

SHORT CREEK ZONING ORDINANCE

April 2018 (DRAFT)

Purpose

This ordinance is to provide for organized growth and development thru designating areas, zones, or districts and specifying compatible uses. Within these areas, the location, erection, construction, reconstruction, and use of land and buildings, will be regulated. Effective Zoning provides fundamental fairness in land use and protects property values and public usability.

Authority, Appeal and Compliance

UT Code 10-9a-102, 500, 701, 703, 802, 803
AZ ARS 9-462.01, 9-462.07, 9-462.05, 9-462.08,

Scope

The boundaries of designated districts are shown on the Zoning Map portion of this Ordinance and is on file with the City Clerk. All notations, references, and other information shown thereon are a part of this ordinance.

General Provisions

A. The center-line of a street or alley serves as the Zoning district boundary, unless otherwise specifically designated.

B. No building, structure or land use shall be erected, converted, enlarged, reconstructed, structurally altered, nor used, for any purpose other than that which is permitted in the district in which the building or land is located.

C. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered in any district in such a way that would violate the Hildale City or Colorado City Building Codes and Amendments.

D. Fencing is controlled by permits as required by the Building Code.

E. A permanent residential dwelling shall not be erected in a Commercial nor Industrial Zone except for sleeping quarters of a watchman or caretaker.

F. Any area annexed to the city shall be zoned with reference to State Codes and approved by the City Council.

UT Code 10-9a-506, AZ ARS 9-471, Section "L"

G. Fees pertaining to applications and petitions for zoning amendments, use permits and certificates of compliance, shall be established by the City Council from time to time. Such fees shall be paid to the clerk, who shall give a receipt therefore.

H. A conditional-use permit shall be obtained for all liquor and adult (Sexually Oriented) businesses. Adult Oriented businesses shall not be permitted as a home occupation and will not be allowed within 1,000 feet of a park, school, day care center, library, religious or cultural activity. No adult oriented business shall be located within 1000 feet of any other differing zone boundary. Such distances shall be measured in a straight line. Any adult oriented business shall be located and conditionally permitted only within an INDUSTRIAL zone.

Nonconforming Structures and Uses

UT Code CH 205 10-9a-511

AZ ARS 9-462.02

The lawful use of land or buildings existing at the time of the adoption of this ordinance may continue under the following provisions.

A. Any building, upon which actual construction was lawfully begun prior to the adoption of this ordinance, would be able to continue as a nonconforming structure or use.

B. Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of one year shall thereafter conform to the provisions of this ordinance.

C. Any nonconforming building which has been destroyed or damaged by fire, explosion or an act of God, to the extent of sixty percent or more of its assessed valuation, shall thereafter conform to the provisions of this ordinance. Where more than forty percent of the assessed value of the building remains after such damage, such structure may be restored to the same nonconforming use as existed before such damage.

D. A nonconforming use of a building may not be moved to any other part of the land, upon which such use is prohibited by this ordinance.

E. Any nonconforming building shall not be enlarged or structurally altered, except to make it a conforming building. A nonconforming use of a building existing at the time of the adoption of this ordinance may be extended throughout the building, provided no structural alterations nor additions are constructed.

F. The use of a nonconforming building may be changed only to a use of like or similar character, or to a use conforming to the district in which the property is located.

Conditional Uses

UT Code 10-9a-507

AZ ARS 9-462.01(C.)

UT Code 10-9a-507. Conditional uses.

- (1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.**
- (2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.**
 - (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.**

AZ Code 9-462.01. Zoning regulations; public hearing; definitions

C. All zoning regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulations in one type of zone may differ from those in other types of zones as follows:

1. Within individual zones, there may be uses permitted on a conditional basis under which additional requirements must be met, including requiring site plan review and approval by the planning agency. The conditional uses are generally characterized by any of the following:

- (a) Infrequency of use.**
- (b) High degree of traffic generation.**
- (c) Requirement of large land area.**

2. Within residential zones, the regulations may permit modifications to minimum yard lot area and height requirements.

After the designated fee is submitted all applications for a conditional use permit shall be considered at a public hearing with the Planning Commission. No conditional use shall be recommended for approval until after a public hearing is held to determine the applicable facts. The Planning Commission shall make its findings of fact and recommendations to the City Council within thirty days after the public hearing.

The Planning Commission may recommend restrictions upon any structure or use. After reviews by other city departments, facts to be considered include, the need for the conditional use, both in the neighborhood and in the community, and the effect of the conditional use on neighboring property values, on uses of neighboring properties, on traffic patterns, and on the capacity of city facilities, such as water mains and sewer mains to serve the area.

