EXISTING CODE SECTION:

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16.12.102: Written Text Requirements

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16.12.120: Residential Patio Covers

16.12.121: Location Of Drive-Through Facilities

16.12.122: Wireless Telecommunications Facilities

16.12.123: Short Term Leases Of Residential Properties

16.12.124: Chickens In Residential Zones

16.12.101: PURPOSE:

The purpose of supplementary development standards is to further the purposes of the General Plan, this title and all other land use ordinances. Supplementary development standards address the use, location, construction and operation of particular uses and activities. Compliance with supplementary development standards, as applicable, as

well as all other requirements of this title and all other land use ordinances, and all other Federal, State and local requirements, are required for any land use application approval required by this title, or any other approval, permit or license required by other land use ordinances. (Ord. 2005-13, 2005)

16.12.102: WRITTEN TEXT REQUIREMENTS:

The City provides certain development standards and requirements, with application limited to identified residential subdivision areas, by way of "Written Text" documents. Written Text documents may provide standards related to allowed uses, the establishment of uses and/or the construction, reconstruction, restoration, extension, alteration, expansion or enlargement of buildings or structures. Residential subdivisions with Written Text documents are:

(1) Chancel Cliffs.

(2) Citadel Estates.

(3) Copper Canyon.

(4) Eagle Rock at Snow Canyon.

(5) Padre Canyon Estates Phases 1, 2 and 3.

(6) Red Mountain West.

Appendix A herein provides a summary of the Written Text documents. Unless specifically amended by the provisions of the Written Text documents, and expressly applicable to the identified subdivision, the requirements of this title and all other land use ordinances shall apply. (Ord. 2005-13, 2005)

16.12.103: ACCESSORY BUILDINGS AND ACCESSORY USES; GENERAL REQUIREMENTS:

(1) Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.

(2) Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.

(3) An accessory garage may be attached to, or detached from, the primary building.

(a) An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.

(i) All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply.

(ii) See also section 16.12.104 of this chapter.

(b) An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.

(c) All garages and other accessory buildings located ten feet (10') or more away from the primary building shall have setbacks from the rear and side property lines and maximum wall height limitations in accordance with table 16-1 of this subsection:

TABLE 16-1

Setback	**Maximum Wall Height**	**Maximum Building Height**
3'	8'	12'
5'	10'	15'
10'	16'	20'

Note: Accessory buildings located closer than five feet (5') to the property line shall be one hour fire resistant construction or shall be less than two hundred (200) square feet as required by the International Residential Code.

(d) No stormwater runoff from any accessory building shall be allowed to run onto adjacent property.

(4) Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.

(5) Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.

(6) Agricultural use accessory buildings, including barns and stables, shall be constructed of materials and colors designed to blend with the primary building.

(7) Accessory buildings shall comply with the requirements of the most recently adopted Building Code, as applicable.

(8) No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.

(9) No shipping container, cargo container, shipping crate, box, trailer or similar movable piece of equipment or object shall be used as an accessory building.

(10) No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings.

(11) No accessory buildings shall be rented, leased or sold separately from the rental, lease or sale of the primary building.

(12) No accessory building shall be used as a permanent dwelling unit.

(13) Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of section 16.12.113 of this chapter, and specifically subsection 16.12.113(8) of this chapter.

(14) All accessory buildings associated with a commercial kennel shall comply with the requirements of section 16.12.115 of this chapter.

(15) Accessory carports are allowed in those areas identified in figure 12-2 of this section provided they comply with the following:

(a) Definition: A carport is a shelter structure open on at least three (3) sides used generally for covering an automobile or recreational vehicle. It may be attached to the house or freestanding. Freestanding carports shall be open on four (4) sides. The floor surface can be concrete, gravel or asphalt. There can be no enclosed use above a carport. Any structure which does not comply with the above definition must comply with all regulations relating to a garage.

(b) Maximum Size: Twelve feet (12') in width by fifty feet (50') in length or calculated by the following formulas:

(i) The total square footage of any attached carport shall not be greater than fifty percent (50%) of the square footage of the footprint of the primary structure excluding the attached garage on lots less than one-half ($^1/_2$) acre, sixty percent (60%) on lots one-half ($^1/_2$) but less than one acre and seventy percent (70%) on lots one acre or larger.

(ii) The total square footage of any detached carport shall not be greater than fifty percent (50%) of the square footage of the footprint of the primary structure including the attached garage on lots less than one-half ($^1/_2$) acre, sixty percent (60%) on lots one-half ($^1/_2$) acre to less than one acre, and seventy percent (70%) on lots one acre or larger.

(c) Maximum Entry Height: Thirteen feet, six inches (13'6").

(d) Materials: Carports may be constructed of materials to match the architectural style of the existing residence or shall be an engineered metal building. Poles supporting a metal carport shall be of a color compatible with the exterior of the primary structure.

(e) Minimum Setbacks: Comply with the minimum setback requirements for the zoning district in which it is located.

