17 of the Hyrum City Municipal Code is hereby repealed.

~~17.28.070 Duplexes, triplexes, and fourplexes.~~

~~Multi-family housing will be limited to four (4) family units per City block (the full area of the block not linear). This can consist of two (2) duplexes or one (1) triplex or one (1) fourplex.~~

~~The following criteria must be met for duplexes, triplexes, and fourplexes of new construction, while conversion of existing structures into multi-family housing will be considered on a case-by-case basis:~~

- ~~A. Front setbacks shall be a minimum of thirty (30) feet and shall be landscaped.~~
- ~~B. Side yards must have landscaped strips a minimum of fifteen (15) feet in width.~~
- ~~C. A minimum of 50% of the lot must be open and landscaped.~~
- ~~D. A minimum of 10% of the lot shall be provided as a children's playground (not to be counted as part of C above).~~

- ~~E. The front of the Duplex, Triplex, or fourplex shall face the street.~~
- ~~F. Off street parking will be provided. Two and one half (2½) spaces for each housing unit (not to be counted as part C or D above).~~
- ~~G. Parking lot to be asphalt or cement, to have poured concrete bumpers and curbs.~~
- ~~H. Parking lot to be at rear of dwelling units.~~
- ~~I. Trash area to be screened from neighbors view.~~
- ~~J. Light proof fence, shrubs, or wall a minimum of six (6) feet tall on side(s) of parking lot facing neighbor's property.~~
- ~~K. Curbs and gutters, planting strip, and sidewalk along public roadways where adjacent to existing curb, gutter, and sidewalks.~~
- ~~L. Duplexes, triplexes, or fourplexes may not be located closer than 660 feet, as measured from the midpoint of the platted front property line to the midpoint of the platted front property line to any other duplex, triplex, or fourplex. Measurements are made from City plats following front property lines and include distances to cross streets at right angles as required.~~
- ~~M. Site Plan Evaluation — In considering a recommendation for approval for multi family housing, the Planning Commission will also act as an Architectural Review Committee, and will evaluate the Site Plan for:
 - ~~1. Building materials, colors and architectural features to create an attractive, well planned facility that will blend harmoniously with the neighborhood.~~
 - ~~2. Open space and playground area that will provide a safe, comfortable and pleasant environment.~~
 - ~~3. Well planned exterior lighting.~~
 - ~~4. Good vehicular and pedestrian movement.~~
 - ~~5. A landscaping plan showing proposed grass, shrubbery, trees and other planting features for the site.~~
 - ~~6. A landscape maintenance plan.~~
 - ~~7. Other amenities planned for the site.~~~~

6. Chapter 17.30 Residential Zone R-2A of Title 17 of the Hyrum City Municipal Code is hereby enacted as follows:

Chapter 17.30

RESIDENTIAL ZONE R-2A

Sections:

- 17.30.005 Purpose
- 17.30.010 Use regulations.
- 17.30.020 Area regulations.
- 17.30.030 Frontage regulations.
- 17.30.040 Yard regulations.
- 17.30.045 Residential landscaping.
- 17.30.050 Height regulations.
- 17.30.060 Manufactured housing.
- 17.30.070 ~~Duplexes, triplexes, and fourplexes~~ Multi-Family Housing.
- 17.30.071 Residential facilities for persons with a disability.
- 17.30.072 Residential facilities for elderly persons.
- 17.30.073 Use of trailers, campers, and RVs on residential lots.
- 17.30.075 Dwelling two-family accessory apartment.
- 17.30.078 Public structures.
- 17.30.080 Lots in separate ownership.
- 17.30.085 Reduced lot size/setback due to government action.
- 17.30.090 Building prohibited.
- 17.30.100 Dwelling to be located and maintained on a lot.
- 17.30.105 Lots severed from parcels creating flag lots.
- 17.30.110 Separately-owned lots - Reduced yards.
- 17.30.120 Yards to be unobstructed - Exceptions.
- 17.30.130 Walls, fences, or hedges.
- 17.30.140 Area of accessory buildings.
- 17.30.150 Exceptions to height limitations.
- 17.30.160 Minimum height of main building.
- 17.30.170 Clear view of intersecting streets.
- 17.30.180 Building permits - Nonconforming lots.
- 17.30.190 Driveways.
- 17.30.205 Lot line adjustments.
- 17.30.210 Restricted lots.
- 17.30.220 Movement of structures.
- 17.30.225 Off-street parking required.
- 17.30.230 Off-street parking - General requirements.
- 17.30.240 Off-street parking- Specific requirements.
- 17.30.250 Off-street parking - Special regulations.
- 17.30.260 Parking lot regulations.
- 17.30.270 Off-street truck loading space.
- 17.30.280 Motor vehicle access designated.

17.30.005 Purpose.

The R-2A Zone is a mixed density residential zone. The minimum lot size is 12,000 square feet for a single family dwelling, larger lots for multi-family dwellings. No more than one multi-family dwelling is permitted per city block, and must be spaced at least 660 feet apart.

17.30.010 Use regulations.

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

A. Permitted uses:

1. Single family dwellings with driveway, garages, off-street parking, fences and landscaping, utility lines, gardens, family food production (per 17.85), and recreation animals.
2. Dwelling two-family accessory apartment.
3. Public schools with attendant off-street parking, accessory buildings, and playground.
4. Public structures such as electrical, gas, telephone transmission, and fire stations.
5. Public parks and playing fields
6. Churches with associated off-street parking and accessory buildings.
7. Community center.
8. Residential facilities for persons with a disability.
9. Residential facilities for the elderly.
10. Planned unit development.
11. Duplex, triplex, or fouxplex.

B. Permitted Accessory Uses:

1. Accessory buildings.
2. Swimming pool.
3. Professional child care.
4. Home Occupation.

C. Conditional uses:

1. Nursing home.
2. Private schools.

17.30.020 Area regulations.

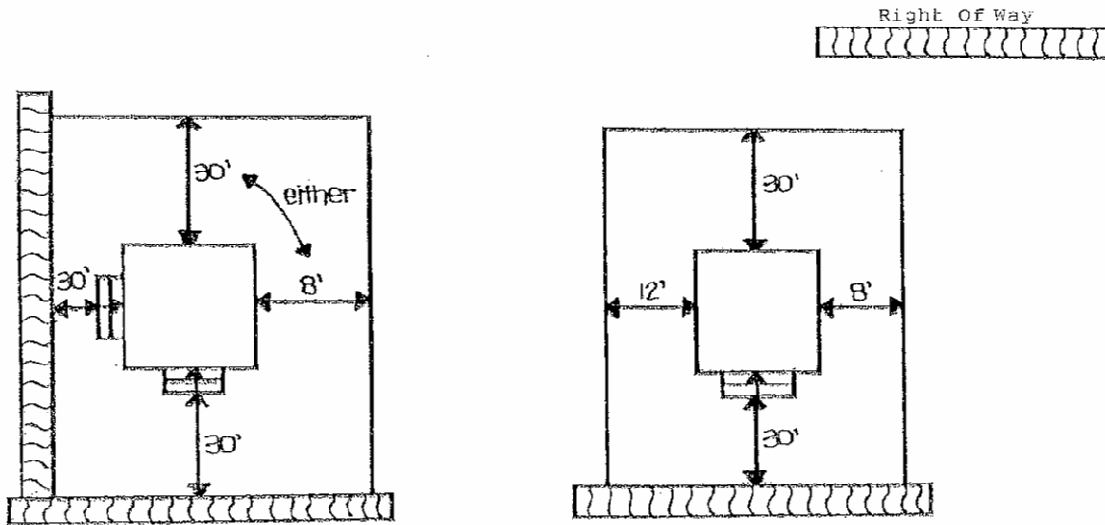
The minimum lot area for a single family dwelling is 12,000 square feet, for a duplex dwelling it is 13,500 square feet, for a triplex dwelling it is 15,000 square feet and for a fourplex it is 16,500 square feet.

