

CHAPTER 1

General Zoning Powers

1.1 Name - Definitions - Planning Commission Preparation. (a) This Ordinance shall be known as the Zoning Ordinance of Eureka City and may be so cited and pleaded. Those municipal land use definitions specified in U.C.A. 10-9-103, and adopted by reference in the Eureka City General Plan, are hereby adopted by reference and shall apply to like terms and phrases used in this Ordinance. (b) The Eureka City Planning Commission shall first prepare and recommend the provisions contained herein to the Eureka City Council for adoption or other action described in Chapter 2. These regulations shall govern land use and development in Eureka City. (c) The provisions of this Ordinance represent Planning Commission recommendations for zoning all of the area within Eureka City.

1.2 Enforcement - Building Permit - Inspection - Certificate of Occupancy Required. (a) The designated building inspector, or other officer(s) authorized or appointed by the Eureka City Mayor shall be delegated the responsibility to enforce the provisions of this Ordinance. (b) A Building Permit, including fees related thereto, shall be obtained from and issued by Eureka City prior to the erection, construction, reconstruction, or alteration of any building or structure within Eureka City. (c) An application for a Building Permit shall be accompanied by a plat drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, buildings to be erected, existing buildings on adjacent property, and such other information requested in the application, or deemed necessary by the Planning Commission or the Building Inspector for the enforcement of this Chapter.

(d) The Building Inspector, or other official designated by Eureka City, shall have the right of access to any premises at any reasonable hour for the purpose of inspecting any building or structure during the course of its construction, modification, or repair; and to inspect conditional or other land uses to determine compliance with the provisions of this Chapter. (e) A Certificate of Occupancy and Building Compliance shall be obtained from and issued by Eureka City prior to the occupancy of any building or structure approved under this Chapter. Said Certificate shall include: (i) the use and occupancy of the building or structure; (ii) the number of automobiles anticipated to belong to the residents or occupants of the building, including the number of legal-sized off-street parking spaces being provided on the premises; (iii) completion of required landscaping; (iv) a signed certification from the property owner that the structure is completed to a degree such that it may be occupied safely and without violation of health or sanitation codes. Any change in use or occupancy, other than natural increase to the resident family, will require the issuance of a new certificate. (e) No permanent water or sewer service line, or electrical utility connection shall be installed to provide service to any land, building, or structure unless the owner of the property has complied with applicable provisions of this Chapter.

1.3 Application - Building Permit. Application for a building permit shall be accompanied by: (a) a complete and accurate legal description of the property, showing legal ownership, or legal proof of right to develop the property; (b) a certified survey of the property showing any conflict with adjoining property, overlaps or discrepancies between the legal description and any existing fence

lines; and (c) a plot plan showing proposed building(s) to scale in relationship to property boundaries.

1.4 Public Nuisance. The occupation of any building for which a Certificate of Occupancy and Building Compliance has not been issued is hereby declared to be a public nuisance and said building shall be in violation of this Chapter. It shall also be a public nuisance for any building to be occupied with greater density than is authorized herein or for any other occupancy than is authorized in the Certificate of Occupancy.

CHAPTER 2

Preparation - Notice - Adoption

2.1 Preparation and Notice. (a) After this Ordinance is prepared by the Planning Commission and recommended to the Eureka City Council, the Council shall provide reasonable notice of at least 14 days and hold a public hearing on this Zoning Ordinance. (b) This Section shall not preclude the giving of additional notice that may be deemed necessary by the Planning Commission.

2.2 Method and Effect of Notice. Notice shall be given by: (a) publication in a newspaper of general circulation in Eureka City; or (b) posting in at least three public places within Eureka City. (c) If said notice is not challenged as provided by State Law within 30 days from the date of the meeting for which notice was given, the notice is considered adequate and proper.

2.3 Adoption. After concluding the public hearing, the Eureka City Council may adopt, amend, or reject this Ordinance. If this Ordinance is rejected, the Council shall refer it

back to the Planning Commission for revision and recommendation.

CHAPTER 3

Amendments and Rezoning

3.1 Amendments. (a) The Eureka City Council may not make any amendment or rezone any area unless the amendment or area to be rezoned is first submitted to the Planning Commission for its recommendation. (b) The City Council shall comply with the procedure specified in U.C.A. Section 10-9-402 in adopting any amendment to the Zoning Ordinance or the Zoning Map.

3.2 Rezoning. (a) Upon recommendation of the Eureka City Planning Commission, the City Council may change or amend the number, shape, boundaries, or rezone the area of any zone, or amend any other provision of the Zoning Ordinance. (b) Before rezoning any area it shall be shown that such rezoning is in the interest of the public and is consistent with the goals, policies, and provisions of the Eureka City General Plan.

CHAPTER 4

Temporary Regulations.

