

TITLE 10
CHAPTER 12
ZONE REGULATIONS

SECTION:

- 10-12-1: Use Regulations
- 10-12-2: Area Regulations
- 10-12-3: Fence and Wall Regulations Within Setback

10-12-1: USE REGULATIONS

A. Land Use Chart: Land and buildings in each of the following zones may be used for any of the following listed uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered or converted which is arranged or designed or used for other than those uses specified for the zone in which it is located, as set forth by the following use chart and indicated by:

- P Permitted use
- C Conditional permitted use
- “ “ Not permitted (absence of any symbol/letter or listing)
- H Home occupation use permit required

Table 1, Land Use Chart

<u>Land Use Description</u>	<u>A</u>	<u>R</u>	<u>C</u>	<u>P</u>	<u>PU</u>	<u>C</u>
Residential						
1. Dwelling, single family detached	P	P			P	
2. Dwelling, single family attached					P	
3. Dwelling, two family					P	
4. Dwelling, multi family						
5. Residential Facility for Elderly Persons	C	C	P		C	
6. Residential Facility for Persons with a Disability	C	C	P		C	
7. Apartment (within owner occupied structure in A and R zones)	P	P	P			
8. Flag Lot		C				
(Lines 9-14, intentionally left blank)						
Accessory and Incidental Uses						
15. Accessory Building	P	P	P		P	P
16. Accessory Agricultural Building	P					
17. Private Swimming Pool	C	C	C		C	
18. Solar Panels	P	P	P	P	P	
19. Livestock, Livestock Corral	P					
20. Off street Parking, incidental to main use	P	P	P	P	P	P
21. Household Pets	P	P	C		P	
22. The Keeping of Three or More Dogs or Cats	C	C	C			

	<u>A</u>	<u>R</u>	<u>C</u>	<u>P</u>	<u>PU</u>	<u>C</u>
23. Exceptions to Height Requirements Allowed (see 10-13-10)	C	C	C	C	C	
24. Sports Court Fencing		C		P	C	
25. Beekeeping, 2 colonies	P	P			P	
26. Beekeeping, 3 or more colonies (Lines 27-29, intentionally left blank)	C	C			C	
Institutional and Special Service Uses						
30. Rest Home, Nursing Center	C	C	P		C	
31. Nursery, Day Care Center (4 or more persons)	C	C	C			
32. Home Occupation	H	H				H
33. Library, Archives, Cultural Center, Museum	C	C	P	C	C	
34. Public Building/Agency	C	C	P	C	C	
35. Utilities, public or private	C	C	C	C	C	
36. Utility Shops, Storage Yards	C		C	C		
37. Tennis, Swim Club, private	P		P			P
38. Water Well, Reservoir, Storage Tank	C	C	P	C	C	
39. Church	C	C	P	C	C	
40. School, public or private	C	C	C	C	C	
41. Cemetery				P		
42. River Heights City Facilities Use (Lines 43-49, intentionally left blank)				C		
Commercial and Retail Uses						
50. Hotel/Conference Center			P			
51. Motel			P			
52. Gasoline Sales, Car Wash			C			
53. Antique or Collectible Shop			P			
54. Book or Stationary Store			P			
55. Bank, Savings and Loan, Credit Union			P			
56. Barber or Beauty Shop	H	H	P			
57. Bakery or Confectionery Shop, Retail Sales			P			
58. Bed and Breakfast Inn	C	C	P			
59. Cafeteria, Restaurant, Fast Food			P			
60. Camera, Photography Studio		H	P			
61. Clinic, Medical, Dental			P			
62. Drug Store or Pharmacy			P			
63. Department or Retail Store			P			
64. Florist Shop	P		P			
65. Farmers Market				C		
66. Garden Shop, Plant Sales, Nursery	P		P			
67. Hobby Shop			P			
68. Kennel	C	C	C			
69. Laundry or Self-Service Laundry			P			
70. Movie Theater, Indoor Recreation			P			
71. Professional Office ¹		C	P			
72. Optical Shop			P			
73. Pet Shop for Small Animals, Birds			P			
74. Personal Custom Services, Tailor, Milliner, etc		H	P			
75. Shoe and Shoe Repair		H	P			
76. Studio, Health, Exercise, Dance, Music, Drama		H	P			
77. New Car Sales			P			
78. Brew Pub			C			
79. Restaurant w/Liquor License			C			
80. Adult-Oriented Business			C			
81. Body Art		H	C			
82. Short Term Vacation Rental (STVR), owner occupied (2-2019, 5-28-19)	H	H	H		H	
83. Auto Repair ²	C	C	P			