17.30.030 Frontage regulations.

- A. The setback line from the property line for all main buildings shall not be less than thirty (30) feet.

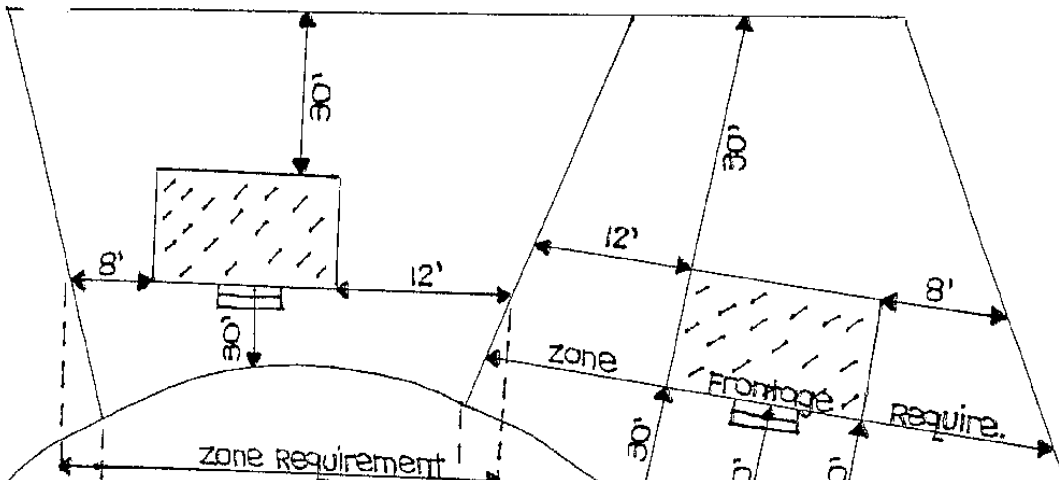
- B. New annexations and new subdivisions shall have a minimum lot width of one hundred (100) feet, with the exception of mini-subdivisions which will be allowed minimum lot width of eighty two and one half (82 ½) feet.
- C. Establishing setback for lots with concave or convex front property lines: It is intended that the nearest portion of the building to the street be setback at least thirty (30) feet from the front property line, and that the width of the property be not less than one hundred (100) feet at that point (see illustration). The property may not be narrower than forty feet at the front property line.
- D. Lots on which multi-family units are to be emplaced will have a minimum frontage ~~of one hundred (100) feet~~ at both the street and setback line of 100 (100) feet for a duplex, one hundred and fifteen (115) feet for a triplex, and one hundred and thirty (130) feet for a fourplex.

Minimum Residential Setbacks



Corner Lot House
Facing short or long

Non Corner Lot House
The 8' and 12' side setbacks



17.30.040 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 feet for main and accessory 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 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.
- D. 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).
- E. Detached garages emplaced elsewhere on the lot shall have minimum side and rear setbacks of one (1) foot.
- F. 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. In no case shall any portion of the structure extend beyond the lot line. 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.
- G. The minimum rear yard depth from any main building shall not be less than thirty (30) feet.
- H. 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 (3) 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.

17.30.045 Residential Landscaping.

- A. It is the intent of this Section to ensure the timely installation of landscaping within the front yard areas of residential lots issued a building permit after December 4, 2008.
- B. The front yard area of any residential lot containing a new dwelling shall be landscaped. It shall be unlawful for the owner of any residential lot within the City to refuse to install and maintain landscaping within the front yard area of any residential lot containing a dwelling.

1. Major Subdivisions: The front yard area shall consist of the entire lot area from and including the front planting strip to the face of the dwelling, or the front setback area, whichever is greater. Corner lots have two (2) front setback areas. On lots with unusually large frontage areas, a request for possible adjustment to this requirement may be made to the Planning Commission.
 2. Minor Subdivisions: Lots not located in a major subdivision are required to landscape a minimum area of thirty (30) feet wide and eighty two and one half (82 1/2) feet in length, in front of the dwelling. If dwelling is located on a corner lot, a minimum of thirty (30) feet is also required to be landscaped on the side of the dwelling adjacent to the street. On all lots landscaping shall be properly maintained including removing weeds and mowing turf areas. Turf grass shall not exceed six inches (6") in height.
- C. The term "landscaping" shall mean and include the installation of any combination of turf (including either sod or seeded area), planter beds, gardens, trees and shrubs, statuary, boulders, rock areas or other customary landscape features that occupy the entire unpaved portion of the front yard area.
1. Xeriscape Permitted - Nothing in this Section shall be construed to prohibit the use of drought tolerant vegetation (xeriscape), and non-vegetative materials. Provided, however, failure of an owner to install and maintain landscaping within the front yard area under the guise that the vegetation and bare ground that occur naturally on the site constitutes xeriscaping shall not qualify as conforming with the provisions of this Section.
- D. Prior to issuance of a building permit, a cash deposit of two thousand dollars (\$2,000) will be issued to the City. The two thousand dollar (\$2,000) construction deposit can be used to satisfy this requirement, together with a landscaping completion agreement signed by the owner of the property. The proceeds from this deposit may be released as the landscape improvements are completed, with a maximum of three (3) draws, as approved by the Zoning Administrator or other designated City Employee.
- E. The landscape features required by this Section shall be installed within eighteen (18) months of issuance of a Final Occupancy Approval for the dwelling. Notice of

this requirement shall be given to the Owner/Builder prior to, or at the time of Final Occupancy Approval.

- F. The Zoning Administrator, or other designated City Employee, is hereby charged with the responsibility for enforcement of this Section.
- G. The owner of any dwelling aggrieved by the issuance of an Administrative Citation or deposit forfeiture shall have and maintain a right to appeal to the Administrative Appeals Hearing Officer, provided appeal shall be submitted not less than ten (10) days following the issuance of the Administrative Citation or forfeited deposit.
- H. Any public or private entity violating any of the provisions of this Section, as determined by a finding by the Zoning Administrator or other designated City Employee, shall be subject to penalties outlined in Section 17.08.180.

17.30.050 Height regulations.

No building shall be erected to a height greater than two and one-half (2½) stories or thirty-five (35) feet except as otherwise provided. No dwelling structure shall be erected to a height of less than ten feet.

17.30.060 Manufactured housing.

Manufactured housing will be permitted in zone R-2A, subject to the provisions of Chapter 17.76 of this code.

17.30.070 ~~Duplexes, triplexes, and fourplexes~~ Multi-family Housing.

Multi-family housing, unless approved as a PUD, will be limited to four (4) family units per City block (the full area of the block not linear). This can consist of two (2) duplexes or one (1) triplex or one (1) fourplex. The following criteria must be met for duplexes, triplexes, and fourplexes all multi-family housing of new construction, while and conversion of existing structures into multi-family housing ~~will be considered on a case-by-case basis:~~

- A. ~~Front yard must have a landscaped area a minimum of ten (10) feet in width. Front setback shall be a minimum of thirty (30) feet and shall be landscaped.~~
- B. Side yards must have landscaped strips a minimum of ~~fifteen (15)~~ ten (10) feet in width.
- C. ~~A minimum of 50% of the lot must be open and landscaped.~~
- D. ~~A minimum of 10% of the lot shall be provided as a children's playground (not to be counted as part of C above).~~