4.1 Temporary Regulations. The Eureka City Council may, without a public hearing, impose a moratorium or establish temporary zoning regulations for any part or all of the area within Eureka City if the Council first makes a finding of compelling, countervailing public interest, or if the area does not appear to be appropriately zoned.

4.2 Effect and Duration of Temporary Regulations. A moratorium or temporary zoning regulations shall prohibit or regulate

the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval. The City Council shall establish a period of limited effect for said temporary action(s) not to exceed six months.

CHAPTER 5 Zoning Districts

5.1 Zoning Districts Established. (a) The Eureka City Council, upon recommendation by the Planning Commission, shall divide Eureka City into zoning districts. (b) Within each of these districts, the Eureka City Council, upon recommendation by the Planning Commission, may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land. (c) The Eureka City Council shall ensure that the regulations are uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. (d) The designated zoning districts within Eureka City are: Residential One (R1); Residential - Multiple Units (RMU); Business - Commercial (BC); Public Facilities (PF); and Sensitive Lands (SL).

5.2 Residential One (R1) Zone. This zone is intended to allow one residential unit together with approved accessory structures such as a garage, a small storage building, or a greenhouse used for approved purposes. This zone also permits the keeping of a limited number of farm animals, poultry, and small animals in conjunction with a single-family dwelling to an extent which is consistent with and proportional to the amount of land area provided for this purpose. Permitted uses in this zone include single-family dwellings, approved accessory buildings (See Subsection f), and approved fences (See Subsection g).

All other uses within this zone shall be considered as conditional uses and shall be regulated under the provisions of Chapter 7 of this Ordinance. (a) **Lot Area.** The minimum area of any lot or parcel of land in the R1 Zone shall be 10,000 square feet; excepting properties which meet the conditions specified in Chapter 6 Section 6 of the Eureka General Plan. (b) **Lot Depth.** Each lot or parcel of land in the R1 Zone shall have a minimum depth of at least one hundred (100) feet. (c) **Lot Frontage.** Each lot or parcel of land in the R1 zone shall abut a public street for a minimum distance of eighty (80) feet. (d) **Lot Area Per Dwelling.** Not more than one (1) single-family dwelling may be placed upon a lot or parcel of land in the R1 zone. All buildings, including accessory buildings and structures, shall cover not more than sixty (60%) percent of the area of the lot or parcel of land. (e) **Yard Requirements.** Each residential dwelling on a lot or parcel in the R1 zone shall have front and rear yards of not less than twenty (20) feet; and side yards of not less than ten (10) feet; except corner lots shall have a side yard of not less than twenty (20) feet. (f) **Accessory Building.** Any accessory building housing animals or poultry shall have rear and side yards of not less than twelve (12) feet and shall be located at least fifty (50) feet from any residence on an adjoining property. Accessory buildings not housing animals shall have a rear and side setback of two (2) feet or greater. (g) **Fences.** Fences in residential areas within Eureka City shall be a maximum of four (4) feet in height on any property which fronts on a dedicated street. This requirement shall also apply to the fence for: (i) the required twenty (20) feet of setback on front and corner lots; and (ii) twenty (20) feet from any street corner or driveway entrance. Fences constructed for agricultural purposes, not greater than six (6) feet in height shall be

exempt, provided the fence does not block the vision of a driver at street intersections. (h) **Parking and Access.** Each residential dwelling in the R1 zone shall have on the same lot or parcel a minimum of two (2) off-street parking spaces. (I) **Limitations On The Keeping and Maintenance of Animals and Fowls.** The number of domestic animals or poultry shall be limited to the size and capacity of the land and to a duration which is consistent with established animal husbandry or poultry practices. Improper, imprudent, or unreasonable use of residential land, or the keeping of excessive numbers of animals or poultry beyond that required for the family in residence on the premises which results in misuse, damage, neglect, nuisance, or complaint, shall be subject to abatement or to prosecution under Subsection (l) of this Chapter. The keeping of exotic pets not indigenous to the State of Utah, domesticated or non-domesticated animals, poultry, or creatures capable of transmitting disease or inflicting harm shall not be permitted within the corporate limits of Eureka City. Animals shall, at all times, be properly cleaned, restrained, and sheltered upon an approved lot or parcel of land in the R1 zone. (j) **Animal Kennels, Boarding, Breeding, Training, and Grooming.** A limited and reasonable number adult dogs, or adult cats, together with their off-spring up to three months of age; or similar numbers of small animals (pets) like unto, may be maintained on a parcel or lot in the R1 zone. Said use in the R1 zone shall require the issuance of a Conditional Use Permit and licensure as a Home Occupation (See provisions in Chapters 7 and 9). (k) **Compliance with State and County Board of Health Regulations.** No provision herein shall be construed as authorizing any use, or the keeping of an animal or animals, or poultry, in violation of Juab County or Utah