(Lines 84-90, intentionally left blank)

A R C P PU C

Agricultural and Related Uses

- | | |
|--------------------------------|---|
| 91. Orchard for commercial use | P |
| 92. Crop production for sale | P |

¹Only a structure that is residential in appearance and maintains the character of the existing neighborhood in style and heights can be used for a professional office in a residential zone. An office building that is commercial in appearance cannot be constructed in a residential zone. (4-2010, 7-13-10) (1-2015, 6-23-15) (1-2016, 3-22-16) (4-2018, 10-9-18) (3-2020, 5-19-20)

²A maximum of two (2) vehicles to be repaired may be on the premises at any given time and must be repaired within an enclosed building. A vehicle being transported to or from the premises may be outside of the building for no more than fourteen (14) consecutive calendar days. Proper containment and disposal of all hazardous materials must be in accordance with state regulations. (11-2021, 12-7-21)

B. Zone Regulation Requirements

1. A Zoning Clearance Permit is required when constructing or adding a structure to the property. Structures include, but are not limited to: house, house addition, garage, carport, shed, deck, ground mounted solar panels, swimming pool, commercial building, covering for a deck, patio or porch (see 10-3-4).
2. One application is required per structure and per person.
3. Public works director and zoning administrator will sign permit or respond to applicant within 10 working days.
4. Failure to comply with restrictive covenants (including any limiting conditions contained on a recorded plat map) and/or situational safety concerns shall be grounds for denial of a Zoning Clearance Permit.
5. Applicant should consult Cache County Building Department to determine if a building permit is required.

(2-2019, 5-28-19)

C. Classification of New and Unlisted Uses; Procedure: Should the zoning administrator and the building inspector determine that a type or form of land use which an applicant is seeking to locate in the city does not appear as a permitted or conditional use, he or she shall refer the request to the planning commission which shall determine the appropriate classification as follows:

1. Should the commission determine that the new or unlisted use for all intents and purposes, is listed under another name or category, they shall so inform the zoning administrator and/or building inspector to proceed; accordingly, or
2. The planning commission shall gather facts concerning the nature of the use, types of activities, impacts, etc., and shall transmit its findings and recommendations to the city council, who shall amend the land use chart. (Ord., 1-22-2002) (2-2021, 6-1-21)

- D. Uses Prohibited in Zones Unless Expressly Permitted: This title prohibits uses of land other than those expressly permitted within this title, excepting uses permitted by action of the planning commission and pursuant to express authority under the terms of this title. The planning commission and appeal authority shall not permit a use within a zone, which is not expressly permitted by the terms of this title, unless it can be shown that the use is similar to other uses permitted in the zone. (Ord., 1-22-2002; amd. Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002; Ord. 04-12-14, 1-11-2005, eff. retroactive to 12-14-2004)

10-12-2: AREA REGULATIONS

- A. Residential Space Requirement Chart: The minimum lot sizes and setback distances for residential uses are listed in the following table 2:

Table 2, Residential Space Requirement Chart

<u>Residential Uses</u>	<u>A</u>	<u>R-1-8</u>	<u>R-1-10</u>	<u>R-1-12</u>	<u>PUD</u>
Lot Size					
Minimum lot size	5 acres	8,000 sq.ft.	10,000 sq.ft	12,000 sq.ft.	*
Minimum lot width (measured at setback line)	200 feet	80 feet ¹	80 feet	95 feet	*
Lot Setbacks					
Principal and Fence Uses (in ft)					
Front Yard	50	20	20	25	*
Attached Garage, door facing street	50	25	25	25	
Side Yard (interior lot)	20	10 ²	10	10	*
Side Yard (on street)	30	20	20	25	*
Rear Yard	30	15	15	20	*
Accessory Uses (in feet):					
Front Yard	50	30	30	35	*
Side Yard	20	3	3	3	*
Side yard on street	30	25	25	30	*
Rear Yard	20	3	3	3	*
Height (in feet)					
Principal uses (max.)	35	35	35	35	35
Accessory uses (max.)	**	**	**	**	**
Principal uses (min.)	10	10	10	10	10

*Planned unit development (PUD) requirements may be altered and are subject to discretionary approval by the planning commission on a per application basis.

**Accessory uses shall be no greater in height than the height of the principal use on the same lot, and in no case shall the height of the accessory use exceed 25 feet.

1. The minimum lot width (as measured at the setback line) in the R-1-8 zone may be reduced subject to the following conditions:

- A. The lot being considered for an exception shall be created or subdivided from a legally existing lot that measures less than the minimum width required by this Zoning Ordinance but no less than seventy (70) feet, as measured at the setback line.

B. The width of the lot created, as measured at the setback line shall not be less than seventy (70) feet.

C. The front yard of the lot created shall front on a public or private street.

The City may deny any request to reduce the minimum lot-width in the R-1-8 zone upon finding:

A. That the lot being considered is owned by the same entity as at least one adjacent lot, and in which the combination of the lots could allow for all lot widths to meet the requirements of this Zoning Ordinance, provided that no structure exists that would preclude such lot combination from taking place.

B. That granting an exception in lot width would adversely impact the character of the existing neighborhood and urban design of the City.

2. Properties with residential homes built prior to 1940 in the R-1-8 zone are exempt from the 10-foot minimum side yard (interior lot) setback with the following conditions: Additions or remodels made to said homes may extend the same non-conforming line of such an existing home, but in no case, shall any addition or remodel (including structural overhang and cantilevers) be closer to the adjacent property line than five (5) feet, i.e., a five (5) foot setback shall be maintained in all cases. The eaves shall not extend beyond 16" of the existing roof line or eave.

B. Nonresidential Space Requirement Chart: The minimum lot sizes and setback distances for nonresidential uses are listed in the following table 3:

Table 3, Nonresidential Space Requirement Chart

<u>Nonresidential Uses</u>	<u>C1</u>
Lot Setbacks	
Principal uses (in feet):	
Front yard	30
Side yard	0
Side yard adjacent to residential zone or street	30*
Rear yard	0
Rear yard adjacent to residential zone or street	30*
Accessory uses (in feet):	
Front yard	30
Side yard	0
Side yard adjacent to residential zone or street	30*
Rear yard	0
Rear yard adjacent to residential zone or street	30*
Height	
Principal uses (maximum height in feet)	45
Accessory uses (maximum height in feet)	20

*Must be landscaped to provide a buffer zone between commercial and residential zones.

(Ord., 1-22-2002, 6-2014) (3-2022, 5-3-22)

10-12-3: FENCE AND WALL REGULATIONS WITHIN SETBACKS

A. Residential Maximum Height (from sidewalk or road grade)

1. Front Yard: 4 feet
2. Side Yard, Interior Lot: 6 feet
3. Rear Yard: 6 feet
4. Side Yard and Rear Yard on a Street
 - a. If a fence is installed on the property line, a four (4) foot solid fence is permitted. If a greater than four (4) foot fence is desired, the entire fence must be 70% transparent and may not be taller than six (6) feet.
 - b. If the fence setback distance from the paved asphalt road surface is fourteen and a half (14.5) feet or greater, an up to six (6) foot solid fence is allowed.