- ~~F. Off street parking will be provided. Two and one half (2½) spaces for each housing unit (not to be counted as part C or D above).~~
- ~~G. Parking lot to be asphalt or cement, to have poured concrete bumpers and curbs.~~
- ~~H. Parking lot to be at side or rear of dwelling units.~~
- ~~I. Trash area to be screened from neighbors view.~~
- ~~J. Light proof fence, shrubs, or wall a minimum of six (6) feet tall on side(s) of parking lot facing neighbor's property.~~
- ~~K. Curbs and gutters, planting strip, and sidewalk along public roadways where adjacent to existing curb, gutter, and sidewalks.~~
- C. The front of the multi-family housing units shall face the street.
- D. Duplexes, triplexes, or fourplexes Multi-family housing developments may not be located closer than 660 feet, as measured from the midpoint of the platted front property line to the midpoint of the platted front property line to any other duplex, triplex, or fourplex. Measurements are made from City plats following front property lines and include distances to cross streets at right angles as required.
- E. In considering a recommendation to the City Council for approval for multi-family housing, the Planning Commission will also act as an Architectural Review Committee, and will evaluate the Site Plan for meeting the following standards:
- ~~1. Building materials, colors and architectural features to create an attractive, well planned facility.~~
 - ~~2. Open space and playground area that will provide a safe, comfortable and pleasant environment.~~
 - ~~3. Well planned exterior lighting.~~
 - ~~4. Good vehicular and pedestrian movement.~~
 - ~~5. A landscaping plan showing proposed grass, shrubbery, trees and other planting features for the site.~~
 - ~~6. A landscape maintenance plan.~~
 - ~~7. Other amenities planned for the site.~~
1. Buildings.
 - a. A building's modulation, articulation, details, and materials shall be arranged to give the building the appearance of a large single-family detached home.
 - b. Multi-family residential buildings require the exterior building walls to be composed of the

- required brick or stone, equal to a minimum of one (1) times the square feet of the exterior building perimeter.
- c. Buildings shall be attractive and durable. To ensure this, buildings shall be constructed of high-quality materials and require minimal maintenance. Exterior materials allowed for use on visual (from street) elevations of the building are: stone, cast stone, brick, synthetic stone, stucco, water-managed EIFS, cement board, and wood.
 - d. Walls of buildings are to have relief features with a variety of different wall planes and roof planes, which may include pop-outs, recesses, columns, variation in materials, etc. Relief is to be seen at a minimum of every twenty five feet (25') of wall length.
 - e. All exterior building material colors shall be earth tones.
 - f. Buildings shall have consistent detailing on all four elevations; a building shall have building details and proportions to ensure a "four-sided" architectural quality for the building with emphasis on the street visual sides.
 - g. Building design shall respect the context of adjacent residential neighborhoods, including the height, scale, form, and character of surrounding development.
 - h. Residential buildings shall limit the use of long, monotonous facades. The maximum length of multi-family buildings shall be 200 (two hundred) feet.
 - i. Roofs shall have a minimum 6" fascia, minimum 6/12 pitch on over 80% of roofs, no pitch flatter than 4½ /12.
 - j. Building roofs shall be attractive and durable. To ensure this, roofs shall be constructed of high-quality materials and require minimal maintenance. Pitched roofs shall be finished with wood shingles, slate, clay tiles, concrete tiles, standing-seam metal, or composition shingles. Use of other materials is subject to approval by the Planning Commission.
 - k. Roofs shall be simple hip, shed, or gable configurations. Roofline offsets shall be

provided to lend architectural interest and variety to the building and to relieve the effect of a single, long roof. The use of alternating dormers, stepped roofs, gables, or other roof elements can be used to add visual relief and articulation to the overall building form.

- l. Distinctive architectural features that positively enhance the structures, such as porches, patios, balcony, wrought iron railings, porticos, quoins, eaves, overhangs, canopies, etc. shall be included in the building design.
- m. Mechanical equipment on rooftops to be architecturally screened from view.
- n. Any portion of a building closer than 50 feet from a common property line that abuts a property developed as a single family home shall be no higher than twelve (12) feet above the highest point of the closest existing residential structure.

2. Parking.

- a. A minimum 2.5 parking spaces per unit.
- b. Garages have 4 walls, roof, doorway at least 9 feet in width, and door that is lockable, and minimum interior dimension of 22 feet x 12 feet.
- c. Parking structures shall be made of similar materials and design as buildings.
- d. Parking lot to be asphalt or cement, to have poured concrete bumpers and curbs.
- e. Driveways and uncovered parking areas shall be paved and striped.
- f. Parking lot shall be located at rear of dwelling units. The Planning Commission may approve front garage entrances and parking for multi-family buildings that will have individually owned units such as: twin homes, townhouses, etc.
- g. No tandem parking permitted unless both spaces reserved for the same dwelling unit.
- h. No recreational vehicle parking permitted on site whether inside or outside of a garage.
- i. No surface parking permitted within required setback or buffer, except access driveways.
- j. Bicycle parking racks to park bikes in the amount of minimum two (2) spaces per unit.

3. Landscaping.

- a. A landscape plan is required to be approved with the project site plan.
- b. A minimum of 50% of the lot must be open and landscaped.
- c. A minimum of 10% of the lot shall be provided as a children's playground (not to be counted as part of b above).
- d. All areas in the front, side, and rear yards that are not developed shall be landscaped, unless a unique natural vegetation or wetlands area is included, subject to approval.
- e. A minimum landscaped street buffer area shall be provided at a width of 30 feet.
- f. Landscaped street buffer area may not include paved surfaces, except for sidewalks or trails.
- g. A minimum of 1 tree shall be planted per 1,000 square feet of required landscaped areas. At least 30% shall be evergreens.
- h. Landscaping shall include a mix of deciduous and evergreen trees, ground cover, and shrubs.
- i. Minimum plant sizes shall be as follows:
 - I. Deciduous trees, 2 inch caliper
 - II. Evergreen trees, 7 feet in height
 - III. Shrubs, 5 gallon container
 - IV. Grass or ground cover, 10 foot square area
 - V. Existing trees, native vegetation and rare plants shall be retained wherever possible.
- j. Maximum height of berms, fences, signs or ground cover within a clear vision sight triangle is 3 feet.
- k. Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.

4. Other Features.

- a. Dumpsters shall be located behind a sight obscuring enclosure, built of materials complimenting the architectural style of the buildings.
- b. When practical, a minimum 5 foot landscaping area will be required around dumpster enclosures.
- c. A solid, sight obscuring fence or wall with a minimum height of six (6) feet shall be

- installed on all sides of the parking lot facing neighboring properties.
- d. The City may require the inclusion of a wall, fence or screen to mitigate noise or unsightly uses.
 - e. Visual area (usually front yard) perimeter fencing shall match the building design, i.e., masonry columns or piers with same brick or stone as the buildings.
 - f. Walls or fences with lengths greater than 100 feet shall be interrupted with offsets, landscaping or accents.
 - g. Any areas which are to be screened shall be done with a solid, sight-obscuring fence or wall, and landscaping to soften fence appearance.
 - h. Utilities shall be located underground and above ground boxes screened.
 - i. Exterior lighting fixtures that match the architectural design theme shall be included for street, walkways, parking areas, entrances and building exteriors. Exterior uplighting is encouraged to accent the structures and provide additional safety.
 - j. Any developments with more than 12 dwelling units, such as PUD's, shall include playground equipment and may require other recreational amenities for residents, which may include swimming pools, spas, sports courts, barbecue grills and picnic facilities, etc. (Adjustments to these requirements may be made to fit the needs of retirement communities, etc.)
 - k. Any project signage shall be built of materials complimenting the architectural style of the buildings. (Must comply with existing sign ordinance requirements found in section 17.72).
 - l. Curb, gutter, planting strip, and sidewalk shall be installed along public roadways where adjacent to existing curb, gutter, and sidewalks.

17.30.071 Residential facilities for persons with a disability.

- A. A residential facility for persons with a disability shall:

1. Be occupied on a 24-hour-per-day basis not more than four (4) unrelated persons with a disability, as pursuant to the definition of "family" in Section 17.04.070 of this code, unless a reasonable accommodation is granted in conformance with item H of this section.
 2. Conform to all applicable standards and requirements of the Department of Human Services; and
 3. Be operated by or operated under contract with that department.
- B. The permitting process is as follows:
1. Applicant shall submit an application to the City Recorder or Zoning Administrator which shows proof of ownership and agreement with the following conditions.
 - a. The facility meet all municipal building, safety, and health ordinances applicable to similar dwellings;
 - b. The operator of the facility provide assurances that the residents of the facility will be properly supervised on a 24-hour basis;
 - c. The operator of the facility establish a municipal advisory committee through which all complaints and concerns of neighbors may be addressed;
 - d. The operator of the facility provide adequate off-street parking space;
 - e. The facility be capable of use as a residential facility for persons with a disability without structural or landscaping alterations that would change the structure's residential character.
 - f. No person who is being treated for alcoholism or drug abuse be placed in a residential facility for persons with a disability;
 - g. No person who has demonstrated that they are a threat/danger to themselves or others, may be placed in a residential facility for persons with a disability; and
 - h. Placement in a residential facility for persons with a disability shall be on a strictly voluntary basis and may not be a part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution.