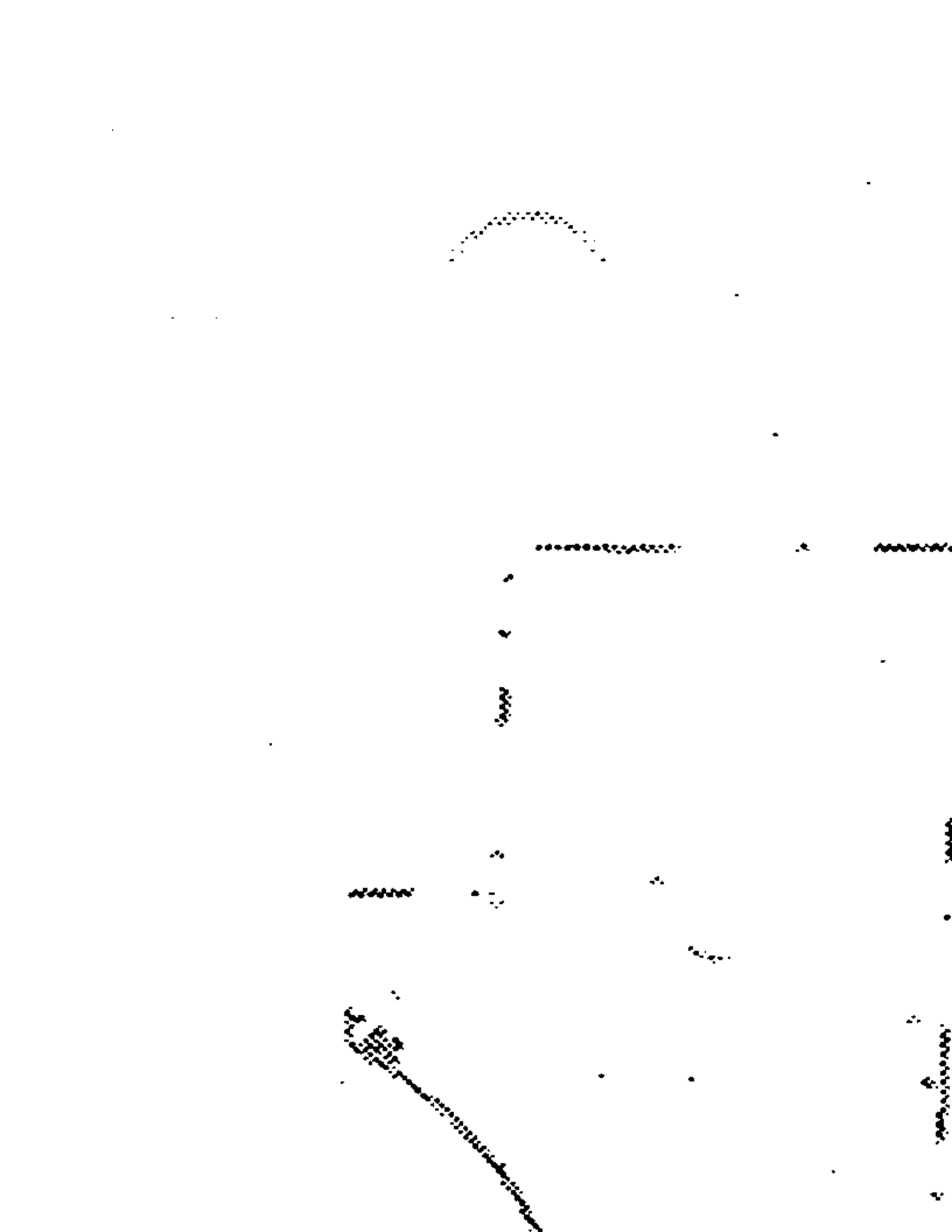
(f) Front Of Carport: The front of the carport shall be located at least three feet (3') back from the front of the structure on the side that it is located on.

(g) Conformance With Building Code: Engineered to resist wind and seismic loads in conformance with the most recently adopted edition of the Building and/or Residential Code.

(h) Number Allowed: No more than one carport shall be permitted for each dwelling unit.

(i) Materials Prohibited: Carports constructed of corrugated metal, fiberglass panels, and fabric materials are expressly prohibited.

(j) Height: Carports may be up to the height of the primary residence or up to fifteen feet (15') tall, whichever is lower. The carport may have a flat roof.



(Ord. 2018-04, 2018)

16.12.104: LIMITATIONS ON HEIGHT, SIZE AND LOCATION OF GARAGES AND OTHER ACCESSORY BUILDINGS IN RESIDENTIAL ZONES:

In an effort to avoid the appearance of commercial style buildings in residential zones, and to protect the character and stability of residential neighborhoods, the following requirements for garages and other accessory buildings located in residential zones are provided:

(1) Maximum Garage Height:

(a) No detached garage shall be higher than twenty feet (20'), measured from finish grade to the highest point of its roof, or higher than the highest point of the roof of the primary building, whichever is less. Exception: Detached garages located a minimum of forty feet (40') from the primary building may be twenty feet (20') maximum height regardless of the height of the primary building.

(b) No attached garage shall be higher than the primary building.

(2) Number Of Garages: A maximum of one attached and one detached garage may be allowed on each lot in association with a primary residential dwelling unit. All other structures shall be considered accessory buildings.

(3) Maximum Accessory Building Height: No accessory building, including agricultural use accessory buildings, shall be higher than fifteen feet (15'), measured from average finish grade, unless a higher finished grade is required by the City for proper drainage in which case it will be measured from the finished grade.

(4) Size, Location, And Construction Of Attached And Detached Garages And Other Accessory Buildings In Residential Zones:

(a) Size Of Attached Garages:

(i) The total square footage of any attached garage shall not be greater than fifty percent (50%) of the square footage of the footprint of the primary structure excluding the attached garage on lots less than one-half (0.5) acre, however, that percentage may increase up to sixty percent (60%) provided the garage frontage is less than fifty-five percent (55%);

(ii) Sixty percent (60%) on lots one-half (0.5) acre but less than one acre; and

(iii) Seventy percent (70%) on lots one acre or larger.

(b) The total square footage of any detached garage or other accessory building including agricultural use accessory buildings shall not be greater than fifty percent (50%) of the footprint of the primary structure including the attached garage on lots less than one-half ($^1/_2$) acre, sixty percent (60%) on lots one-half ($^1/_2$) acre to less than one acre, and seventy percent (70%) on lots one acre or larger. Note: Habitable space located in the attic areas of detached garages shall be included in the total square footage.

(c) Agricultural use accessory buildings constructed prior to the primary building as allowed in the agriculture (A) zone and residential agriculture (RA) zone shall be a maximum of two thousand five hundred (2,500) total square footage and shall be constructed of materials and colors that blend with the natural environment.

(d) Agricultural use accessory buildings larger than two thousand five hundred (2,500) square feet shall require a Class III conditional use permit.

(e) The cumulative total square footage of all attached garages, detached garages and all other accessory buildings, including agricultural use accessory buildings, shall not be greater than twenty five percent (25%) behind the rear wall line of the primary structure.

(f) All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply.

(g) No detached garage or other accessory buildings shall be located in any required front yard. (Ord. 2018-04, 2018; amd. Ord. 2021-14, 2021)

16.12.105: SMALLER ACCESSORY BUILDINGS; EXEMPTION FROM BUILDING PERMIT REQUIREMENTS:

An accessory building with a maximum height of ten feet (10') and a maximum size less than two hundred (200) square feet shall not require a building permit, provided all setback requirements for the zoning district in which the accessory building is located are met. (Ord. 2013-04, 2013)

16.12.106: ACCESSORY DWELLING UNITS FOR AN OWNER OR EMPLOYEE:

(1) An accessory dwelling unit for an owner or employee shall not be rented, leased or sold separately from the rental, lease or sale of the primary building located on the same lot.

(2) A maximum of one accessory dwelling unit for an owner or employee may be established on each individual, separate lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.

