

FAIRVIEW^{City}

ZONING ORDINANCE

A Land Use Ordinance of Fairview City

PART B

DEVELOPMENT STANDARDS

NONCONFORMITIES

VARIANCES

Effective Date 11.03.2008

As Adopted by the Fairview City Council – Ordinance #2008-01

PART B

DEVELOPMENT STANDARDS—NONCONFORMITIES—VARIANCES

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CHAPTER 11

GENERAL PROPERTY DEVELOPMENT STANDARDS

SECTION 1101—PURPOSE:

The purpose of general property development standards is to further the purposes of the Fairview City General Plan and the City's Land Use Ordinances. Compliance with all general development standards, as well as all other requirements of this Ordinance, and all other Federal, State and Local requirements, as applicable, is required for the issuance of any approval, permit, or license required by the City's Land Use Ordinances.

SECTION 1102—ALLOWED MINIMUM USE OF LEGAL LOTS:

Nothing in this Ordinance shall be construed to prevent the establishment of one (1) Single-Family Dwelling on any legal lot or parcel of land, as determined by the Zoning Administrator, and provided that such lot or parcel is located in a Zoning District that permits Single-Family Dwellings, and all proposed construction can qualify for a Building Permit, as required by the Building Code, as adopted.

SECTION 1103—ALLOWED USES:

All uses allowed within Fairview City, either as a Permitted, Conditional, or Temporary Use, are identified in the Table of Uses, Chapter 10, herein.

SECTION 1104—PROHIBITED USES:

Any use not specifically provided in the Table of Uses, either as a Permitted, Conditional, or Temporary Use is hereby identified to be prohibited use in Fairview City.

SECTION 1105—ALL USES, BUILDINGS, AND STRUCTURES TO COMPLY WITH ZONING DISTRICT REQUIREMENTS:

Every building or structure erected, reconstructed, altered, enlarged or moved, and every building, structure, or land, rearranged, designed or intended for any use shall be established, constructed or used only as allowed by the requirements of this Ordinance, and the City's other Land Use Ordinances.

SECTION 1106—BUILDABLE AREA:

Every lot or parcel created after the effective date of this Ordinance shall have a buildable area sufficient to establish a building or structure thereon that meets the minimum standards of the Zoning District in which the lot or parcel is located. Buildable areas shall be required to be identified on all subdivision plats and plans for the purposes of ensuring that a buildable lot or parcel is provided and to inform future owners of the approved buildable area, recognizing the applicable standards of this Ordinance, and other City Land Use Ordinances. Any area located within an easement may not be included within any buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the City Attorney.

SECTION 1107—ADEQUATE PUBLIC FACILITIES:

Land shall be developed only to the extent that adequate infrastructure and services are in place, or will be in place and provided concurrent with the development activity, sufficient to meet the needs of the proposed development. A Land Use Authority may require an analysis to be completed and provided to determine if adequate public facilities and services are available to serve the proposed development and if such development will change the existing levels of service, or will create a demand for services that exceeds acceptable service levels.

Public facilities that may be required by a Land Use Authority to be included in a public facilities analysis include, but are not limited to, road and street facilities and capacities, intersection and bridge capacities, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, fire and emergency services response times, police protection services, and other required public facilities and services. A Land Use Authority may deny or modify any proposed development activity if the demand for public facilities and services exceeds accepted or adopted levels of service, or require an applicant for an approval, license, or permit to provide the required facilities and services concurrent with the demand created by the development activity, consistent with all applicable legal authorities.

SECTION 1108—CULINARY WATER AND SANITARY SEWER REQUIREMENTS:

All primary buildings requiring culinary water and sanitary sewer services shall be connected to the public culinary water and sanitary sewer systems of Fairview City.