- C. If the City Recorder and/or Zoning Administrator determines that the residential facility for persons with a disability complies with the ordinances it shall grant the requested permits to that facility.
- D. Only one residential facility for persons with a disability will be permitted per City block, and must be at least 660 feet from another residential facility for persons with a disability.
- E. The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than a residential facility for persons with a disability or, if the structure fails to comply with applicable health, safety, and building codes.
- F. Municipal ordinances prohibit discrimination against persons with a disability and against residential facilities for persons with a disability.
- G. The decision of a municipality regarding the application for a permit by a residential facility for persons with a disability must be based on legitimate land use criteria, and may not be based on the facility's residents.
- H. Reasonable accommodations required: None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for person(s) with a disability.
 - 1. Application: any person or entity who wishes to request a reasonable accommodation shall make application to the Planning Commission. Said applications shall specifically articulate, in writing, the following:
 - a. The name, mailing address, and phone number of the applicant.
 - b. The nature and extent of the disability.
 - c. An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation.
 - d. The applicant reasonable accommodation(s).
 - e. A statement detailing why a reasonable accommodation is reasonable and necessary in order to afford handicapped persons equal opportunity to use and enjoy housing.
 - f. The physical address of the property where the facility is located.
 - 2. Decision. The Planning Commission shall render a decision on each application for a reasonable

accommodation within ninety (90) days. The decision shall be based on evidence of record demonstrating all of the following:

- a. The requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.
 - b. That but for the accommodation, one (1) or more persons with a disability will be denied an equal opportunity to enjoy housing within the community.
 - c. That equal results will be achieved as between the person with a disability requesting the accommodation and a nondisabled person.
3. Appeal. Any person adversely affected by a final decision of the Planning Commission may appeal that decision in compliance with Section 17.16.)

17.30.072 Residential facilities for elderly persons.

- A. A residential facility for elderly persons may not operate as a business.
- B. A residential facility for elderly persons shall:
 1. Be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
 2. Be occupied on a 24-hour-per-day basis by not more than four (4) unrelated elderly persons, as pursuant to the definition of "family" in Section 17.04.070 of this code, in a family-type arrangement. Up to eight (8) individuals may be allowed if conditions applied are consistent with those required for multi-family housing dwellings as approved by the Planning Commission.
- C. A residential facility for elderly persons 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.
- D. The permitting process is as follows:
 1. Applicant shall submit an application to the Planning Commission requesting a conditional use permit and a permit for a residential facility for elderly persons. It will show proof of ownership (Per B-1 above) and agrees to the following conditions:

- a. the facility meet all municipal building, safety, zoning, and health ordinances applicable to similar dwellings;
 - b. adequate off-street parking space be provided;
 - c. the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
 - d. only one residential facility for elderly persons will be permitted per City block, and must be at least 660 feet from another residential facility for elderly persons;
 - e. no persons being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and
 - f. placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- E. If the Planning Commission determines that the residential facility for elderly persons complies with the ordinances it shall grant the requested permits to that facility.
- F. The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or, if the structure fails to comply with applicable health, safety, and building codes.
- G. This ordinance prohibits discrimination against elderly persons and against residential facilities for the elderly persons.
- H. The decision of the Planning Commission regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria, and may not be based on the age of the facility's residents.

17.30.073 Use of trailers, campers, and RVs on residential lots.

- A. This ordinance is intended to set some guidelines and conditions for the temporary use of trailers, campers, and recreation vehicles on residential lots. It is recognized that many Hyrum residents use these vehicles on a temporary basis to house family and guests. The ordinance is not intended to unduly restrict that right, but rather to ensure against their long term use as a

- second dwelling on a residential lot.
- B. No permit is required for the first ninety (90) days of occupancy.
 - C. A no-cost permit is required for the second ninety (90) day permit. The permit is available at the City Hall.
 - D. Permit renewals after the first ninety (90) days under permit will require approval of the Planning Commission.
 - E. The following conditions apply to all uses of trailers, campers, and RVs on residential lots:
 - 1. The vehicle will be located on a lot which either has an existing residential building or on a building lot for which a building permit has been issued.
 - 2. The vehicle may be temporarily hooked up to water, electrical, and sewer of the host residence.
 - 3. The vehicle shall not be located on public property.
 - 4. Only one vehicle shall be inhabited at a time.
 - 5. Successive "guests" shall be considered a continuation of a use if less than a thirty (30) day interval passes between previous guest usage.
 - 6. There shall be no charge for use of the vehicle. It is not to be considered a rental unit.
 - 7. Property owners are responsible to ensure that persons staying in trailers, campers, and RVs on their property shall exercise such comportment as to not disturb the residential nature of the neighborhood. Complaints by neighbors may result in cancellation of a permit.

17.30.075 Two-family accessory apartments.

Two-family accessory apartments are permitted in this zone provided the following conditions are met:

- A. The dwelling must be owner occupied.
- B. A total of four (4) off-street, hard-surface parking spaces will be provided.
- C. Both living spaces will have exterior access to an open yard.
- D. Bedroom windows will allow emergency egress.
- E. All bedroom areas will be equipped with smoke detectors.

A notarized letter is required stating that the owner will continue to occupy this residence and that all the conditions for an accessory apartment have, and will continue to be met.

17.30.078 Public structures.

Public structures such as electrical, gas, telephone transmission, and fire stations are permitted within this zone provided the following conditions are met:

- A. Landscaping required in front yard area.

17.30.080 Lots in separate ownership.

The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use of a lot, which does not conform, for a single-family dwelling provided the lot was held in separate ownership prior to January 28, 1976.

17.30.085 Reduced lot size/setback due to government action.

Any lot which was a legal building lot before a government action reduced it in size, or reduced an existing home's setback, will continue to be considered a suitable building lot and will not be subject to nonconforming or restricted status, provided that at least eighty percent (80%) of the property prior to the pre-government action remains. An example of a government action would be property taken to widen a road.

17.30.090 Building prohibited.

No required yard or other open space around an existing building, or which is hereafter provided around any building, shall be considered as providing a yard or open space for any other building, nor shall any yard or 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.

17.30.100 Dwelling to be located and maintained on a lot.

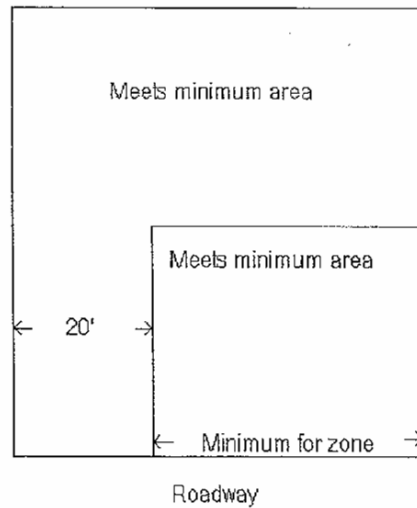
Every dwelling shall be located and maintained on a lot as defined in this title.

17.30.105 Lots severed from parcels creating flag lots.

Lots meeting all area and frontage requirements, but whose severance will or has created a flag lot are acceptable as a building site provided that all of the following conditions are met:

- A. The flag lot from which it was severed must meet minimum area requirements for the zone.
- B. The driveway for the flag lot must be a minimum of twenty (20) feet in width and be deeded to the flag lot.
- C. The flag lot must contain a home which was built prior to January 28, 1976.