(3) The lot proposed for an accessory dwelling unit for an owner or employee shall already have an existing primary structure provided, or approved, prior to the consideration of an application to allow an accessory dwelling unit.

(4) Accessory dwelling units shall meet the required setbacks for attached or detached accessory buildings and uses as required by the zoning district in which they are located.

(5) An accessory dwelling unit for an owner or employee shall be connected to, and served by, the same water, sewer, electrical, and gas meters that serve the primary building. No separate utility lines, connections or meters shall be allowed for an accessory dwelling unit for an owner or employee.

(6) An accessory dwelling unit for an owner or employee shall provide a minimum of two (2) off street parking spaces, located as determined necessary and appropriate for approval of the accessory dwelling unit for an owner or employee.

(7) The construction of an accessory dwelling unit for an owner or employee shall meet all requirements of the adopted Building Code, as applicable.

(8) The architectural style, building materials and building colors of an accessory dwelling unit for an owner or employee shall be found to be compatible and consistent with the architectural style, materials and color of the primary building.

(9) Mobile homes, travel trailers, boats or similar recreational vehicles shall not be used as an accessory dwelling unit for an owner or employee.

(10) The land use application approval for an accessory dwelling unit for an owner or employee shall be received before a building permit is issued.

(11) As a condition of approval required to establish an accessory dwelling unit for an owner or employee, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the City, running in favor of the City, which shall prohibit the rental, lease or sale of the accessory dwelling unit for an owner or employee separately from the rental, lease or sale of the primary use or building. Proof that such deed restriction has been recorded shall be provided to the Zoning Administrator prior to the issuance of the certificate of occupancy for the accessory dwelling unit for an owner or employee. (Ord. 2005-13, 2005)

16.12.107: RENTAL OF ACCESSORY DWELLING UNITS IN SINGLE-FAMILY RESIDENTIAL ZONES:

The purpose and intent of requirements for allowing accessory dwelling units is to provide additional housing opportunities.. For purposes of this section, "accessory dwelling unit" means a dwelling unit that is located on a single-family residential lot in addition to the primary dwelling unit. An accessory dwelling unit can be either an "internal accessory dwelling unit" or an "external accessory dwelling unit." "Internal accessory dwelling unit" means an accessory dwelling unit that is located within the footprint of the primary dwelling unit. "External accessory dwelling unit" means an accessory dwelling unit that is located in a structure other than the primary dwelling unit. References herein to an "accessory dwelling unit" without designating either external or internal is a reference to both internal and external dwelling units.

(1) Authorized: Accessory dwelling units may be authorized on all lots located in medium density and low density single-family residential zones, provided all requirements of this title, all other land use ordinances and the Building Code are met.

(2) Maximum Number: A maximum of one accessory dwelling unit may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.

(3) Permanent Structure: An accessory dwelling unit shall be located in a permanent structure on the lot. No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as an accessory dwelling unit.

(4) Single-Family Dwelling; Lot: The lot proposed for an accessory dwelling unit shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow accessory dwelling unit.

(5) Square Footage: The square footage of an external accessory dwelling unit shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or six hundred (600) square feet, whichever is larger.

(6) Setbacks: All external accessory dwelling units shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.

(7) Parking: All accessory dwelling units shall provide a minimum of one additional off street parking space.

(8) Construction: The construction of all accessory dwelling units shall meet all requirements of the adopted building code.

(9) Style, Materials, Colors: The architectural style, building materials and colors of all external accessory dwelling units shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.

(10) Height And Size Restrictions: All external accessory dwelling units shall be limited to one story, with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event exceeding the height of the existing dwelling. The city council may approve a special exception to the height and size restrictions for guesthouses and casitas, as provided by chapter 28 of this title, with consideration given to larger lots than required by the minimum lot size of the applicable residential zone and the architecture and style of the primary building.

(11) Occupancy: Accessory dwelling units shall only be provided for the occupancy of one family.

(12) Owner Must Occupy: The owner of the lot must live full-time in either the primary dwelling unit or the accessory dwelling unit.

(13) Deed Restriction: As a condition of approval required to establish an accessory dwelling unit, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the sale of the accessory dwelling unit separately from the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the accessory dwelling unit.

(14) Permits Required:

(a) A Casita Agreement for an external accessory dwelling unit shall be received before a building permit is issued.

(b) The zoning administrator is authorized to approve a class II use application for an accessory dwelling unit that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all

other applicable requirements of all land use ordinances, and all other regulations are met.

(c) The zoning administrator is authorized to approve a class II use application for an accessory dwelling unit that is part of construction associated with a new single-family dwelling, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.

(15) Legalizing Existing Guesthouses And Casitas: Owners of accessory dwelling units existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof.

(16) Noncomplying Guesthouses And Casitas: All owners of accessory dwelling units, determined to be noncomplying structures, shall be subject to the provisions for noncomplying structures, as provided herein by Chapter 25 of this Title.

(Ord. 2005-13, 2005; amd. Ord. 2006-32, 2006; Ord. 2007-35, 2008; Ord. 2016-06, 2016; Ord. 2021-21, 2021)

16.12.108: SUPPLEMENTARY REQUIREMENTS FOR RESIDENCES FOR PERSONS WITH A DISABILITY:

(1) Compliance: No residence for persons with a disability shall be established unless:

(a) It is proposed in a building that complies with all adopted land use ordinances and building code, and applicable to similar structures in the zoning district in which the residence for persons with a disability is proposed.

(b) The residence for persons with a disability proposes no fundamental change in the character of the residential neighborhood.

(2) Maximum Number Of Occupants (Consumers And Staff): Any building proposed to be used as a residence for persons with a disability, the existing building, or building plans, shall be reviewed by the building official, considering the categorical standards for physical facilities, as established by the state department of human services. Following this review, the building official shall determine and establish the maximum number of persons allowed to reside within the facility, which shall not exceed six (6) occupants.

(3) State Department Of Human Services License: At the time of use application to establish a residence for persons with a disability, or within forty five (45) days following approval, the owner or provider shall provide to the zoning administrator evidence that the residence is licensed by the state department of human services for the type of facility being considered, or authorized, by the city. Any approval for a residence for persons with a disability shall be conditioned on the presentation of evidence that the facility is licensed by the state department of human services, as required by this section. Failure to provide such evidence shall automatically invalidate and terminate any existing or pending approvals.