SECTION 1109—UTILITIES:

- 1) All water, sewer, telephone, cable, power, and other utilities shall be provided underground, with the following exceptions;
 - a) Transformers, pedestals, fire hydrants, and other appurtenances normally associated with "underground" utility installations are permitted on the surface of the ground.
 - b) The development of existing lots in areas of the City now served with existing above ground utilities, are exempt from this requirement.
- 2) Where possible, underground utilities shall be located within or immediately adjacent to the disturbed areas of a lot or parcel, such as driveways and roadways.
- 3) Generators shall not be allowed as a primary source of energy or an alternative source of energy but may be used a temporary source of energy when the Fairview City power system is down. (Ordinance 2011-02)

SECTION 1110—REQUIRED STREETS, CURB, GUTTER, SIDEWALKS, AND TRAILS:

The installation of necessary streets, street widening and improvement(s), curbs, gutters, sidewalks, and trails of a type as required by the Land Use Ordinances of the City shall be required as a condition of any required approval, permit, or license. The Council may provide that the installation of necessary streets, street widening and improvement, curbs, gutters, sidewalks, and trails be delayed until a specified date, or provided as part of any area-wide improvement plan(s). Any action by the Council to delay the installation of any required improvements shall only be with a finding of special circumstances, with the applicant for an approval, license, or permit providing a written agreement, acceptable to the City Attorney, agreeing to provide the required improvements on the date identified, or participating in any improvement plan(s), at a time determined. The timing of any improvement plan(s) shall be at the sole discretion of the Council.

SECTION 1111—GUARANTEE OF INSTALLATION OF IMPROVEMENTS:

- 1) **Methods:** A Land Use Authority with responsibility to approve of any required approval, license, or permit, shall, as required the applicant for the approval, license, or permit to guarantee the installation of any required facilities and services by one of the methods specified as follows:
 - a) The Applicant(s) may furnish and file with the City Recorder a bond with corporate surety in an amount equal to the cost of the improvements not previously installed as estimated by the City Engineer to assure the installation of such improvements within a two (2) year period from the date of approval of the approval, license, or permit, which bond shall be approved by the City Attorney and shall be filed with the City Recorder.
 - b) The Applicant(s) may deposit in escrow with an escrow holder approved by the Council an amount of money equal to the cost of the improvements not then installed as estimated by the City Engineer, under an escrow agreement to assure the installation of said improvements within a two (2) year period from the date of approval of the approval, license, or permit. The escrow agreement shall be approved by the Council and City Attorney and shall be filed with the City Recorder.
 - c) The Applicant(s) may furnish and file with the City Recorder a letter of credit in an amount equal to the cost of the improvements not previously installed as estimated by the City Engineer to assure the installation of such improvements within a two (2) year period from the date of approval of the approval, license, or permit, which letter of credit shall be approved by the City Attorney.
- 2) **Administration:** The Council is authorized to prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular, and efficient processing of applications for the approval of any required approval, license, or permit and compliance with the requirements of the City's Land Use Ordinances, including this Ordinance, and adopted Building Codes.
- 3) **Phased Development:** Whenever the applicant(s) develops a site a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the said improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands developed within the time hereinabove specified.

SECTION 1112—SUBDIVISION AND SALE OF PROPERTY:

No person shall subdivide any land parcel, located wholly or in part within Fairview City, for any purpose unless approval for such subdivision has been received from the applicable Land Use Authority, as required by the Fairview City Subdivision Ordinance.

SECTION 1113—LOT STANDARDS-NONCOMPLYING-LOTS PROHIBITED:

Every lot existing, or created, shall comply with the lot size, frontage, width, depth, and all other requirements of the City's Land Use Ordinances, including this Ordinance, or their prior enactments. No lot shall be created that does not conform to the Zoning District requirements in which it is located for the purpose, whether immediate or future, for any building, use, or development, as allowed by this Ordinance.

SECTION 1114—ALL BUILDINGS OR STRUCTURES TO BE ON A SINGLE LOT:

All buildings or structures, as defined herein, shall be located and maintained on a single lot, as defined herein, such lot meeting all requirements of this Ordinance and the City's other Land Use Ordinances.

SECTION 1115—USE APPROVAL AND BUILDING PERMIT REQUIRED PRIOR TO ANY CONSTRUCTION:

No use shall be established and no construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof shall be commenced until the approval by the applicable Land Use Authority of any required approval, license, or permit, as required by the City's Land Use Ordinances.

SECTION 1116—APPLICATIONS REQUIRED:

All requests to establish a use, or construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof shall be initiated by the submission of necessary Application(s), to the City, as required by the City's Land Use Ordinances, including this Ordinance, and Building Code, as adopted.