Example:



17.30.110 Separately-owned lots - Reduced yards.

On any lot under separate ownership from adjacent lots and of record as of January 28, 1976, and such lot having a narrower width than required for the zone in which it is located, the widths of the side yards may be reduced as follows:

- A. The widths may be reduced by the same percentage that the width of the lot bears to the width required by this Land Use Code; however, in the case of interior lots, the smaller side yard width shall not be less than five (5) feet and the larger side yard width shall not be less than eight (8) feet. In the case of corner lots, the side yard adjacent to the street shall not be less than twenty (20) feet and the opposite side yard shall not be less than five (5) feet.

On any lot under separate ownership from adjacent lots and with a house built before January 28, 1976, the widths of the side yards may be reduced as follows:

- B. On interior lots the smaller side yard width shall not be less than five (5) feet and the larger side width shall not be less than eight (8) feet. In the case of corner lots the side yard adjacent to the street shall not be less than twenty (20) feet and the opposite side yard shall not be less than five (5) feet. Reduction to the side yard requirement on corner yards will not be allowed within the 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.

17.30.120 Yards to be unobstructed-Exceptions.

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sill, belt course, cornices, roof overhang, chimneys, flues and other ornamental features which project into a yard not more than four (4) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies upon fire towers projecting into a yard not more than five (5) feet. One side yard shall remain unencumbered for a minimum of twelve (12) feet to allow vehicular access to the back yard.

17.30.130 Walls, fences or hedges.

No wall, fence or hedge shall extend onto the City rights of-way and shall be located at least one (1) foot behind the sidewalk. Walls and fences shall be constructed of substantial materials and the design and construction will be consistent with the quality of dwellings and other improvements within the surrounding area.

17.30.140 Area of accessory buildings.

No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard.

17.30.150 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 fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, 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.

17.30.160 Minimum height of main building.

No dwelling shall be erected to a height of less than one story above ground.

17.30.170 Clear view of intersecting streets.

In all zones which require a front yard, no obstruction to view in excess of four (4) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines except a reasonable number of trees pruned high enough to permit unobstructed vision to motorists. The height of a fence, wall, etc., located in the

forty (40) foot triangle area, may be similarly increased or decreased when grade changes warrant adjustments as approved by the Zoning Administrator. Nothing in this section shall be construed so as to further restrict fence height regulations providing all fence materials meet minimum visibility standards established by the Planning Commission so as not to obstruct or restrict vision to motorists and pedestrians.

17.30.180 Building permits - Nonconforming lots.

No building permits shall be issued for lots that do not conform to this title unless specially approved by the Administrative Appeals Hearing Officer, or unless a special exception applies.

17.30.190 Driveways.

- A. No Portland cement concrete driveways will be permitted beyond private property lines except in areas where curb, gutter and sidewalk are installed.
- B. No driveway shall be emplaced closer than thirty (30) feet from an intersection (Measured from the edge of the roadway nearest the intersection to the edge of the public roadway. This would be the gutter area where curb and gutter exist).

17.30.205 Lot line adjustments.

Lot line adjustments will require the approval of the Zoning Administrator or City Recorder in accordance with the provisions of Chapter 16 Section 16.16.200 prior to recording with the Cache County Recorder to ensure that restricted or non-conforming lots are not produced by this action.

17.30.210 Restricted lots.

No building permits shall be issued on restricted lots as defined in Section 17.04 of this code, with the exception of lots which fully conform to area and frontage requirements, but have been severed in such a manner as to make a lot behind them a flag lot per 17.30.105.

17.30.220 Movement of structures.

No used structures shall be moved into or within the corporate limits of Hyrum City without first obtaining a building permit from the City. This restriction does not apply to temporary storage of items designed for recreational use such as campers, boats, etc.

17.30.225 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.

17.30.230 Off-street parking-General requirements.

Except as herein provided, no building or structure shall be erected, altered or converted for or to any use unless there shall be provided on the lot or parcel vehicle parking of at least the following ratio of vehicle spaces for the uses specified in the designated districts, except that an established use lawfully existing at the effective date of this title need not provide parking as herein set forth and that no existing vehicle parking may be reduced or further reduced below the minimum standards herein required.

17.30.240 Off-street parking-Specific requirements.

The following schedule shall apply:

- A. House or apartment: two (2) spaces for each unit except as provided in subsection E of this section;
- B. Boardinghouses: two (2) spaces per three (3) individuals, plus one additional space for each additional individual exceeding three (3), and up to and including five (5) individuals;
- C. Storage units: one (1) space for each five thousand (5,000) square feet of floor area;
- D. Churches and places of public assembly: one (1) space for each five (5) fixed seats and one (1) space for fifty (50) square feet of floor area for moveable seats under maximum seating arrangement;
- E. Dwelling unit occupied by four (4) or more individuals unrelated by blood, marriage or adoption: two (2) spaces per three (3) individuals, plus one (1) additional space for each additional individual exceeding three (3) and up to and including five (5) individuals.

17.30.250 Off-street parking - Special regulations.

- A. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
- B. Parking for a single family dwelling shall be provided only in a private garage, or in an area properly located for a future garage.

- C. Prior to issuance of any building permit, a plan which clearly and accurately designates parking spaces, access aisles, driveways and the relationship to the use to be served by the off-street parking shall be provided to the City Engineer inspector. Approval will be based on:
 - 1. Adequate number of spaces;
 - 2. Relation of parking to use;
 - 3. All parking spaces must be usable and accessible by adequate roadway-parking configuration to be approved by City Engineer;
 - 4. Parking stalls are to be nine (9) feet by twenty (20) feet and of a hard surface such as asphalt, cement or brick. Gravel, road base, etc., are not considered hard surfaces. Access to stall (the driveway) shall also be, at minimum, 18 feet wide and will require hard surface.
- D. Location of Parking Space. Parking space, as required herein, shall be on the same lot with the main building, or in the case of nonresidential buildings, may be located not further than three hundred (300) feet therefrom.
- E. Parking requirements for nursing homes and private schools will be determined during the review of approval for a conditional use permit.

17.30.260 Parking lot regulations.

Every parcel of land hereafter used as a parking lot shall be paved with a surfacing material of asphalt or concrete composition and shall have appropriate bumper guards, where needed, as determined by the City Engineer. Any lights used to illuminate the lot shall be so arranged as to reflect the light away from adjoining premises in any residential zone.

17.30.270 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 of this title 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. Such space shall be located an adequate distance from the roadway so as not to interfere with the view of any intersecting street or alley or other traffic which may be in the area. Such space shall include a minimum of fourteen (14) feet height clearance to accommodate large delivery trucks.

17.30.280 Motor vehicle access designated.

Public parking lots, and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided.

- A. Access shall be by not more than two 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 forty (40) percent of the entire street frontage.
- B. No two of the roadways shall be closer to each other than twelve (12) feet, and no roadway shall be closer to a side property line than (1 ½') one and one-half feet.
- C. Each roadway shall not be more than thirty-six (36) feet in width, measured at right angles to the centerline 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.
- D. 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.
- E. No roadway shall be emplaced closer than thirty (30) feet from an intersection. (Measured from edge of roadway nearest intersection to the public right-of-way. This would be the gutter area where curb and gutter exist.)

7. Section 17.34.020 of Chapter 17.34 Residential Zone R-4 of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.34.020 Use regulations.

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

- A. Permitted uses:
 - 1. Single family dwellings with driveway, garages, off-street parking, fences and landscaping, utility lines, gardens, family food production (per 17.85), and recreation animals.
 - 2. Dwelling two-family accessory apartment.
 - 3. Public schools with attendant off-street parking, accessory buildings and playground.
 - 4. Public structures such as electrical, gas, telephone transmission, and fire stations.
 - 5. Public parks and playing fields.
 - 6. Churches with associated off-street parking and accessory buildings.
 - 7. Community center.