(4) Continued Compliance With Licensure Requirements Of Department Of Human Services: The responsibility to license programs, or owners or providers that operate a residence for persons with a disability, as well as require and monitor the provision of adequate services to consumers residing in these facilities, shall rest with the state department of human services. Failure to maintain continued compliance with the licensure requirements of the state department of human services shall automatically invalidate and terminate any existing or pending approvals.

(5) Approval To Operate Residence For Persons With Disability Nontransferable: An approval for a residence for persons with a disability, as authorized by this section, is nontransferable and shall only be valid to the owner or provider identified on the application authorizing the operation of the facility, and as identified as the owner or provider as licensed by the state department of human services.

(6) Reasonable Dispersion: No residence for persons with a disability shall be approved that would be located closer than three-fourths ($^3/_4$) of a mile to any other residence for persons with a disability.

(7) Limit On Number Of Occupants: No residence for persons with a disability shall be approved that would allow more than six (6) occupants.

(8) Reasonable Accommodations: The land use authority, in reviewing an application to establish a residence for persons with a disability, may to the extent necessary, modify the requirements of this section, if such modifications are necessary to make a reasonable accommodation to afford persons residing in such facilities equal opportunity in the use and enjoyment of the facility. (Ord. 2005-13, 2005)

16.12.109: SUPPLEMENTARY REQUIREMENTS FOR RESIDENCES FOR PERSONS WITH A DISABILITY THAT ARE SUBSTANCE ABUSE FACILITIES AND ARE LOCATED WITHIN FIVE HUNDRED FEET OF SCHOOL:

(1) All requirements applicable to a residence for persons with a disability shall apply.

(2) In addition to the requirements for a residence for persons with a disability, the following requirements shall apply to all residences for persons with a disability that are substance abuse facilities and proposed within five hundred feet (500') of a school:

In accordance with the rules established by the department of human services under Utah Code Annotated title 62A, chapter 2, licensure of programs and facilities, shall provide:

(a) A security plan satisfactory to the police department;

(b) Twenty four (24) hour supervision for residents; and

(c) Other twenty four (24) hour security measures. (Ord. 2005-13, 2005)

16.12.110: SUPPLEMENTARY REQUIREMENTS FOR RESIDENTIAL FACILITIES FOR ELDERLY PERSONS:

(1) A residential facility for elderly persons shall be reviewed as a class III use application.

(2) The approval of a residential facility for elderly persons 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 the requirements of this section.

(3) No residential facility for elderly persons shall be established unless:

(a) It is proposed in a building that complies with all land use ordinances and adopted Building Code, and is applicable to similar structures in the zoning district in which the residential facility for elderly persons is proposed.

(b) The residential facility for elderly persons proposes no fundamental change in the character of the residential neighborhood.

(4) No residential facility for elderly persons shall be approved that would allow more than six (6) occupants.

(5) The Land Use Authority, in reviewing an application to establish a residential facility for elderly persons, may, to the extent necessary, modify the requirements of this section, if such modifications are necessary to make a reasonable accommodation to afford persons residing in such facilities equal opportunity in the use and enjoyment of the facility. (Ord. 2005-13, 2005)

16.12.111: PARKING RESTRICTIONS IN RESIDENTIAL ZONES:

(1) Private Recreational Vehicles (RVs) In Residential Zones: Generally, RVs may be parked or stored on any legal lot in a residential zone subject to the restrictions set forth herein. As used herein, "private recreational vehicle" (RV) includes motor homes, travel trailers, boats, camping trailers, truck campers, enclosed cargo trailers with no business name or logo visible, flatbed trailers, ATVs/motorcycles with associated trailers and other recreational vehicles and equipment.

(a) Occupiable And Nonoccupiable RVs:

(i) Occupiable RVs: As used herein, "occupiable RV" includes RVs equipped with habitable areas such as sleeping area, kitchens, bathrooms, but does not include tent trailers, small van conversions, and campers that are not subject to the restrictions set forth herein.

(ii) Nonoccupiable RVs: As used herein "nonoccupiable RV" includes any RV not defined as occupiable.

(b) RV Parking:

(i) A maximum of one occupiable RV and two (2) nonoccupiable RVs shall be allowed to be parked or stored in the side or rear yard areas on any legal residential lot with an occupied home without a solid screen fence.

(ii) If the number of RVs exceeds the number allowed in subsection (1)(b)(i) of this section, they shall be parked in the side or rear yard areas and screened from view by a solid five foot (5') fence or behind the primary residence.

(iii) RVs parked in the side yard may be parked in the required side setback area.

(iv) Occupiable RVs parked in the rear yard shall not be parked in the required rear setback area.

(v) RVs shall not be parked or stored on any vacant lot prior to the beginning of construction of the primary residence.

(vi) All RVs shall be kept in reasonable repair and operable condition.

(vii) There is no limit to the number of nonoccupiable RVs when screened from view by a solid five foot (5') fence or parked behind the primary residence.

(c) Exceptions:

(i) A maximum of one occupiable or one nonoccupiable RV shall be allowed to be parked in the front setback area when lot constraints prevent it from being parked in the side or rear yards. RVs stored in the front yard shall be parked on a hard surface (concrete, asphalt, or gravel) and shall provide clear views at driveways pursuant to section 16.11.117 of this title. RVs stored in front yard areas shall not be parked or stored on driveways (including circular) that front the primary residence except to load and unload.

(ii) An occupiable RV may be occupied temporarily by family members or guests of the owner for a period of not greater than thirty (30) days in any consecutive one hundred eighty (180) day period.

(iii) One occupiable RV may be parked on a residential lot during the construction of the primary residence.

(iv) There shall be no limit to the number of RVs stored in an enclosed garage.

(v) An RV may be parked in the front yard for a maximum of seventy two (72) hours for loading and unloading purposes.

(vi) A motor home, or a travel trailer attached to a tow vehicle, may be temporarily parked up to ten (10) days on a public road fronting the lot by special permit. See subsection 9.08.103(7)(c) of this Code.

(vii) A maximum of one RV is allowed to be parked in the front yard area when the front yard area extends behind the minimum required front setback line, provided the RV is parked behind the required front setback line.