SECTION 1117—TIME LIMITS FOR USE AND BUILDING PERMIT APPROVALS:

All Permitted Use, Conditional Use, and Temporary Use approvals, and all Building Permit approvals, as required by the adopted Building Code, shall be valid for a maximum period of one hundred-eighty (180) days, from the date of approval. If work has not commenced, or a use established within one hundred-eighty (180) days from date of approval; the approval, permit or license, as required and approved, shall be void and a new application, approval, permit or license required.

SECTION 1118—TIME LIMITS FOR CONSTRUCTION:

Within one (1) year of the commencement of any construction, authorized by an approval, permit, or license, as required by this Ordinance, all exterior features of building(s) shall be completed and the property cleared of all building materials, construction debris, and construction equipment. All outside surfaces of buildings, or part thereof that are constructed of wood, shall be painted, or coated with paint or other wood preservative.

In the event that exterior features of building(s) have not been completed and the property cleared of all building materials, construction debris, and construction equipment within one (1) year of the commencement of any construction, the Fairview City Building Official shall "red-tag" the property and issue a stop-work order. The Building Official shall determine what corrective action(s) are required, and identify a schedule for completion, to comply with this Section and for the stop-work order to be lifted. If no action is taken, within the period identified by the Building Official, the City may initiate enforcement actions as provided by this Ordinance, the Building Codes, as adopted, and may proceed with all other remedies available to the City.

SECTION 1119—CERTIFICATE OF OCCUPANCY REQUIRED:

- 1) No building(s) shall be occupied, or used, until a Certificate of Occupancy, as applicable, has been issued by the Fairview City Building Official, or authorized designee. Prior to issuing a Certificate of Occupancy, as applicable, the Building Official, or authorized designee, shall determine:
 - a) That all construction has been completed, as authorized by a valid Building Permit.

- b) The establishment of the use is authorized as provided by valid approval(s).
 - c) The building(s) and use(s) comply with all approvals, permits, and licenses, as required by the City's Land Use Ordinances, and all other applicable requirements.
- 2) Unlawful to Use or Occupy: It is unlawful to use or occupy, or to permit the use or occupancy of any building or structure, unless a Certificate of Occupancy has been issued for such building or structure, as required by this Section. It is unlawful to use or occupy, or to permit the use or occupancy of any building or structure with a use or occupancy different than provided by the certificate of occupancy.
- 3) Failure to Obtain a Certificate of Occupancy: Failure to obtain a certificate of occupancy shall be a violation of this Ordinance.
- 4) Nuisance: The use or occupancy of any building, structure, or premises for which a Certificate of Occupancy has not been issued is hereby declared to be a public nuisance and may be cited and abated as such. It shall also be a public nuisance for any building, structure, or premises to be used or occupied in a manner different from that authorized by a Certificate of Occupancy.

SECTION 1120—LOT FRONTAGE REQUIRED:

Every lot shall have frontage as required by the Zoning District in which the lot is located. Every residential lot shall have frontage upon a dedicated or publicly approved road or street, or right-of-way providing direct access to a dedicated or publicly approved road or street.

SECTION 1121—LOTS IN TWO (2) OR MORE ZONING DISTRICTS:

Where a lot is located in two (2) or more Zoning Districts, the more restrictive Zoning District provisions shall apply.

SECTION 1122—REQUIRED YARD AREAS FOR ONE BUILDING ONLY:

- 1) No required yard or setback area for any building or lot required for the purposes of complying with the City's Land Use Ordinances, including this

Ordinance, shall be considered as providing the required yard or setback for any other building or lot.

- 2) No area to meet the required lot width, area, setback, or other requirements of this Ordinance for any lot or building may be divided, sold, or leased separate from such lot or building.

SECTION 1123—MINIMUM HEIGHT OF ALL BUILDINGS:

No primary building shall be erected to a height less than one story entirely above grade.

SECTION 1124—MAXIMUM HEIGHT OF ALL PRIMARY BUILDINGS:

The maximum height of primary buildings in all residential Zoning Districts is thirty-five (35) feet. The maximum height of primary buildings in Nonresidential Zoning Districts is thirty-five (35) feet. The maximum height measurement includes the height of all roof-mounted mechanical and ancillary equipment, and including, but not limited to, towers, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls.