- 8. Residential facilities for persons with a disability.
- 9. Residential facilities for the elderly.
- 10. Planned unit development.
- B. Permitted Accessory Uses:
 - 1. Accessory buildings.
 - 2. Swimming pool.
 - 3. Professional child care.
 - 4. Home Occupation.
- C. Conditional uses:
 - ~~1. Duplex, triplex or fourplex.~~
 - 12. Nursing home.
 - 23. Private schools.

8. Section 17.34.030 of Chapter 17.34 Residential Zone R-4 of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.34.030 Area regulations.

The minimum lot area for a single family dwelling is 10,000 square feet, ~~for a duplex dwelling it is 13,500 square feet, for a triplex dwelling it is 15,000 square feet and for a fourplex it is 16,500 square feet.~~ A mix of lot sizes is required in this zone, with a minimum of 10% of the lots being 20,000 square feet or larger.

9. Section 17.34.040 of Chapter 17.34 Residential Zone R-4 of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.34.040 Frontage regulations.

- A. The setback line from the property line for all main buildings shall not be less than thirty (30) feet.
- B. The minimum width of lot shall be one hundred (100) feet.
- C. Establishing setback for lots with concave or convex front property lines: It is intended that the nearest portion of the building to the street be setback at least thirty (30) feet from the front property line, and that the width of the property be not less than one hundred (100) feet at that point (see illustration). The property may not be narrower than forty feet at the front property line.
- ~~D. Lots on which multi-family units are to be emplaced will have a minimum frontage of one hundred (100) feet at both the street and setback line~~

10. Section 17.34.080 of Chapter 17.34 Residential Zone R-4 of Title 17 of the Hyrum City Municipal Code is hereby repealed.

~~17.34.080 Duplexes, triplexes, and fourplexes.~~

~~Multi family housing will be limited to four (4) family units per City block (the full area of the block not linear). This can consist of two (2) duplexes or one (1) triplex or one (1) fourplex.~~

~~The following criteria must be met for duplexes, triplexes, and fourplexes of new construction, while conversion of existing structures into multi family housing will be considered on a case by case basis:~~

- ~~A. Front yard must have a landscaped area a minimum of ten (10) feet in width.~~
- ~~B. Side yards must have landscaped strips a minimum of fifteen (15) feet in width.~~
- ~~C. A minimum of 50% of the lot must be open and landscaped.~~
- ~~D. A minimum of 10% of the lot shall be provided as a children's playground (not to be counted as part of C above).~~
- ~~E. Off street parking will be provided. Two and one half (2½) spaces for each housing unit (not to be counted as part C or D above).~~
- ~~F. Parking lot to be asphalt or cement, to have poured concrete bumpers and curbs.~~
- ~~G. Parking lot to be at side or rear of dwelling units.~~
- ~~H. Trash area to be screened from neighbors view.~~
- ~~I. Light proof fence, shrubs, or wall a minimum of six (6) feet tall on side(s) of parking lot facing neighbor's property.~~
- ~~J. Curbs and gutters, planting strip, and sidewalk along public roadways where adjacent to existing curb, gutter, and sidewalks.~~
- ~~K. Duplexes, triplexes, or fourplexes may not be located closer than 660 feet, as measured from the midpoint of the platted front property line to the midpoint of the platted front property line to any other duplex, triplex, or fourplex. Measurements are made from City plats following front property lines and include distances to cross streets at right angles as required.~~
- ~~L. In considering a recommendation for approval for multi-family housing, the Planning Commission will also act as an Architectural Review Committee, and will evaluate the Site Plan for:
 - ~~1. Building materials, colors and architectural features to create an attractive, well planned facility.~~~~

- ~~2. Open space and playground area that will provide a safe, comfortable and pleasant environment.~~
- ~~3. Well planned exterior lighting.~~
- ~~4. Good vehicular and pedestrian movement.~~
- ~~5. A landscaping plan showing proposed grass, shrubbery, trees and other planting features for the site.~~
- ~~6. A landscape maintenance plan.~~
- ~~7. Other amenities planned for the site.~~

11. Section 17.44.150 of Chapter 17.44 Commercial Zone C-1 of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.44.150 Frontage regulations - Residential use.

- A. The setback line from the property line for all main buildings shall not be less than (30) thirty feet.
- B. Establishing setback for lots with concave or convex front property lines: It is intended that the nearest portion of the building to the street be setback at least thirty (30) feet from the front property line, and that the width of the property be not less than one hundred (100) feet at that point (see illustration). The property may not be narrower than forty (40) feet at the front property line.
 1. All lots shall have a minimum width of one hundred (100) feet, except as provided in Section 17.44.330, separately owned lots, reduced yards and except as provided in subsection B above.
 2. Lots on which multi-family units are to be emplaced will have a minimum frontage of one hundred (100) feet at both the street and setback line of one hundred (100) feet for a duplex, one hundred fifteen (115) feet for a triplex, and one hundred thirty (130) feet for a fourplex.

12. Section 17.44.190 of Chapter 17.44 Commercial Zone C-1 of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.44.190 ~~Duplexes, triplexes, and fourplexes~~ Multi-family Housing.

Multi-family housing, unless approved as a PUD, will be limited to four (4) family units per City block (the full area of the block not linear). This can consist of two (2) duplexes or one (1) triplex or one (1) fourplex. The following criteria must be met for duplexes, triplexes, and fourplexes all multi-family housing of new construction, while and conversion of existing

structures into multi-family housing ~~will be considered on a case-by case basis:~~

- ~~A. Front yard must have a landscaped area a minimum of ten (10) feet in width. Front setback shall be a minimum of thirty (30) feet and shall be landscaped.~~
- ~~B. Side yards must have landscaped strips a minimum of fifteen (15) ten (10) feet in width.~~
- ~~C. A minimum of 50% of the lot must be open and landscaped.~~
- ~~D. A minimum of 10% of the lot shall be provided as a children's playground (not to be counted as part of C above).~~
- ~~F. Off street parking will be provided. Two and one half (2½) spaces for each housing unit (not to be counted as part C or D above).~~
- ~~G. Parking lot to be asphalt or cement, to have poured concrete bumpers and curbs.~~
- ~~H. Parking lot to be at side or rear of dwelling units.~~
- ~~I. Trash area to be screened from neighbors view.~~
- ~~J. Light proof fence, shrubs, or wall a minimum of six (6) feet tall on side(s) of parking lot facing neighbor's property.~~
- ~~K. Curbs and gutters, planting strip, and sidewalk along public roadways where adjacent to existing curb, gutter, and sidewalks.~~
- C. The front of the multi-family housing units shall face the street.
- D. Duplexes, triplexes, or fourplexes Multi-family housing developments may not be located closer than 660 feet, as measured from the midpoint of the platted front property line to the midpoint of the platted front property line to any other duplex, triplex, or fourplex. Measurements are made from City plats following front property lines and include distances to cross streets at right angles as required.
- E. In considering a recommendation to the City Council for approval for multi-family housing, the Planning Commission will also act as an Architectural Review Committee, and will evaluate the Site Plan for meeting the following standards:
- ~~1. Building materials, colors and architectural features to create an attractive, well planned facility.~~
- ~~2. Open space and playground area that will provide a safe, comfortable and pleasant environment.~~
- ~~3. Well planned exterior lighting.~~
- ~~4. Good vehicular and pedestrian movement.~~

~~5. A landscaping plan showing proposed grass, shrubbery, trees and other planting features for the site.~~

~~6. A landscape maintenance plan.~~

~~7. Other amenities planned for the site.~~

1. Buildings.

a. A building's modulation, articulation, details, and materials shall be arranged to give the building the appearance of a large single-family detached home.

b. Multi-family residential buildings require the exterior building walls to be composed of the required brick or stone, equal to a minimum of one (1) times the square feet of the exterior building perimeter.

c. Buildings shall be attractive and durable. To ensure this, buildings shall be constructed of high-quality materials and require minimal maintenance. Exterior materials allowed for use on visual (from street) elevations of the building are: stone, cast stone, brick, synthetic stone, stucco, water-managed EIFS, cement board, and wood.

d. Walls of buildings are to have relief features with a variety of different wall planes and roof planes, which may include pop-outs, recesses, columns, variation in materials, etc. Relief is to be seen at a minimum of every twenty five feet (25') of wall length.

e. All exterior building material colors shall be earth tones.

f. Buildings shall have consistent detailing on all four elevations; a building shall have building details and proportions to ensure a "four-sided" architectural quality for the building with emphasis on the street visual sides.

g. Building design shall respect the context of adjacent residential neighborhoods, including the height, scale, form, and character of surrounding development.

h. Residential buildings shall limit the use of long, monotonous facades. The maximum length of multi-family buildings shall be 200 (two hundred) feet.