(2) Commercial Vehicles In Residential Zones: Generally, commercial vehicles are prohibited from being parked or stored on legal lots (including vacant lots) in all residential zones. As used herein, the term "commercial vehicle" includes trucks exceeding two (2) tons and all construction equipment such as backhoes, graders, skid loaders, Bobcats, trailers, and other similar equipment. (Ord. 2008-02, 2008)

(a) Exceptions:

(i) Up to two (2) vehicles used in association with a licensed home based business that are capable of being parked in the garage and limited to a maximum size of one ton gross vehicle weight. (Ord. 2017-17, 2017)

(ii) One service type truck not exceeding two (2) tons shall be allowed to be parked on a legal lot in a residential zone, provided it is parked on a hard surface (concrete, asphalt, or gravel), clear views are maintained pursuant to section 16.11.117 of this title, it is parked in the side or rear yard when feasible, and it is eight feet (8') or less in height. When lot constraints prevent parking in the side or rear yard, the service truck may be parked in the front yard area, including the driveway fronting the garage.

(iii) Commercial vehicles used in a business may be parked in a residential zone when making pick ups or deliveries or when being used in conjunction with the performance of a service on a property within a residential zone.

(iv) Commercial vehicles may be parked on property in a residential zone when such is being used in conjunction with a current construction/building permit.

(v) Commercial vehicles owned and operated by Ivins City and private contractors performing services for Ivins City during the performance of such services.

(vi) Commercial vehicles owned and operated by utility companies or their contractors performing services within the residential zone during the performance of such services.

(vii) Agricultural vehicles and equipment, including commercial vehicles, used in conjunction with an allowed agricultural use.

(viii) Commercial vehicles used for personal, noncommercial use, provided they are parked in an enclosed garage and limited in size to a Case M Series 2 loader class backhoe or comparable and/or a skid loader Case 400 series or comparable. (Ord. 2008-02, 2008)

16.12.112: HOUSEHOLD PETS (NONCOMMERCIAL):
The keeping of household pets for noncommercial purposes shall comply with the following requirements:

(1) All household pets shall be kept in such a manner that they do not disturb the peace, comfort or health of any person or animal.

(2) Yards, shelters, cages, areas, places and premises where they are kept shall be maintained so that flies or odors do not disturb the peace, comfort or health of any person or animal.

(3) The keeping and maintenance of all household pets shall be conducted in compliance with all other requirements of this Code, as applicable.

(4) "Household pets (noncommercial)" is identified as a class II use in the tables of uses, chapter 33 of this title, but shall be exempt from the requirement to receive a class II use approval if household pets (noncommercial) are kept in the manner required by this section. (Ord. 2005-13, 2005)

16.12.113: DOMESTIC LIVESTOCK AND FOWL:
As used within the Ivins City zoning ordinance, domestic livestock and fowl shall be limited to the following: domesticated horse (Equus caballus); domesticated cattle (Bos

taurus and Bos indica); domesticated sheep (Ovis aries); domesticated goat (Capra hircus); weaner pigs raised by 4-H and FFA participants as defined and restricted herein; and domestic fowl. Excluded from domestic livestock and fowl are: all other pigs (Suidae); peacocks; guinea fowl; emus; and ostriches. The keeping of domestic livestock and fowl shall be subject to the following regulations: (Ord. 2010-04, 2010)

(1) The keeping of domestic livestock and fowl may be allowed in the RA-5, RA-1, RE-37.0 and RE-12.5 zoning districts, subject to the provisions of this section; weaner pigs shall be restricted to agricultural zoning districts. (Ord. 2010-04, 2010; amd. Ord. 2016-06, 2016)

(2) No domestic livestock or domestic fowl shall be kept on any lot smaller than one acre (43,560 square feet) except as may be provided by subsections (4) and (5) of this section.

(3) The number of domestic livestock or fowl that may be kept on lots of one acre (43,560 square feet) or larger shall be as follows:

(a) Limited to a maximum of one domestic animal for each one- half ($^1/_2$) acre (21,780 square feet).

(b) Fowl may be kept on lots equal to or larger than one acre (43,560 square feet), provided the number of fowl maintained does not exceed twenty five (25) fowl for each acre.

(4) Domestic livestock may be kept on lots of thirty seven thousand (37,000) square feet or larger and located in the RE-12.5 zoning district in the area of the city bounded by 200 East, 200 West, 200 South and 200 North, subject to the following:

(a) Limited to a maximum of one domestic animal for each one- half ($^1/_2$) acre (21,780 square feet).

(b) Fowl may be kept on lots equal to or larger than one acre (43,560 square feet), provided the number of fowl maintained does not exceed ten (10) fowl for each acre. (Ord. 2010-04, 2010)

(5) Domestic livestock may be kept on lots of thirty seven thousand (37,000) square feet, or larger, and located in the RE-37.0 zoning district in the area of Padre Canyon phases 1, 2, 3 and 4, subject to the following:

(a) Limited to a maximum of two (2) domesticated horses (Equus caballus). If two (2) adjoining lot owners each have horses, the common boundary between the adjoining lots may be opened by using a gate in a fence along the common boundary to allow the commingling of horses on the two (2) adjoining lots, so long as the average number of horses per lot does not exceed the maximum of two (2). (Ord. 2012-05, 2012)

(6) Domestic livestock and other animals, but excluding all prohibited animals, may be kept on lots of five (5) acres or larger, and located in the RA-5 or RA-1 zones, without restriction on the type or number of domestic livestock or animals kept. (Ord. 2010-04, 2010; amd. Ord. 2016-06, 2016)

(7) Residents who have kept domestic livestock on legal lots smaller than one acre (43,560 square feet) and who have those animals legally on the effective date hereof, shall not be in violation of this section. However, the number of animals being kept shall not be increased, and the nonconforming use shall be deemed to have ceased when the keeping of domestic animals has been discontinued for a minimum period of one year.

(8) No barn, stable, shelter, corral, coop, pen or run in which domestic livestock or fowl are maintained shall be closer than one hundred feet (100') to any residential structure located on adjacent lots.

(9) The required minimum side yard and rear yard setbacks for the zone in which a barn, stable, shelter, corral, coop, pen or run is located shall be met, or twenty foot (20') side and rear yard setbacks shall be provided, whichever is greater.

(10) When domestic livestock or fowl are maintained on lots of one acre (43,560 square feet) or less, a barn, stable, coop or other cover sufficient to provide shade and protection from the weather for the domestic livestock and fowl kept shall be provided.

(11) When domestic livestock are maintained on any lot or parcel located in an RE-37.0 or RE-12.5 zoning district, a perimeter fence, capable of withstanding the movements and habits of domestic livestock, shall be provided for that area where the livestock are kept.

(12) All yards, barns, shelters, cages, areas, places and premises where domestic livestock, animals or fowl are kept shall be maintained in a clean and sanitary condition so that flies, dust or odors do not disturb the health of any person or animal or create a nuisance to any adjoining property.