A request for a conditional use permit shall be approved, approved with conditions, or denied. Each request for a conditional use permit approval shall be consistent with the criteria listed in Items **1** through **7** as follows:

- 1** The request is consistent with all applicable provisions of the General Plan and “Sketch Plan” requirements (153.021).
- 2** The request shall not adversely affect adjacent properties.
- 3** The request is compatible with the existing or allowable uses of adjacent properties.
- 4** The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
- 5** The request will not create undue traffic congestion.
- 6** The request will not adversely affect the public health, safety or welfare.
- 7** The request conforms to all applicable provisions of this ordinance.

Any person shall have the right to appeal to the city council any decision rendered by the planning commission in relation to conditional use permit decisions. Appeals to the city council are made by submitting an application to appear before the city council to the community development department and stating the reason for the appeal, within ten (10) working days following the date upon which the decision was made by the planning commission. After receiving said appeal, a meeting with the city council shall be scheduled within twenty (20) working days, and the city council may affirm, reverse or alter any action taken by the planning commission.

All conditional use permits shall expire in one year from approval and the permit may be renewed. A conditional use permit shall be nontransferable to a

different location or a new owner, but shall run with the land as long as the use is in continuous operation.

A conditional use permit may be revoked by the planning commission after a hearing is held where the planning commission determines that the applicant or the use's current owner or operator has failed to comply with the conditions imposed with the original permit.

ZONING DISTRICTS

OPEN SPACE Land areas that are not occupied by buildings, permanent structures, parking areas, or streets. Open spaces are to be devoted to landscaping, preservation of natural features, archaeological sites, cemeteries, storm water drainages, recreational areas and non-permanent facilities.

Open Spaces include Federal, State, County, private and City owned lands. Federal lands within the city limits will by default be designated as **OPEN SPACE ZONES**. Most open spaces allow public access and are used by residents and tourists. Various designations, like conservation easements or donations, can preserve public access and open spaces on private land while reducing the tax burden of existing owners.

Setbacks from Streets or Right of Ways shall be 200 feet and structure heights shall not exceed 20 feet. Fencing is not a permitted use unless owned privately, in which case, fencing is controlled by permits as required by the Building Code.

Permitted Uses

- Temporary recreational structures and facilities.
- Rights-of-way for various uses such as pipelines, telephone lines, power lines, and accesses.

AGRICULTURE The tilling of the soil, raising of crops, farm animals, livestock, horticulture, gardening, beekeeping, home occupation, and aquaculture are activities consistent with agricultural activities.

The minimum lot area would be 10 acres per dwelling unit. This lot would include at least 400 feet each for width and depth with 50-foot setbacks for dwellings, structures and fencing designed to control animals. Height would be 30 feet maximum for any structure.

Permitted Uses

- Dwellings
- Corrals, barns, structures and other uses associated with and necessary for agriculture activities.
- Schools.
- Parks, recreation facilities.
- Churches, cemeteries.
- Water bodies.
- Rodeo facilities.

Uses Not Permitted

- Liquor.
- Tobacco or Smoke Shops.
- Adult oriented services or product.

RURAL RESIDENTIAL To promote and preserve in appropriate areas conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities. This district is intended to be primarily residential in character and protected from encroachment by commercial and industrial use.

Lots shall be at least 20,000 sq. ft. with 120 feet width and depth minimums with 30-foot front and rear setbacks and 15-foot side yards. Maximum heights will be 30 feet for structures.

Permitted Uses

- Single-family dwelling.
- Parks and Recreation Centers.
- Swimming Pools and Play Grounds.
- Police and Fire Department Stations and Governmental Services.
- Public Libraries, Schools and Colleges.
- Home Care, Custodial and Nursing Facilities.
- Animals and fowl for recreation or for the production of family food.
- on the premises.
- Household pets.
- The tilling of the soil, the raising of crops, horticulture, and gardening.
- Private stable, corral, chicken coop, or pen.

Uses Not Permitted

- Liquor.
- Tobacco or Smoke Shops.
- Adult oriented services or product.

Conditional Uses

- Any changes, in occupancy or use that would result in a non-conforming use (for example, an increase in family dwelling units) or applications for non-conforming residential uses, such as Town Homes or multi family structures.
- Home businesses.