- i. Roofs shall have a minimum 6" fascia, minimum 6/12 pitch on over 80% of roofs, no pitch flatter than 4½ /12.
- j. Building roofs shall be attractive and durable. To ensure this, roofs shall be constructed of high-quality materials and require minimal maintenance. Pitched roofs shall be finished with wood shingles, slate, clay tiles, concrete tiles, standing-seam metal, or composition shingles. Use of other materials is subject to approval by the Planning Commission.
- k. Roofs shall be simple hip, shed, or gable configurations. Roofline offsets shall be provided to lend architectural interest and variety to the building and to relieve the effect of a single, long roof. The use of alternating dormers, stepped roofs, gables, or other roof elements can be used to add visual relief and articulation to the overall building form.
- l. Distinctive architectural features that positively enhance the structures, such as porches, patios, balcony, wrought iron railings, porticos, quoins, eaves, overhangs, canopies, etc. shall be included in the building design.
- m. Mechanical equipment on rooftops to be architecturally screened from view.
- n. Any portion of a building closer than 50 feet from a common property line that abuts a property developed as a single family home shall be no higher than twelve (12) feet above the highest point of the closest existing residential structure.

2. Parking.

- a. A minimum 2.5 parking spaces per unit.
- b. Garages have 4 walls, roof, doorway at least 9 feet in width, and door that is lockable, and minimum interior dimension of 22 feet x 12 feet.
- c. Parking structures shall be made of similar materials and design as buildings.
- d. Parking lot to be asphalt or cement, to have poured concrete bumpers and curbs.
- e. Driveways and uncovered parking areas shall be paved and striped.

- f. Parking lot shall be located at rear of dwelling units. The Planning Commission may approve front garage entrances and parking for multi-family buildings that will have individually owned units such as: twin homes, townhouses, etc.
- g. No tandem parking permitted unless both spaces reserved for the same dwelling unit.
- h. No recreational vehicle parking permitted on site whether inside or outside of a garage.
- i. No surface parking permitted within required setback or buffer, except access driveways.
- j. Bicycle parking racks to park bikes in the amount of minimum two (2) spaces per unit.

3. Landscaping.

- a. A landscape plan is required to be approved with the project site plan.
- b. A minimum of 50% of the lot must be open and landscaped.
- c. A minimum of 10% of the lot shall be provided as a children's playground (not to be counted as part of b above).
- d. All areas in the front, side, and rear yards that are not developed shall be landscaped, unless a unique natural vegetation or wetlands area is included, subject to approval.
- e. A minimum landscaped street buffer area shall be provided at a width of 30 feet.
- f. Landscaped street buffer area may not include paved surfaces, except for sidewalks or trails.
- g. A minimum of 1 tree shall be planted per 1,000 square feet of required landscaped areas. At least 30% shall be evergreens.
- h. Landscaping shall include a mix of deciduous and evergreen trees, ground cover, and shrubs.
- i. Minimum plant sizes shall be as follows:
 - I. Deciduous trees, 2 inch caliper
 - II. Evergreen trees, 7 feet in height
 - III. Shrubs, 5 gallon container
 - IV. Grass or ground cover, 10 foot square area
 - V. Existing trees, native vegetation and rare plants shall be retained wherever possible.

- j. Maximum height of berms, fences, signs or ground cover within a clear vision sight triangle is 3 feet.
- k. Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.

4. Other Features.

- a. Dumpsters shall be located behind a sight obscuring enclosure, built of materials complimenting the architectural style of the buildings.
- b. When practical, a minimum 5 foot landscaping area will be required around dumpster enclosures.
- c. A solid, sight obscuring fence or wall with a minimum height of six (6) feet shall be installed on all sides of the parking lot facing neighboring properties.
- d. The City may require the inclusion of a wall, fence or screen to mitigate noise or unsightly uses.
- e. Visual area (usually front yard) perimeter fencing shall match the building design, i.e., masonry columns or piers with same brick or stone as the buildings.
- f. Walls or fences with lengths greater than 100 feet shall be interrupted with offsets, landscaping or accents.
- g. Any areas which are to be screened shall be done with a solid, sight-obscuring fence or wall, and landscaping to soften fence appearance.
- h. Utilities shall be located underground and above ground boxes screened.
- i. Exterior lighting fixtures that match the architectural design theme shall be included for street, walkways, parking areas, entrances and building exteriors. Exterior uplighting is encouraged to accent the structures and provide additional safety.
- j. Any developments with more than 12 dwelling units, such as PUD's, shall include playground equipment and may require other recreational amenities for residents, which may include swimming pools, spas, sports courts, barbecue grills and picnic facilities, etc. (Adjustments to these requirements may be made

to fit the needs of retirement communities, etc.)

- k. Any project signage shall be built of materials complimenting the architectural style of the buildings. (Must comply with existing sign ordinance requirements found in section 17.72).
- l. Curb, gutter, planting strip, and sidewalk shall be installed along public roadways where adjacent to existing curb, gutter, and sidewalks.

13. Section 17.45.250 of Chapter 17.45 Commercial Zone C-2 of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.45.250 Frontage regulations - Residential use.

- A. The setback line from the property line for all main buildings shall not be less than (30) thirty feet.
- B. Establishing setback for lots with concave or convex front property lines: It is intended that the nearest portion of the building to the street be setback at least thirty (30) feet from the front property line, and that the width of the property be not less than one hundred (100) feet at that point (see illustration). The property may not be narrower than forty (40) feet at the front property line.
 - 1. All lots shall have a minimum width of one hundred (100) feet, except as provided in Section 17.44.330, separately owned lots, reduced yards and except as provided in subsection B above.
 - 2. Lots on which multi-family units are to be emplaced will have a minimum frontage ~~of one hundred (100) feet~~ at both the street and setback line of one hundred (100) feet for a duplex, one hundred fifteen (115) feet for a triplex, and one hundred thirty (130) feet for a fourplex.

14. Section 17.45.310 of Chapter 17.45 Commercial Zone C-2 of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.45.310 ~~Duplexes, triplexes, and fourplexes~~ Multi-family Housing.