State Division of Health regulations; or the keeping of an animal or animals, or poultry, capable of inflicting harm, or endangering the health and safety of any person, or despoiling the environment (air quality, smell, and surface or well waters) of any property or adjoining property. (l) **Nuisance To Be Abated.** Upon the lawful filing of a written complaint, the Eureka City Council, is hereby authorized to: (I) declare property or buildings or the use thereof, in this or any other zone in the City, a public nuisance; (ii) invoke legal remedy in fining responsible individuals; (iii) restricting access to or, if deemed necessary, removing any unsanitary or unsafe building, including the use thereof, particularly if the building is dilapidated, or structurally compromised¹; or (iv) restrict or limit the keeping of any animal(s) or poultry on property within Eureka City determined by the Planning Commission or City Council to be in violation of this Chapter. In addition, the City Council may invoke other more stringent and lawful penalties for violation(s) authorized by the City's General Plan. (m) **Signs.** All signs approved in the RMU zone shall correspond to and be consistent with sign regulations specified in the Eureka City General Plan. (n) **General Area of R1 Zone.** The RA Zone shall comprise all land areas within Eureka City, developed or undeveloped, which are used for residential dwellings, accessory structures, and open space(s). Specifically, all land within Eureka City which is not located in the RMU, BC, PF, or SL Zones is hereby designated as being within the Residential One Zone. (Refer to the Eureka City Official Zoning Map).

¹Provisions of The Uniform Code for the Abatement of Dangerous Buildings may also be invoked by City Officials in eliminating nuisances in Eureka City.

5.3 Residential Multiple Units (RMU) Zone. This zone is intended to allow multiple residential units together with approved accessory structures such as carports, garages, or small storage buildings used for approved purposes. Permitted uses in this zone include multiple-family dwellings and approved accessory buildings (See Subsection f), and approved fences (See Subsection g). All other uses within this zone shall be considered as conditional uses and shall be regulated under the provisions of Chapter 7 of this Ordinance.

(a) **Lot Area.** The minimum area of any lot or parcel of land in the RMU Zone shall be 10,000 square feet. (b) **Lot Depth.** Each lot or parcel of land in the RMU zone shall have a minimum depth of at least one hundred (100) feet. (c) **Lot Frontage.** Each lot or parcel of land in the RMU zone shall abut a public street for a minimum distance of one hundred (100) feet. (d) **Lot Area Per Dwelling.** Not more than two (2) single-family units may be placed upon a minimum size, single lot or parcel of land in the RMU Zone. (Equivalent: Eight (8) units per acre). All buildings, including accessory buildings and structures, shall cover not more than seventy-five (75%) percent of the area of the lot or parcel of land. (e) **Yard Requirements.** Each residential dwelling on a lot or parcel in the RMU Zone shall have front and rear yards of not less than (20) feet; and side yards of not less than six (6) feet; except corner lots shall have a side yard of not less than 20 feet. (f) **Accessory Building.** Only approved appurtenant structures shall be permitted in the RMU Zone. (g) **Signs.** All signs approved in the RMU zone shall correspond to and be consistent with sign regulations specified in the Eureka City General Plan. (h) **Fences.** Fences in residential areas within Eureka City shall be a maximum of four (4) feet in height on any property which fronts on a dedicated street. This

requirement shall also apply to the fence for: (I) the required 20 feet of setback on front and corner lots; and (ii) 20 feet from any street corner or driveway entrance. (h) **Parking and Access.** Each residential unit in the RMU zone shall have appropriate, safe access and a minimum of one off-street parking space.

5.4 Business - Commercial (BC) Zone. This zone is established to provide land within Eureka City primarily for the accommodation of business and commercial uses. Land parcels in this zone are and should be adjacent, contiguous, or proximate to major arterial roadways within Eureka City and to existing commercial areas. Provisions herein are intended to encourage greater integrity and aesthetic improvements as business and commercial areas are developed, expanded, and improved. Integrated and coordinated building design, landscaping, parking, ingress, and signing are encouraged through the use of project plan approval procedures. Permitted uses characteristic of this zone include a wide range of structures such as professional buildings, light industry or manufacturing facilities, retail and service stores, restaurants and shops. Mobile residential parks, travel trailer parks, junk yards, metal fabrication, animal holding, processing or rendering facilities, entertainment and sexually-oriented businesses proposed to be constructed in this Zone in Eureka City shall be considered as conditional uses under the provisions of Chapters 7 and 10 of this Ordinance. The purpose of this requirement for these types of businesses is to establish requirements that reasonably govern the location of certain business and commercial uses in order to avoid adverse secondary effects which may result from the operation of such businesses. The intent of said requirements is to protect the health, safety, and general welfare of Eureka