(13) All pens, yards, shelters, cages, areas and premises where animals are held or kept shall be maintained so that no flies, insects or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage or other noxious materials do not disturb health and safety of any person or animal.

(14) The keeping and raising of weaner pigs by 4-H and FFA participants shall be subject to the following additional requirements:

(a) "Weaner pig" is defined as and limited to a pig that is less than one year old, weaned from its mother, and will not weigh more than three hundred fifty (350) pounds at the end of the five (5) month period in which the weaner pig is kept.

(b) The maximum number of weaner pigs allowed shall be one per acre.

(c) Each weaner pig shall be kept for five (5) months during the months of December through April (primary period); a limited number of weaner pigs, no more than fifty percent (50%) of the maximum number, may be kept during April through September (secondary period). The zoning administrator is authorized to grant up to a thirty (30) day extension of time to accommodate the scheduled showing of a pig by the 4-H or FFA participant.

(d) No weaner pig shall be allowed to run loose (not in a restricted environment, such as a pen) unless attended by the owner or keeper of the pig.

(e) All pens shall be cleaned regularly, a minimum of three (3) times weekly. On a weekly basis, the pig manure shall either be removed from the parcel on which the pig is kept or dealt with using another acceptable agricultural waste removal practice to minimize odor, such as composting or plowing under as fertilizer.

(f) To mitigate possible adverse impacts to crops, there must be at least thirty feet (30') separation between crops and all pens and pigs.

(g) Except for naturally occurring rain, all pens shall be kept dry with adequate drainage provided to keep water from pooling within the pen. No mud bogs shall be allowed in the pens.

(h) To ensure compliance with these requirements, and to resolve citizen complaints, all 4-H and FFA participants raising weaner pigs shall be supervised by an adult advisor. (Ord. 2010-04, 2010)

16.12.114: PROHIBITED ANIMALS:
No animals that are inherently or potentially dangerous and no animals of the Suidae family shall be kept on any lot or parcel located within the city. (Ord. 2005-13, 2005)

16.12.115: COMMERCIAL KENNELS:
All commercial kennels shall comply with the following:

(1) Meet all state, county and local ordinances.

(2) All kennels are to be kept in such a way as to not disturb the health and safety of any person or animal.

(3) All enclosed pens, shelters, cages, areas and premises where animals are held or kept shall be completely soundproofed, so that no noise is discernable from the kennel that could create a nuisance to adjoining properties.

(4) All pens, yards, shelters, cages, areas and premises where animals are held or kept shall be maintained so that no flies, insects or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage or other noxious materials do not disturb the health and safety of any person or animal.

(5) No pens, yards, shelters, cages, areas and premises where animals are held or kept shall be closer than one hundred feet (100') from any residential structure located on adjacent lots.

(6) The required side yard and rear yard setbacks for the zone in which the kennel is located shall be met or twenty foot (20') side and rear yard setbacks shall be provided, whichever is greater. (Ord. 2005-13, 2005)

16.12.116: REQUIREMENTS FOR BED AND BREAKFAST INN:
A bed and breakfast inn shall be conducted only in a single- family dwelling and only by the owner of the dwelling that complies with the following requirements:

(1) The single-family dwelling proposed as a bed and breakfast inn shall meet all applicable requirements of this title, other land use ordinances, adopted Building Code, and Health Code, as applicable.

(2) The maximum number of guestrooms provided shall not exceed three (3).

(3) The Fire Chief shall inspect the premises and be satisfied that the dwelling and premises comply with all applicable fire codes, as adopted.

(4) A hard surfaced off street parking area of one (1) parking space for each guestroom, in addition to the parking requirements for the single-family dwelling, shall be provided.

(5) No accessory structure, motor home, travel trailer, boat or similar vehicle or facility shall be used as guestrooms.

(6) Primary access to all guestrooms is provided and allowed through the main entrance of the dwelling. (Ord. 2005-13, 2005)

16.12.117: HOME OCCUPATIONS:
(Rep. by Ord. 2017-17, 2017)

16.12.118: SALE, DISTRIBUTION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND ALCOHOLIC PRODUCTS:
All applications for a beer and liquor licenses, as provided by State law, shall comply with the procedures and requirements of the City alcoholic beverage control ordinance [1] , as adopted. (Ord. 2005-13, 2005)

Notes

1 1. See title 5, chapter 4 of this Code.

16.12.119: SWIMMING POOL ENCLOSURES:
(1) Protective Fence Requirement: All swimming pools, or other artificially created pools more than eighteen inches (18") deep, shall be surrounded by a protective fence. This requirement includes spas and hot tubs.

(2) Swimming Pools: Any structure intended for swimming or recreational bathing that contains water more than twenty four inches (24") deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

(a) In-ground pools shall be designed and constructed in compliance with American National Standards Institute (ANSI)/National Spa & Pool Institute (NSPI)-5, Standards for Residential In-Ground Swimming Pools.

(b) Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI-4, Standard for Above-Ground/On-Ground Residential Swimming Pools.

(c) Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3, Standard for Permanently Installed Residential Spas.

(d) Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6, Standard for Residential Portable Spas.

(3) Barrier Requirements: Controls on the design of barriers are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs. An outdoor swimming pool, including an in- ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier which shall comply with the following:

(a) The top of the barrier shall be at least forty eight inches (48") above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (2") measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (4").

(b) Openings in the barrier shall not allow the passage of a four inch (4") diameter sphere.

(c) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.

(d) Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than forty five inches (45"), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-fourths inches ($1^3/_4$") in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches ($1^3/_4$") in width.

(e) Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is forty five inches (45") or more, spacing between vertical members shall not exceed four inches (4"). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches ($1^3/_4$") in width.

(f) Maximum mesh size for chain link fences shall be a two and one-fourth inch ($2^1/_4$") square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than one and three-fourths inches ($1^3/_4$") in width.

(g) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than one and three-fourths inches ($1^3/_4$").

(h) Access gates shall comply with the requirements of subsections 16.12.119(3)(a) through (3)(h) of this section and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from

the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty four inches (54") from the bottom of the gate, the release mechanism and openings shall comply with the following:

(i) The release mechanism shall be located on the pool side of the gate at least three inches (3") below the top of the gate; and

(ii) The gate and barrier shall have no opening larger than one-half inch ($^1/_2$") within eighteen inches (18") of the release mechanism.

(i) Where a wall of a dwelling serves as part of the barrier, one (1) of the following conditions shall be met:

(i) The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346, Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs.