Multi-family housing, unless approved as a PUD, will be limited to four (4) family units per City block (the full area of the block not linear). This can consist of two (2) duplexes or

one (1) triplex or one (1) fourplex. The following criteria must be met for ~~duplexes, triplexes, and fourplexes~~ all multi-family housing of new construction, ~~while and~~ conversion of existing structures into multi-family housing ~~will be considered on a case-by-case basis:~~

- ~~A. Front yard must have a landscaped area a minimum of ten (10) feet in width. Front setback shall be a minimum of thirty (30) feet and shall be landscaped.~~
- ~~B. Side yards must have landscaped strips a minimum of fifteen (15) ten (10) feet in width.~~
- ~~C. A minimum of 50% of the lot must be open and landscaped.~~
- ~~D. A minimum of 10% of the lot shall be provided as a children's playground (not to be counted as part of C above).~~
- ~~F. Off street parking will be provided. Two and one half (2½) spaces for each housing unit (not to be counted as part C or D above).~~
- ~~G. Parking lot to be asphalt or cement, to have poured concrete bumpers and curbs.~~
- ~~H. Parking lot to be at side or rear of dwelling units.~~
- ~~I. Trash area to be screened from neighbors view.~~
- ~~J. Light proof fence, shrubs, or wall a minimum of six (6) feet tall on side(s) of parking lot facing neighbor's property.~~
- ~~K. Curbs and gutters, planting strip, and sidewalk along public roadways where adjacent to existing curb, gutter, and sidewalks.~~
- C. The front of the multi-family housing units shall face the street.
- D. Duplexes, triplexes, or fourplexes Multi-family housing developments may not be located closer than 660 feet, as measured from the midpoint of the platted front property line to the midpoint of the platted front property line to any other duplex, triplex, or fourplex. Measurements are made from City plats following front property lines and include distances to cross streets at right angles as required.
- E. In considering a recommendation to the City Council for approval for multi-family housing, the Planning Commission will also act as an Architectural Review Committee, and will evaluate the Site Plan for meeting the following standards:
 - ~~1. Building materials, colors and architectural features to create an attractive, well planned facility.~~
 - ~~2. Open space and playground area that will provide a safe, comfortable and pleasant environment.~~

- ~~3. Well planned exterior lighting.~~
- ~~4. Good vehicular and pedestrian movement.~~
- ~~5. A landscaping plan showing proposed grass, shrubbery, trees and other planting features for the site.~~
- ~~6. A landscape maintenance plan.~~
- ~~7. Other amenities planned for the site.~~

1. Buildings.

- a. A building's modulation, articulation, details, and materials shall be arranged to give the building the appearance of a large single-family detached home.
- b. Multi-family residential buildings require the exterior building walls to be composed of the required brick or stone, equal to a minimum of one (1) times the square feet of the exterior building perimeter.
- c. Buildings shall be attractive and durable. To ensure this, buildings shall be constructed of high-quality materials and require minimal maintenance. Exterior materials allowed for use on visual (from street) elevations of the building are: stone, cast stone, brick, synthetic stone, stucco, water-managed EIFS, cement board, and wood.
- d. Walls of buildings are to have relief features with a variety of different wall planes and roof planes, which may include pop-outs, recesses, columns, variation in materials, etc. Relief is to be seen at a minimum of every twenty five feet (25') of wall length.
- e. All exterior building material colors shall be earth tones.
- f. Buildings shall have consistent detailing on all four elevations; a building shall have building details and proportions to ensure a "four-sided" architectural quality for the building with emphasis on the street visual sides.
- g. Building design shall respect the context of adjacent residential neighborhoods, including the height, scale, form, and character of surrounding development.
- h. Residential buildings shall limit the use of long, monotonous facades. The maximum length of multi-family buildings shall be 200 (two hundred) feet.

- i. Roofs shall have a minimum 6" fascia, minimum 6/12 pitch on over 80% of roofs, no pitch flatter than 4½ /12.
- j. Building roofs shall be attractive and durable. To ensure this, roofs shall be constructed of high-quality materials and require minimal maintenance. Pitched roofs shall be finished with wood shingles, slate, clay tiles, concrete tiles, standing-seam metal, or composition shingles. Use of other materials is subject to approval by the Planning Commission.
- k. Roofs shall be simple hip, shed, or gable configurations. Roofline offsets shall be provided to lend architectural interest and variety to the building and to relieve the effect of a single, long roof. The use of alternating dormers, stepped roofs, gables, or other roof elements can be used to add visual relief and articulation to the overall building form.
- l. Distinctive architectural features that positively enhance the structures, such as porches, patios, balcony, wrought iron railings, porticos, quoins, eaves, overhangs, canopies, etc. shall be included in the building design.
- m. Mechanical equipment on rooftops to be architecturally screened from view.
- n. Any portion of a building closer than 50 feet from a common property line that abuts a property developed as a single family home shall be no higher than twelve (12) feet above the highest point of the closest existing residential structure.

2. Parking.

- a. A minimum 2.5 parking spaces per unit.
- b. Garages have 4 walls, roof, doorway at least 9 feet in width, and door that is lockable, and minimum interior dimension of 22 feet x 12 feet.
- c. Parking structures shall be made of similar materials and design as buildings.
- d. Parking lot to be asphalt or cement, to have poured concrete bumpers and curbs.
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- f. Parking lot shall be located at rear of dwelling units. The Planning Commission may approve front garage entrances and parking for multi-family buildings that will have individually owned units such as: twin homes, townhouses, etc.
- g. No tandem parking permitted unless both spaces reserved for the same dwelling unit.
- h. No recreational vehicle parking permitted on site whether inside or outside of a garage.
- i. No surface parking permitted within required setback or buffer, except access driveways.
- j. Bicycle parking racks to park bikes in the amount of minimum two (2) spaces per unit.

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- d. All areas in the front, side, and rear yards that are not developed shall be landscaped, unless a unique natural vegetation or wetlands area is included, subject to approval.
- e. A minimum landscaped street buffer area shall be provided at a width of 30 feet.
- f. Landscaped street buffer area may not include paved surfaces, except for sidewalks or trails.
- g. A minimum of 1 tree shall be planted per 1,000 square feet of required landscaped areas. At least 30% shall be evergreens.
- h. Landscaping shall include a mix of deciduous and evergreen trees, ground cover, and shrubs.
- i. Minimum plant sizes shall be as follows:
 - I. Deciduous trees, 2 inch caliper
 - II. Evergreen trees, 7 feet in height
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 - V. Existing trees, native vegetation and rare plants shall be retained wherever possible.

- j. Maximum height of berms, fences, signs or ground cover within a clear vision sight triangle is 3 feet.
- k. Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.

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- a. Dumpsters shall be located behind a sight obscuring enclosure, built of materials complimenting the architectural style of the buildings.
- b. When practical, a minimum 5 foot landscaping area will be required around dumpster enclosures.
- c. A solid, sight obscuring fence or wall with a minimum height of six (6) feet shall be installed on all sides of the parking lot facing neighboring properties.
- d. The City may require the inclusion of a wall, fence or screen to mitigate noise or unsightly uses.
- e. Visual area (usually front yard) perimeter fencing shall match the building design, i.e., masonry columns or piers with same brick or stone as the buildings.
- f. Walls or fences with lengths greater than 100 feet shall be interrupted with offsets, landscaping or accents.
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- j. Any developments with more than 12 dwelling units, such as PUD's, shall include playground equipment and may require other recreational amenities for residents, which may include swimming pools, spas, sports courts, barbecue grills and picnic facilities, etc. (Adjustments to these requirements may be made

to fit the needs of retirement communities, etc.)

- k. Any project signage shall be built of materials complimenting the architectural style of the buildings. (Must comply with existing sign ordinance requirements found in section 17.72).
- l. Curb, gutter, planting strip, and sidewalk shall be installed along public roadways where adjacent to existing curb, gutter, and sidewalks.

15. Section 17.60.070 of Chapter 17.60 Planned Unit Developments of Title 17 of the Hyrum City Municipal Code is amended to read as follows:

17.60.070 Commission requirements and recommendations.

Follows the requirements of 16.10.090, but adds: The Planning Commission will also act as an Architectural Review Committee and will evaluate the Site Plan and drawings for:

- A. A good mix of building materials, colors and architectural features to create an attractive, well-planned development;
- B. Sufficient public open spaces and amenities that will provides a safe, comfortable and pleasant environment;
- C. Appropriate building types in terms of density, site relationship and spacing.
- D. Well-planned site signage;
- E. Well-planned exterior lighting;
- F. Preservation of natural features including trees, drainage areas, and views.
- G. Good vehicular and pedestrian movement;
- H. Integrated parking;
- I. Landscaping plan showing existing and proposed, grass, shrubbery, trees and other planting and features for the entire site;
- J. Placement of fencing/walls and solid waste enclosures.
- K. PUD's with multi-family units to follow Multi-family Housing Design Standards requirements of Sections 17.44.190 and 17.45.310.

16. 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.

17. 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.

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

19. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 2nd day of May, 2013.

HYRUM CITY

BY: _____
W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: _____