City residents consistent with protections provided by the United States Constitution, the Utah Constitution, and the Utah Code. Each approved, or conditionally approved business or use shall be subject to all development standards of this zone, including, but not limited to, the requirements set forth herein. (a) **Lot Area.** There shall be no minimum lot area requirements in the BC zone except as may be dictated by suitable and safe access, off-street parking requirements, adequate circulation, and appropriate site utilization. (b) **Lot Width and Frontage.** Each lot or parcel of land in this Zone shall have width and frontage on a public street for a minimum distance of thirty-five (35) feet. (c) **Yard Requirements.** Each lot or parcel of land in the BC zone shall have no front set back requirement. Rear and side yard set backs, access and parking areas shall be dictated by accessibility, off-street parking requirements, safety, adequate circulation, and appropriate site utilization. (d) **Accessory Building.** Set back requirements of all accessory buildings shall be dictated by adequate access, safety, parking, and appropriate site utilization in keeping with recommendations issued by the Planning Commission. (e) **Parking and Access.** Each lot or parcel in the BC zone shall have vehicle parking sufficient to meet the requirements set forth on the plot plan approval document. All parking spaces shall be paved with asphaltic cement, concrete, or gravel and shall be provided with adequate drainage. Parking spaces shall not be provided within the required front yard or side yard set back adjacent to a public street. (f) **Signs.** All signs erected in the BC zone shall correspond in height to the principal building and shall be amenable to the buildings or facilities served in design, lighting, and appearance. (g) **Building Height.** The height of every building or

structure hereinafter designed, erected, or structurally altered or enlarged shall be regulated by conformance to the requirements of the most recent edition of the Uniform Building Code. All new or restored structures exceeding two (2) stories in height shall be served with elevators or escalators in addition to the stairways otherwise required by law. (h) **Distance Between Buildings.** No requirement. (I) **Project and Plot Plan Approval.** Prior to the construction of any building or structure in the BC zone, a project and plot plan shall first be submitted to and approved by the Eureka City Planning Commission and, thereafter, by the City Council. Said plan shall be drawn to scale and certified by a licensed engineer or surveyor and shall contain the following information: (I-a) the location of all existing and proposed buildings and structures on the site, with full dimensions showing distances between buildings and distances from buildings to adjacent property lines; (I-b) the location of all parking spaces, driveways, loading and dock areas, and points of vehicular ingress and egress; (I-c) a landscaping plan showing the location, types, and initial sizes of all planting materials to be used together with the location of fences, walls, hedges, signs, and decorative materials; (I-d) preliminary elevations of all buildings showing the general appearance and type of external materials; (I-e) no wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be installed or maintained within a required front yard in the BC zone. A chain link fence or decorative masonry wall at least six (6) feet in height shall be erected along all property lines which lie adjacent to a Residential One Zone. (j) **Remodeling or Enlargement of Existing Buildings and Structures in The BC Zone.** The Project and Plot Plan requirements of this Section shall apply to the remodeling,

restoration, or enlargement of existing buildings and structures in the BC Zone in Eureka City. (k) **General Areas of BC Zone.** All properties which have frontage on US and Utah Highway 50-6 and are located within the boundaries of Eureka City shall be designated as being within the BC Zone. (Refer to the Eureka City Zoning Map).

5.5 Public Facilities (PF) Zone. This Zone provides recognition of and provision for the location and establishment of land uses and structures which are maintained in either public or quasi-public ownership, which are used for public, religious, social, or fraternal purposes; and which may utilize relatively large areas of land. Permitted uses in this zone include churches, public buildings, utility stations, parks, schools, shops, and city equipment storage areas. At the discretion of the Planning Commission and approval of the City Council, conditional uses in the PF Zone in Eureka shall be considered according to the principal public good or benefit derived from the use, or proposed conditional use thereof. (a) **Lot Area.** The minimum area of any lot or parcel of land in the PF zone shall be eight thousand (8,000) square feet. (b) **Lot Depth and Frontage.** Each lot or parcel of land in the zone shall have minimum depth of 100 feet and frontage on a public street for a minimum distance of 35 feet. (c) **Yard Requirements.** Each lot or parcel of land in the PF zone shall have no front set back requirement. Rear and side yard set backs, access and parking areas shall be dictated by off-street parking requirements, adequate circulation, safety, and appropriate site utilization. (d) **Accessory Building.** Set back requirements of all accessory buildings shall be dictated by adequate access, safety, parking, and appropriate site utilization as recommended by the Planning Commission.