SECTION 1125—EXCEPTIONS TO MAXIMUM HEIGHT LIMITATIONS:

The requirement for maximum building height shall not apply to:

- 1) A permitted agriculture building.
- 2) Steeples, flagpoles, chimneys, wireless or television masts, or silos.
- 3) The height of wind and/or solar energy systems may exceed the maximum height if determined appropriate by the site plan approval process.

SECTION 1126—ACCESSORY BUILDINGS AND ACCESSORY USES—GENERAL REQUIREMENTS:

- 1) Accessory buildings and accessory uses are permitted in conjunction with a primary building or use.
- 2) All accessory buildings or accessory uses shall only be permitted concurrently with, or following, the establishment of the primary building or primary use.

- 3) Accessory buildings may be attached to, or detached from, the primary building, except all accessory building(s) housing animals or fowl shall be located, as provided herein.
- 4) An accessory building that is attached to a primary building shall meet all requirements for the location of the primary building.
- 5) A detached accessory building shall meet all requirements for the location of a detached accessory building, as provided herein.
- 6) The location of all accessory buildings, located on corner lots, shall meet the required side yard setback, applicable in the zone.
- 7) No mobile home, travel trailer, or similar recreational vehicle shall be used as an accessory building.
- 8) All accessory buildings shall comply with the requirements of the Building Codes, as adopted, and as applicable.
- 9) No accessory building shall be used as a dwelling unit for human occupancy.
- 10) No separate utility connections or meters shall be allowed for accessory buildings.
- 11) Accessory buildings shall not be rented, leased, or sold separately from the rental, lease, or sale of the primary building located on the same lot.
- 12) No portion of any accessory building shall be allowed to extend over any property line.
- 13) No storm water runoff from accessory buildings shall be allowed to run onto adjacent property.
- 14) The square footage of any attached accessory garage or structure shall not be greater than the square footage of the primary building to which it is associated.
- 15) Steel Cargo containers can be placed on property within the City limits and used as accessory buildings. They must meet all the requirements of an accessory building. They must be painted to blend in with surrounding buildings. If the container is rented or leased, then the rental company may leave their logo on it while being rented. Once container is purchased it needs to be painted to blend in with surrounding buildings. There is a three

(3) month time limit to paint the container. A permit is required if it is larger than 200 sq feet. (Adopted by the City Council May 23, 2017.)

SECTION 1127—SMALLER ACCESSORY BUILDINGS—EXEMPTION FROM BUILDING PERMIT REQUIREMENTS:

All accessory buildings with a maximum height of ten (10) feet and a maximum size less than ~~one hundred twenty (120)~~ two hundred (200) square feet shall not (revised Oct, 2017) (require a building permit, provided all setback requirements for the Zoning District in which the accessory building is located are met, no portion of the accessory building extends over any property line, and no storm water runoff from the accessory building allowed to run onto adjacent property.

SECTION 1128—PARKING IN RESIDENTIAL ZONES:

In all Residential Zoning Districts, no vehicle parking shall be permitted in front yard setback areas between the front property line and the front line of the building, except on driveways that directly access a garage or carport. Parking of vehicles outside of the front yard setback area is permitted on an approved all-weather surface such as concrete, asphalt, gravel, or road base. At any time, no portion of a vehicle may be over the street right-of-way line, or obstruct a sidewalk. All single-family dwellings constructed prior to January 05, 1993, shall be excluded from this provision. However, All vehicles must be parked parallel to the property line and close to it. There must be at least 4 ft. of space from the vehicle and the edge of the pavement.

SECTION 1129—REQUIRED YARDS TO BE UNOBSTRUCTED—EXCEPTIONS:

All required yard or setback areas shall to be open to the sky and unobstructed; except for permitted and approved accessory buildings, for projections of sills and other ornamental features, unenclosed steps and unwalled stoops, and porches provided, that all buildings or parts thereof comply with the setback requirements of the Zoning District in which they are located. Walls and fences shall also comply with the setback requirements of this Ordinance, or as a condition of use approval.