(4-2019, 8-13-19)

- B. Nonresidential Maximum Height (from sidewalk or road grade)
1. Front yard: 8 feet
 2. Side yard: 8 feet
 3. Rear yard: 8 feet
- C. No Permit Required: The City does not issue permits for fences, HOWEVER, fences built outside city code regulations will be brought into compliance at the owners' expense.
- D. Replacement of a Fence or Wall: When replacing an existing fence/wall, the new fence/wall must be brought into compliance with the current city code.
- E. No Chain Link: Chain link is not allowed in the front yard, side yards on a street, and rear yards on a street.
- F. Corner Lots: When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, a six foot (6'), 70% transparent fence is allowed in the part of the corner lot's rear and side yard that is adjacent to the neighboring lot's front-yard setback area (see Figure 10-12-3). All fences on corner lots shall comply with 10-13-15: Clear View of Intersecting Streets, shown in the following figure.

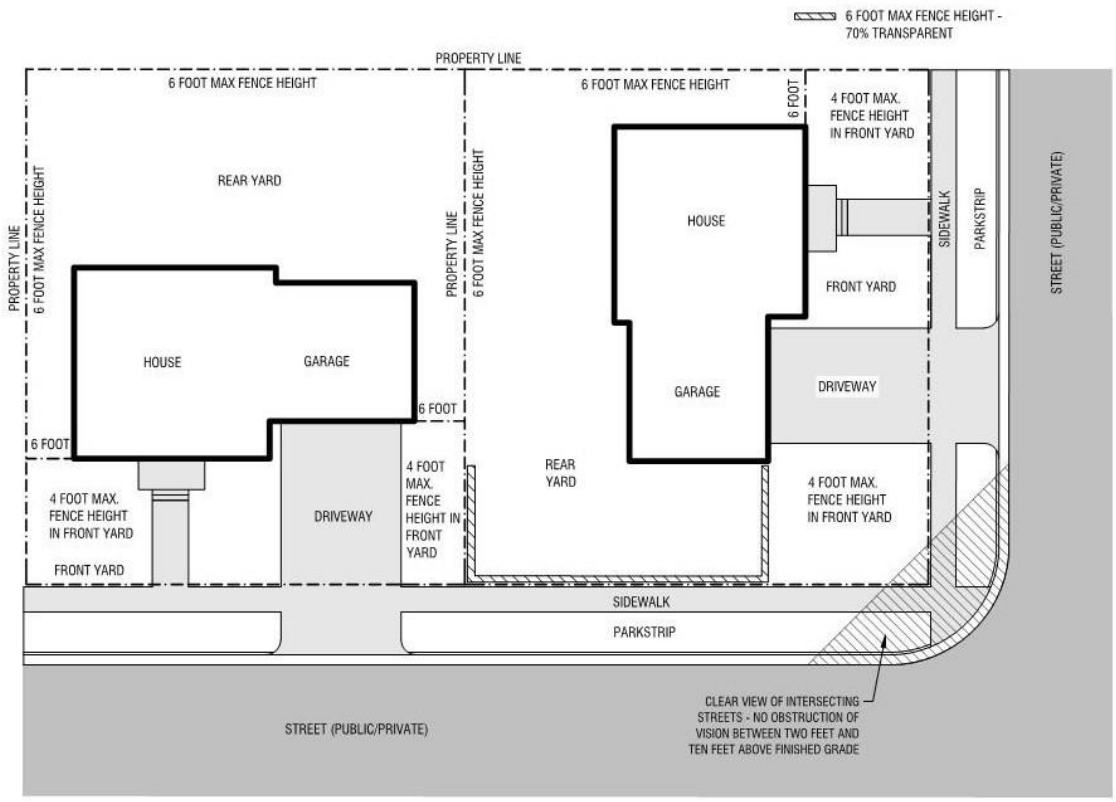


Figure 10-12-3 Corner Lot Fencing Requirements

(1-2019, 4-11-2019) (4-2019, 8-13-19)