(e) **Parking and Access.** Each lot or parcel in the PF zone shall have vehicle parking sufficient to meet the requirements set forth on the plot plan approval document. Except for large parks and recreational areas or arenas, all parking spaces shall be paved with asphaltic cement, concrete, or gravel and shall be provided with adequate drainage. Parking spaces shall not be provided within the required front yard or side yard set back adjacent to a public street. (f) **Signs.** All signs erected in the PF zone shall be in conformance with the sign provisions of the BC zone. (g) **Building Height.** The height of buildings or structures hereinafter designed, erected, or structurally altered or enlarged shall be regulated by conformance to requirements of the most recent edition of the Uniform Building Code. All structures exceeding two (2) stories in height shall be served with elevators or escalators in addition to the stairways otherwise required by law. (h) **Distance Between Buildings.** No requirement. (I) **Project and Plot Plan Approval.** Prior to the construction of any building or structure in the PF zone, a project and plot plan shall first be submitted to and approved by the Eureka City Planning Commission and, thereafter, by the City Council. Said plan shall be drawn to scale and certified by a licensed engineer or surveyor and shall contain the following information: (I-a) the location of all existing and proposed buildings and structures on the site, with full dimensions showing distances between buildings and distances from buildings to adjacent property lines; (I-b) the location of all parking spaces, driveways, loading and dock areas, and points of vehicular ingress and egress; (I-c) a landscaping plan showing the location, types, and initial sizes of all planting materials to be used together with the location of fences, walls, hedges, signs, and decorative

materials; (I-d) preliminary elevations of all buildings showing the general appearance and type of external materials; (I-e) no wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be installed or maintained within a required front yard in a PF zone. A chain link fence or decorative masonry wall at least six (6) feet in height shall be erected along all property lines which lie adjacent to a Residential One Zone. (j) **Remodeling or Enlargement of Existing Buildings and Structures in The PF Zone.** The Project and Plot Plan requirements of this Section shall apply to the remodeling, restoration, or enlargement of existing buildings and structures in the PF Zone. (k) **General Areas of Zone.** Those land areas within Eureka City which are presently utilized, or reserved for future use as public or quasi-public purposes, including churches, public buildings, utility stations, museums, ball diamonds, parks, schools, and Eureka City equipment, shops, and storage areas, shall be designated as being within the PF Zone. (Refer to the Eureka City Official Zoning Map).

5.6 Sensitive Lands (SL) Zone. This zone is established to protect and to regulate existing or proposed uses of environmentally sensitive lands within and adjacent to Eureka City. Notwithstanding any other provision of this Chapter, it shall be unlawful to grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition. It shall also be unlawful to erect any structure which will not be reasonably safe for use as a human habitation or animal shelter because of surface water, ground waters, or a high water table, expansive or collapsible soils, proximity to a potential or actual landslide, proximity to a known flood plain, or steep slopes, or to any other unsafe condition.

All land uses within this Zone deemed to be environmentally sensitive or potentially hazardous by the Planning Commission shall be considered on a conditional basis only, and only in accordance with standards specified in this Chapter and the Eureka City General Plan. (a) **Presumption.** Conditions described on reports or maps issued by the U.S. and Utah Geological Surveys, U.S. Soil Conservation Service, and Utah Division of Comprehensive Emergency Management, pertaining or related to lands located within or adjacent to Eureka City, together with explanatory information or materials appurtenant thereto, shall be presumed to exist. (b) It shall be unlawful to grade, fill, or excavate any land or to erect any structure in this Zone without first obtaining a Conditional Use Permit from the Eureka City Planning Commission and City Council. In appropriately addressing sensitive lands issues, and granting a Conditional Use Permit, the Planning Commission may request and the City Council may require that the property owner obtain either of the following: (I) a Letter of Certification from a Utah licensed professional engineer (PE) which addresses pertinent geotechnical elements related to construction upon or development of the subject sensitive land(s); or (ii) a notarized affidavit² which acknowledges that the property owner is advised by the Eureka City Planning Commission and the City Council that the land(s) may be subject to environmental or safety hazards; that the property owner accepts full responsibility for construction or development thereon; and that the property owner specifically waives any liability to and holds Eureka City harmless from any responsibility to address or remedy actual or potential damage(s) which may occur thereto. (c) Notwithstanding provision (b) the

² Affidavit forms are available in the Eureka City Offices.

Planning Commission shall not recommend and the City Council shall not approve a Conditional Use Permit for construction or development in the Sensitive Lands Zone if any structure is proposed to be located within an unsafe or unsuitable proximity to a culinary water source protection zone. (d) Generally, it is the intent of this Chapter that the property owner(s) of sensitive land(s) located within or adjacent to Eureka City, establish in the minds of a majority of the members of the Eureka City Planning Commission and City Council that the proposed use of land may safely occur. (e) **General Areas of SL Zone.** Those land areas within, contiguous, or adjacent in general proximity to Eureka City which are deemed to be environmentally sensitive lands because of unique hydrological, geological, topographical, location, or other features; and which reasonably seem to require special protection or regulation, are hereby designated as being within the SL Zone. (Refer to the Eureka City Official Zoning Map). (f) **Appeal.** Any person dissatisfied with a decision under this Chapter may appeal within thirty (30) days thereof by following the procedures specified in Chapter 7 of the Eureka City General Plan.