(ii) Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least fifty four inches (54") above the threshold of the door.

(j) Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:

(i) The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

(ii) The ladder or steps shall be surrounded by a barrier which meets the requirements of subsections 16.12.119(3)(a) through (3)(j) of this section. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four inch (4") diameter sphere.

(4) Prohibited Barrier Locations: Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

(5) Barrier Exceptions: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346.

(6) Access: Access to indoor pools shall be restricted by the surrounding structure in a manner that is at least as secure as provided for outdoor pools as provided above. (Ord. 2017-03, 2017)

16.12.120: RESIDENTIAL PATIO COVERS:

(1) Maximum Patio Cover Area: In no case shall the area of any patio cover, or combination of patio covers, be greater than one-third ($^1/_3$) of the total area of the rear yard, or exceed eight hundred (800) square feet, whichever is less.

(2) Building Permit Required: A building permit shall be required for the construction or installation of all patio covers, complying with the requirements of this section and the adopted Building Code, as applicable.

(3) Enclosed Patios: Any enclosed patio cover (a patio cover enclosed on more than 2 sides) shall comply with the required setbacks applicable to the primary building.

(4) Location:

(a) Patio covers constructed completely of noncombustible materials may be allowed in the required rear yard area, but no portion of any such patio cover shall be closer than one foot (1') to any rear or side property line and no stormwater runoff from any patio cover shall be allowed to run onto adjacent property.

(b) Patio covers, with any portion constructed from any combustible materials, may be allowed in the required rear yard area, but no portion of any such patio cover shall be closer than three feet (3') to any rear or side property line and no stormwater runoff from any patio cover shall be allowed to run onto adjacent property. (Ord. 2005-13, 2005)

16.12.121: LOCATION OF DRIVE-THROUGH FACILITIES:
No drive-through facility shall be provided on any property, or included within the features of any building, structure or exterior building wall, to be facing or adjacent to any agricultural or residential zoning district.

Location

No drive-through facility shall be located adjacent to

(Ord. 2005-13, 2005)

16.12.122: WIRELESS TELECOMMUNICATIONS FACILITIES:
This section is provided to establish development standards for wireless telecommunication facilities to assure their compatibility with adjoining uses to the extent permitted by the Telecommunications Act of 1996, as amended.

(1) Scope: The requirements of this section shall apply to wireless telecommunications facilities such as "cellular" or "PCS" (personal communications system) communications and paging systems. This section shall not apply to radio antennas complying with the ruling of the Federal Communications Commission in "amateur radio preemption", 101 FCC 2nd 952 (1985), or a regulation related to amateur radio service adopted under 47 CFR part 97.

(2) Facility Types: The following types of wireless telecommunication facilities shall be governed by this section:

(a) Stealth design antennas.

(b) Roof mounted antennas.

(c) Wall mounted antennas.

(d) Monopoles; monopoles with antennas and antenna support.

(3) Prohibited Facility Types: Unless a facility is a wireless telecommunication facility identified by subsection (2) of this section, all other types of facilities are hereby determined to be prohibited facilities within the city.

(4) Other Laws: The requirements of this section shall not be construed to prohibit or limit other applicable provisions of this title, this code, or other laws, including pertinent regulations of the federal communications commission and the federal aviation administration.

(5) Existing Facility Plan Required: When a carrier applies for an approval under this section, the carrier shall submit a plan showing by location and type of the carrier's existing and planned facilities within the city and within one mile of the city's boundary.

(6) Screening: Any associated mechanical or electrical equipment shall be completely screened from view from public rights of way, on site parking areas and adjacent properties with a decorative screening fence and/or landscaping.

(7) Location: The proposed facility, including associated mechanical and electrical equipment, shall not be located within any public right of way.

(8) Compliance Required: The proposed facility shall conform to the requirements of this section and other applicable federal, state or local laws, including pertinent regulations of the federal communications commission and the federal aviation administration.

(9) Permits Required: Copies of required permits from pertinent federal agencies establishing compliance with applicable federal regulations shall be filed with the city prior to the approval of a land use application required to authorize the proposed facility.

(10) Specific Requirements For Various Types Of Allowed Antennas:

(a) Stealth Design Antennas: The following provisions shall apply to all stealth design antennas. The intent of this subsection is to allow creativity in designing a proposed facility so that it will have essentially no visual impact.

(i) Stealth designs may include, but are not limited to, the use of one or more of the following:

(A) Screening, structure and/or antenna design which blend with the architecture of the existing structure upon which the antenna will be mounted;

(B) Screening, structure, antenna and/or location design which blend with and/or take advantage of existing vegetation and/or features of a site; and

(C) Color schemes that make the antenna less noticeable.

(ii) Any associated mechanical or electrical equipment shall be completely screened from view from public rights of way, on site parking areas and adjacent properties with a decorative screening fence and/or landscaping.

(iii) The proposed facility, including associated mechanical and electrical equipment, shall not be located within any public right of way.

(iv) The proposed facility shall conform to the requirements of this section and other applicable federal, state or local laws, including pertinent regulations of the federal communications commission and the federal aviation administration.

(v) Copies of required permits from pertinent federal agencies establishing compliance with applicable federal regulations shall be filed with the city prior to the issuance of a class IV use permit for the proposed facility.

(vi) The proposed facility shall conform to applicable development standards set forth in this section.

(vii) The commission shall have authority to determine whether a proposed roof mounted or wall mounted wireless telecommunications facility design will have essentially no visual impact and whether a proposed stealth design meets the intent of this section.

(b) Roof Mounted Antennas: The following provisions shall apply to roof mounted antennas:

(i) Roof mounted antennas may only be allowed if determined to be a stealth design as set forth in this section.

(ii) The maximum height of any roof mounted antenna shall comply with the maximum building height allowed in the zoning district in which the roof mounted antenna is located.

(iii) The maximum number of roof mounted antennas shall be one roof mounted antenna per building or structure.

(c) Wall Mounted Antennas: Wall mounted antennas may only be allowed if determined to be a stealth design as set forth in this section. The following provisions shall apply to flush and nonflush mounted wall antennas:

(i) Wall mounted antennas shall not:

(A) Extend above the wall line of the building; and

(B) Extend more than one foot (1') horizontally from the wall surface.

(ii) Wall mounted antennas, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen.

(iii) Antennas mounted directly on walls with no portion of the antenna extending above the wall line shall be considered wall mounted antennas.

(iv) The maximum number of wall mounted antennas shall be one wall mounted antenna per building or structure.