RESIDENTIAL Lots shall be at least 14,000 sq. ft. with 100 feet width and depth minimums, then 25-foot front and rear setbacks and 10-foot side yards. Maximum heights will be 30 feet for structures.

Permitted Uses

- Single-family dwelling.
- Parks and Recreation Centers.
- Swimming Pools and Play Grounds.
- Police and Fire Department Stations and Governmental Services.
- Public Libraries, Schools and Colleges.
- Home Care, Custodial and Nursing Facilities.
- Animals and fowl for recreation or for the production of family food.
- Household pets.
- The tilling of the soil, the raising of crops, horticulture, and gardening.
- Private stable, corral, chicken coop, or pen.

Uses Not Permitted

- Liquor.
- Tobacco or Smoke Shops.
- Adult oriented services or product.

Conditional Uses

- Any changes, in occupancy or use that would result in a non-conforming use (for example, an increase in family dwelling units) or non-conforming residential uses, such as Town Homes or multi family structures.
- Home businesses.

MULTI FAMILY RESIDENTIAL Permitted lots shall be at least 10,000 sq. ft. with 80 feet width and depth minimums, then 20-foot front and rear setbacks and 15-foot side yards. Maximum heights will be 35 feet for structures. Off Street Parking (Reference Development Standards Adopted 12/13/2017 #156.36).

Permitted Uses

- Single-family dwelling.
- Multi-Family dwellings such as apartment houses, boarding houses, condominiums and congregate residences.
- Parks and Recreation Centers.
- Swimming Pools and Play Grounds.
- Police and Fire Department Stations and Governmental Services.
- Public Libraries, Schools and Colleges.
- Home Care, Custodial and Nursing Facilities.
- Household pets.

Uses Not Permitted

- Liquor.
- Tobacco or Smoke Shops.
- Adult oriented services or products.

Conditional Uses

- Any changes, in occupancy or use that would result in a non-conforming use (for example, an increase in family dwelling units) or non-conforming residential uses, such as Town Homes or multi family structures.
- Home businesses.

COMMERCIAL Businesses within this definition conduct sales and storage entirely within an enclosed structure (except for occasional outdoor “sidewalk” promotions). Off Street Parking (Reference Development Standards Adopted 12/13/2017 #156.36). No front or side yards shall be required but height shall not exceed 30 feet.

Permitted uses

- Automotive (sales, repair and fuel dispensing) facilities.
- Group care facilities.
- Amusement centers (which includes bowling alleys, golf driving ranges, miniature golf courses, go carts, ice skating rinks, pool and billiard halls).
- Business or financial services.
- Convenience and neighborhood commercial centers.
- Family and day care facilities.
- Libraries.
- RV and mobile home parks.
- Mortuary and funeral homes.

- Public and governmental services, police and fire department stations.
- Churches.
- Restaurants.
- Cultural institutions (such as museums and art galleries).
- Retail and wholesale sales.
- Doctors' Offices, health and medical institutions (such as hospitals).
- Hotels and motels.
- Commercial printing and publishing.
- Indoor theaters.
- Self-storage warehouses.

Uses not permitted

- Residential homes and apartments.
- Liquor Stores.
- Tobacco or Smoke Shops.
- Adult-oriented services or products.

INDUSTRIAL To provide areas where industries necessary and beneficial to the local economy may locate and operate. This Zone is intended to provide for the development of Industrial uses which limit in their maintenance, assembly, manufacture, or planned operation, smoke, gas, odor, dust, sound, vibration, smut, or lighting to any degree which might be obnoxious or offensive to persons residing in or conducting business in either this or any other zone. Off Street Parking (Reference Development Standards Adopted 12/13/2017 #156.36). Buildings separation shall not be less than 20 feet nor higher than 35 feet.

Permitted Uses

- Any use permitted in a Commercial Zone.
- Commercial bakeries.
- Regional commercial centers (including wholesale and retail sales).
- Plastic products design, molding and assembly.
- Small metal products design, casting, fabricating, and processing.
- Manufacture and finishing.
- Storage yards.
- Wood products manufacture and finishing.
- Stadiums and arenas.
- Swap meets.

- Liquid fertilizer manufacturing.
- Carpet manufacturing.
- Monument works.
- Regional recycling center.
- General manufacturing, cotton gins, paper manufacturing, quarries, and salt works.
- Petroleum refining.
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Uses not permitted

- Residential homes and apartments.
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Conditional Uses

- Liquor Stores.
- Tobacco or Smoke Shops.
- Adult-oriented services or products.