5.7 Off-Street Parking Standards. (a) **Required in each Zone.** Every building, structure, and improvement in each zone within Eureka City shall be provided with permanently maintained parking spaces as specified in this Chapter. (b) **Specified in Building Permit.** Required off-street parking shall be specified in the plans submitted to and approved by Eureka City in the Building Permit for each dwelling, business, commercial, or public facility use. Parking shall be the continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. (c) **Minimum Requirements.**

Except as otherwise may be recommended by the Planning Commission to accommodate special circumstances, the number of off-street parking spaces for each of the Zones within Eureka City shall be as follows: (i) R1 Zone: a minimum of 2 spaces for each residential dwelling; (ii) RMU Zone: a minimum of 1 space for each residential unit; (iii) BC Zone: One (1) space for each 1000 square feet of floor area; (iv) PF Zone: One (1) space for each 500 square feet of gross floor space or assembly area; (v) SL Zone: Parking space(s) as specified by the Planning Commission in the Conditional Use Permit. (d) **Required Improvement.** As specified in the Building Permit, the parking area shall be paved with asphaltic cement, concrete, or improved with gravel and shall be maintained so as to eliminate dust or mud, and shall be graded and drained to dispose of surface water. (e) **Handicapped Parking Spaces.** All structures which are required by provisions of the Uniform Building Code to have adaptations which assist access by handicapped persons shall provide off-street parking for handicapped persons. Parking spaces for the handicapped shall be designed, set aside, and identified with signs for use by individuals with physical disabilities.

5.8 Street Lighting and Signing Standards. (a) **Required in each Zone.** Owners or developers shall, as specified herein and in the Eureka City Subdivision Ordinance, provide and pay for street lighting and signing for new roadways, streets or structures in any zone and in new subdivisions. (See Subdivision Standards). (b) Eureka City may, by Special Improvement or Special Services District, provide for the installation of street lighting or signing on existing city streets in any one or all zones. The cost(s) for lighting or signing or both, shall be equitably assessed to owners of

property fronting on existing public roadways or city streets in accordance with UCA, Title 10, Chapter 4 .

CHAPTER 6

Zoning of Annexed Territory

6.1 Extension of Corporate Limits. In order to assure orderly growth and development of Eureka and to protect the general interest of the taxpayers as well as the rights of individual property owners who wish to annex to the City, the City Council hereby adopts by reference the procedures specified by U.C.A. 10-2-401, et seq. which shall govern the annexation of land(s) into Eureka City.

6.2 General Requirements. (a) It is the policy of Eureka City that annexed land be contiguous to the boundaries of Eureka City; and that annexed lands be generally amenable to and consistent with the extension of existing roads, utilities, and property lines in order to provide orderly growth and development and to minimize the expense for extension of main or service lines and streets. (b) It is also the policy of Eureka City that those who subdivide and develop land shall provide for the financing of improvements to annexed lands. Said financing shall be secured by a cash bond deposited with, or by a letter of credit obtained through, a chartered financial institution in Utah; or through a special improvement district which appropriately attaches added public facility and servicing costs to newly developed properties. (c) Eureka City utilities and services shall not be extended to unincorporated properties on the fringes of the City nor to islands of unincorporated property unless the City Council, by resolution, sets forth the reasons why it is in Eureka City's interest to do so. The only exceptions shall be to those extensions which are made pursuant

to agreements with other units of government under the Interlocal Government Cooperation Act. (d) An owner annexing property will be responsible for paying all charges and fees which offset the cost to Eureka City of administering, planning, annexing, subdividing, and providing utilities and services to newly annexed lands. (e) Eureka City shall retain the sole and exclusive right to determine if, when, where, and under what budgetary conditions and restraints, the City shall annex property or provide utility extensions or services to annexed properties. In all cases, the costs of providing utility and roadway extensions, and related City services shall be borne by and chargeable to the property owner or developer specifically, rather than to the public generally.

6.3 Annexation Procedure. (a) When initiated by the owner of contiguous property, a petition for annexation in the form and meeting the criteria established by Utah Statutory law may be submitted to Eureka City. (b) Attached to and as a part of the petition shall be a certified survey plat and legal description of the property, in each individual ownership, which is requesting annexation. (c) There shall also be attached a full disclosure statement of any and all water owned or historically utilized on the property to be annexed and a statement from the owner of the water as to the estimate of value of the water which the owner proposes to sell to Eureka City as a condition of annexation. (d) Also attached to the petition shall be a written statement as to the anticipated timetable for development of the property being annexed. (e) It shall be the policy of Eureka City, upon recommendation by the Planning Commission, to annex areas contiguous to its boundaries, or areas constituting defacto islands which may lie within, adjacent, or proximate to the City; or areas in which municipal types of services

or utilities have been provided for a period in excess of one year, with or without receipt of a petition from the property owners, as provided under U.C.A. 10-2-401, et seq.