(v) All wall mounted antennas shall be approved stealth design antennas as set forth in this section.

(d) Monopoles, Monopoles With Antennas And Antenna Support Structures: Monopoles with antennas and antenna support structures shall only be permitted if determined to be a stealth design as set forth in this section. The following provisions shall apply to monopoles with antennas and antenna support structures:

(i) The maximum height of any monopole, including antennas and antenna support structures, shall comply with the maximum building height allowed in the zoning district in which the monopole, including antennas and antenna support structures, is located, measured from the natural grade at the base of the monopole to the highest point of the pole, antennas or support structures.

(ii) The location of a monopole, and its associated equipment and facilities, shall be as follows:

(A) All accessory equipment not located within an accessory building shall be completely screened from view by a decorative screening fence.

(B) All monopoles and associated equipment and facilities shall be a stealth design, as provided by this section. The commission shall have the authority and responsibility to determine whether a proposed monopole and its associated accessory equipment and facilities will have no visual impact.

(C) A monopole, and its associated equipment and facilities, shall comply with the minimum yard setback requirements of the zoning district in which it is located. In addition, if located in a residential or agricultural zoning district, a minimum of four feet

(4') for every foot of pole height from the closest property line of any residential structure shall be provided.

(D) A monopole shall not be located within one thousand (1,000) linear feet from another monopole.

(E) All communication and power lines to or between any accessory building, accessory equipment and antenna structures, shall be located underground.

(11) Alternative Locations: In considering applications to locate wireless telecommunications facilities, the commission shall consider whether the location of the antenna on other existing structures in the same vicinity, such as other towers, buildings, utility poles, athletic field lights, parking lot lights, etc., is possible without significantly affecting antenna transmission or reception.

(12) Nonmaintained And Abandoned Facilities; Letter Agreement:

(a) Prior to approval of an application for wireless telecommunication facility, the applicant shall provide the commission with a letter agreeing to the requirements of this section. The letter agreement shall state that if technology renders the facility obsolete, the facility is not maintained, the facility is abandoned, or the facility is vacated, the carrier will provide the city with a copy of a "notice to abandon" to be filed with the federal communications commission and will remove the facility.

(b) If the zoning administrator determines that a facility is not maintained, is abandoned, or is vacated, the zoning administrator shall send the carrier a notice of nonmaintenance or abandonment by certified mail. If a facility subject to the foregoing notice requirement has not been repaired, put into use, or removed within thirty (30) days of receipt of the notice, the zoning administrator may send the carrier a certified notice to remove, which shall give the carrier thirty (30) days from the receipt of the notice to remove the facility. In the event a facility is not removed as required, the city may undertake legal action to enforce removal as set forth in this title, or other applicable ordinances of the city.

(13) Prohibited Uses:

(a) A lattice tower shall be prohibited, unless otherwise required to comply with applicable state or federal law.

(b) All other types of wireless telecommunication facilities not expressly provided for herein, unless otherwise required to comply with state or federal law. (Ord. 2005-13, 2005)

16.12.123: SHORT TERM LEASES OF RESIDENTIAL PROPERTIES:

(1) Purpose And Intent: The purpose of this section is to promote the health, safety and general public welfare of the residents of the city by establishing zoning regulations and zoning standards for short term leases of residential properties in Ivins City to ensure:

(a) Protection of the environment of the city, including compatibility with existing residences;

(b) Preserving the existing character and property values of the community by assuring appropriate uses; and

(c) Promoting peace and safety within neighborhoods of the city.

(2) Applicability:

(a) This section shall apply to leases and rentals of all properties within residential zones of the city.

(b) This section shall apply to "short term leases" as defined in subsection (3) of this section.

(3) Definitions:

REMUNERATION: Compensation, money, rent or other bargained for consideration in return for occupancy, possession or use of real property.

RESIDENTIAL DWELLING UNIT: A single-family or multi- family dwelling unit located within a residential zoning district.

SHORT TERM RESIDENTIAL LEASE: The use, occupancy, rent or lease, for direct or indirect remuneration, of a residential dwelling unit or portion thereof for an effective term of less than thirty (30) days.

(4) Short Term Residential Lease Prohibited: Short term residential leases shall be prohibited in all residential zones, except:

(a) A legal bed and breakfast inn (see section 16.12.116 of this chapter); and

(b) A mixed use overlay zone that includes RC resort commercial as its commercial component (see chapter 8, part 1 of this title). (Ord. 2008-10, 2008)

16.12.124: CHICKENS IN RESIDENTIAL ZONES:

(1) Purpose And Intent: The purpose of this section is to authorize the keeping of chickens in certain residential zones and establish requirements intended to minimize problems associated with keeping chickens in populated areas.

(2) Applicability: Subject to compliance with the requirements hereinafter set forth, hen chickens (and no roosters) regardless of age, may be kept on a lot or parcel of land in a residential zone district for the production of food for the sole use of the family occupying the premises.

(3) Lot Sizes And Allowed Number Of Chickens: The number of hen chickens (no roosters) which may be kept shall be limited based on the size of the lot or parcel (single-family dwelling only), as follows:

(a) Twelve thousand five hundred (12,500) square feet and larger: Up to twelve (12).

(b) Twelve thousand (12,000) square feet: Up to ten (10).

(c) Ten thousand (10,000) square feet: Up to eight (8).

(d) Nine thousand (9,000) square feet: Up to seven (7).

(e) Eight thousand (8,000) square feet: Up to six (6).

(f) Seven thousand five hundred (7,500) square feet: Up to five (5).

(4) Requirements For Coops/Pens, Allowed Location, Sanitation:

(a) The chickens shall be confined in a secure outdoor enclosed pen which shall include a covered, ventilated, and predator resistant chicken coop.

(b) The coops shall be a maximum size of one hundred twenty (120) square feet, with a maximum height of eight feet (8'), coops shall have a minimum floor area of three (3) square feet per chicken. Provided, however, if chickens are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per chicken.

(c) The coop and pen shall be located in the rear yard area of the dwelling and maintain a minimum of five feet (5') from property lines and twenty feet (20') from any neighboring dwelling.

(d) The coop, pens, cages and surrounding areas shall be maintained in such a way as to avoid unreasonable accumulation of debris or waste or conditions that cause an unreasonable odor that affect the health, safety, and comfort of adjoining properties.

(e) No chicken shall be allowed to roam outside the coop or enclosed pen.

(f) Chicken feed shall be stored and dispensed in a rodent and predator proof container. (Ord. 2013-09, 2013)