6.4 Irrigation Water. Inasmuch as the annexation of property into the City will ultimately require that the City supply water resources to the annexed area, the City shall require that all culinary, irrigation, and well-water rights historically used on the land be tendered as a condition of annexation to Eureka City. When such water or water rights are tendered to the City, the City shall purchase the aforesaid water for market value at a time and in a manner determined to be reasonable by the Eureka City Council.

6.5 Annexed Lands to be Zoned Sensitive Lands. All land annexed to Eureka City shall be zoned under the Sensitive Lands (SL) Zone which is the most restrictive land use zone in Eureka City.

6.6 Rezoning of Annexed Lands. Annexed land(s) shall remain in the SL Zone until the Planning Commission recommends and the City Council approves a portion or all of the land to be rezoned to an alternative zone which is deemed by the Planning Commission and the City Council to be compatible and consistent with the intended use or development of land(s) annexed to Eureka City.

CHAPTER 7 Conditional Uses

7.1 Conditional Use Permits. The purpose of a Conditional Use Permit is to (1) allow proper integration of uses into Eureka City which may only be suitable in specific locations and (2) to prevent adverse, nuisance,

or harmful effects from improper uses in a specified location; which use may have potentially detrimental effect(s) if not properly designed, located, and conditioned. The Eureka City Planning Commission may, subject to the procedures and standards set forth in this Zoning Ordinance, recommend that the City Council grant, conditionally grant, or deny an application for a Conditional Use Permit for uses not permitted by this Ordinance in the applicable zone. Conditional uses may be allowed, allowed with conditions, or denied in each of the designated zoning districts, based on compliance with standards and criteria set forth in this Chapter.

7.2 Application. Application for a Conditional Use Permit shall be presented to The Eureka City Planning Commission which shall review the Application and hold a Public Hearing on the proposed use before recommending approval or denial to the Eureka City Council. The Application shall be accompanied by: (a) plats, plans, or drawings drawn to scale showing the location and dimensions of buildings, streets and other improvements on or near the subject property which may be affected by the proposed use and showing the nature and extent of those effects; and (b) a filing fee as established by the Eureka City Council.

7.3 Action on Application. (a) The Planning Commission may recommend, or City Council may impose, conditions on the issuance of a Conditional Use Permit including, but not limited to, limitation on the size or shape of buildings; the dedication, relocation, and development of streets; distance from a residential or public facility zone or use; installation and up sizing of utility mains; screening or landscaping to protect adjacent properties; the elimination or relocation of

windows or doors or signage or lighting in order to protect an existing public use or adjacent property from any detrimental characteristic(s) of the proposed use; or the requirement of additional parking, or other changes, or conditions. (b) The Planning Commission may require that the applicant prepare and record covenants running with the land which, according to the conditions specified, are binding upon the applicant and successors. (c) No building permit shall be issued until the required Conditional Use Permit is first obtained.

7.4 Determination of Use. A Conditional Use Permit shall not be granted unless the Planning Commission determines and the City Council concurs that the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity. The Use shall be detrimental if the proposed use will cause unreasonable risks to the health, safety, or general welfare of persons or property because of vehicular traffic or parking, large gatherings of people, or will unreasonably interfere with the lawful use of surrounding property.

7.5 Expiration. A Conditional Use Permit which has not been utilized within twelve (12) months from the effective date shall become null and void. When any provision of the Conditional Use Permit is utilized, the other portions and conditions related thereto become immediately operative and shall be strictly enforced. Utilization shall be construed to mean any degree of commencement of the use or uses for which the Permit was granted.

7.6 Modification or Revocation of Conditional Use Permit. The Planning Commission shall hold a Public Hearing upon

the question of modification or revocation of a Conditional Use Permit. The Permit shall be modified or revoked if the Commission finds that: (a) it was obtained by fraud or misrepresentation; (b) the use for which the Permit was granted has ceased or is not being exercised; (c) the conditions imposed upon the said use Permit have not been complied with; or (d) the use is detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property; except that a change in the market value of real estate shall not be considered an injury to property.

7.7 Appeals. Appeal to the decision of the Planning Commission and, subsequently that of the City Council, shall be heard by the Eureka City Board of Adjustment which shall have jurisdiction to decide appeals of the approval or denial of Conditional Use Permits.

7.8 Statutory Provisions - Location and Zoning Restrictions. (a) Nothing in this Chapter shall be construed to permit or allow the showing or display of any entertainment, spoken or written matter which is contrary to applicable federal or state statutes prohibiting lewdness, profanity, nudity, obscenity or pornography; (b) It is unlawful for any sexually-oriented business to do business at any location with Eureka City without first obtaining a Conditional Use Permit to do so.

CHAPTER 8 Nonconforming Uses and Structures

8.1 Nonconforming Use Defined. A nonconforming use is the use of any building, structure, or land which is prohibited by but which lawfully existed prior to the effective date of this Ordinance.

8.2 Nonconforming Uses - Establishment and Termination. (a) A nonconforming use or structure may be continued within Eureka City provided no structural alterations, additions, or enlargements are made thereto, and no structural alterations are made therein, except as allowed by a Conditional Use Permit (b) This Chapter provides for the restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions established by the Planning Commission and approved by the City Council. (c) The non-conforming status of any building, structure, or land, whether publicly or privately owned, shall be terminated if said nonconforming use is discontinued for a continuous period of more than one year; or whenever the structure or property ceases to be used for permitted purposes; or if said use is determined to be unsafe or hazardous to the health and general welfare of residents and adjoining property owners; or if said structure is proposed to be changed to an alternative use.

CHAPTER 9 Home Occupations

9.1 Purpose and Intent. The intent of Eureka City is to encourage a majority of business activities to be conducted in the Business and Commercial Zone. However, business activities may be conducted within or immediately adjacent to a residence on a limited basis if such activities comply with standards of this Chapter. All home occupations should be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a temporary privilege approved under a Home Occupation Permit. The Permit may be revoked if a home

occupation creates disruption and discord in the residential neighborhood in which it operates.

9.2 Home Occupation Defined. Permit Required. To assure compliance with provisions of this Chapter and to protect the character of residential areas within Eureka City, a Home Occupation Permit shall be obtained from the Planning Commission and approved by the City Council before residential property may be used for business purposes. The Planning Commission shall, upon application, first consider, and may recommend approval of a Home Occupation Permit. The Permit shall state the home occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The Permit shall not be recommended unless the Planning Commission is satisfied that the applicant will meet all the conditions required in this Chapter. The applicant, following City Council approval, agrees by signing the Permit, to comply with all specified conditions. (a) Occupations which meet the standards in Section 9.3 shall be defined as home occupations. In order to minimize traffic and off-street parking, and to avoid health and sanitation risks from the disposal of waste materials, medical, dental and related health professional offices are specifically excluded as home occupations. (b) Permitted home occupations include, but are not necessarily limited to, the following: (I) artists, appraisers, authors, architectural (and drafting) services, advertising; (ii) barber and beauty shops; (iii) crafts and craft sales, consulting services, computer programming, and contractors; (iv) dance studios, data processing, desktop publishing, and direct sales. (v) educational services; (vi) family day care (for not more than six (6) children) and financial services; (vii) garden produce; (viii)

mail order, and music (instrumental and voice) lessons; (ix) real estate services; (x) sales. (c) The Planning Commission may recommend and the City Council may grant a Conditional Use Permit, and allow increases in intensity for home occupations provided each property owner within five hundred feet signs an affidavit and the affidavits are presented to the Eureka City Council in support of the increased intensity home occupation being proposed.

9.3 Conditions. Each of the following conditions must be observed at all times by the holder of a Home Occupation Permit: (a) Persons who are not bona fide residents of the premises shall not be employed on said premises; (b) The Home Occupation shall be conducted wholly within the residence or approved structure on the premises; (c) The Home Occupation shall not occupy any area within the garage, unless the garage still functions for parking, or two off-street parking spaces for residential use are still available. (d) Commodities may be sold; However, it is the intent that such sales be limited to items produced on the premises, or items that are incidental to the service provided; (e) Only one vehicle may be used in association with the Home Occupation and shall be stored on the premises; (f) Signs shall not exceed 2 feet in height and 3 feet in width, or a total of 6 square feet.

9.4 Conformity with Codes and Residences.

(a) Home occupations shall conform with all fire, building, plumbing, electrical, health, and sanitation codes, with all applicable State Laws, and with Eureka City Ordinances. (b) The Home Occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

(c) The home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises, or vibrations. (d) Each special condition established by the Planning Commission and made of record in the home occupation Permit, as the Commission deems necessary to carry out the intent of this Chapter, shall be met.

9.5 Duration of Permit. Home Occupation Permits shall be valid for one (1) year and may be renewed annually provided there have been no reported violations, unresolved complaints, or detrimental characteristics which may, in the judgement of the Planning Commission, require termination of said Permit.

9.6 Business License Required. A Home Occupation Permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of an applicable City, County, or State regulatory agency.

9.7 Noncompliance and Appeal. In the event of denial of any permit, or the revocation thereof, or of objection to the limitations placed thereon, appeal may be made to the Board of Adjustment in accordance with the provisions of Chapters 5 and 7 of the Eureka City General Plan.