SECTION 1130—REQUIRED PROPERTY MAINTENANCE:

All buildings, uses, and lots, located in Fairview City shall be maintained and operated in a manner to enhance community pride and beautification. No junk, rubbish, weeds, or other unsightly material or conditions shall be permitted on any lot, right-of-way, or easement, or as part of any building or use.

SECTION 1131—CLEAR VIEW OF INTERSECTING STREETS:

In all zones, no view obstruction including a sight-obscuring fence, wall, sign, or other similar structure, and no landscaping which exceeds three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at a point forty (40) feet from the intersection of the street lines. Where no curb exists, the clear view area shall include that portion of the corner lot lying within a triangular area formed by a diagonal line connecting lines located at the property line twenty (20) feet from the intersection of the property line.

SECTION 1132—REQUIREMENTS FOR FENCES AND WALLS:

1) Height.

- a) Unless required for Use Approval no fence, wall, hedge, or similar structure shall be erected on any required rear or side yard to a height in excess of six (6) feet, except fences located on the front property line or on the side property line within the front yard shall not be a height in excess of 48 inches.
- b) All fences and walls higher than six (6) feet, measured from finished grade, shall obtain a Fence Permit, approved by the Fairview City Building Official.
- c) A fence or wall located along a property line with a grade difference, the fence or wall may be erected to the maximum fence height permitted by the highest grade at the property line. No ground shall be bermed to exceed the maximum allowed height of fences or walls.

2) Compatible Design.

All walls and fences shall be compatible with the surrounding landscape and the architecture and building materials of buildings on and adjacent to the property.

3) Quality of Construction.

All walls and fences shall be constructed in a workman-like manner according to industry standards.

4) Maintenance of Fences and Walls.

All fences and walls shall be maintained in good repair. Areas adjacent to the wall or fence shall be maintained by the property owner.

SECTION 1133—CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARDS:

To protect the public health, welfare and safety from geologic, flood, or other natural hazards all Applications for a Permitted Use, Conditional Use, Building Permit, or any other approval, permit or license, as required herein, shall be required to provide a geotechnical report for any land area or parcel that has the potential for any soils, earthquake, flood, or other discernable hazards. The geotechnical report shall be provided as follows:

- 1) Be prepared at the applicant's expense by a registered or licensed geologist, soils engineer, or civil engineer.
- 2) Identify the suitability of the subject property to accommodate the proposed development, identifying all development constraints, limitations, conditions, and mitigation actions, applying best management practices.

SECTION 1134—EFFECT OF THE OFFICIAL STREETS MAP:

Wherever a required front yard faces on a road or street, the depth of such front yard shall be measured from the mapped street line provided by the Official Streets Map of Fairview City.

SECTION 1135—NOXIOUS WEEDS:

All property owners shall comply with the requirements of the "Utah Noxious Weeds Act," Title 4, Chapter 17, Utah Code Annotated, 1953, as amended.

SECTION 1136—GENERAL BUILDING REQUIREMENTS:

- 1) All buildings and structures shall be located on a legal lot, as defined herein.
- 2) All buildings proposed for human occupancy shall be connected to all necessary and required utilities.
- 3) All buildings shall be located on and permanently attached to a site-built permanent foundation that meets applicable building codes. Manufactured homes shall meet the applicable building codes for the construction, establishment, and location for manufactured housing installations.
- 4) The use of Recreation Vehicles such as buses, motor home, travel trailer, tiny home (wheeled vehicle), carryall or camp trailer, house car, with or without power, originally designed for human habitation for recreational, emergency, or other occupancy may not be used as a temporary or permanent residence on a plot of ground in Fairview City. (Tiny homes (wheeled home) are allowed in a mobile home park) During construction period of the permitted new home, a Recreation Vehicle can be used to live in, for a period of up to 12 months and, if an extended amount of time is required to finish the home, an extension will need to be granted by Fairview City, after which it can no longer be used to live in on the property.

SECTION 1137—REQUIRED MECHANICAL EQUIPMENT SCREENING:

- 1) In all Zoning Districts, all at-grade, or at-grade mounted, electrical service equipment, air conditioning, heating, cooling and ventilating equipment, and all other mechanical equipment shall be painted the same color as the exterior color of the adjacent building or screened from surrounding properties and streets by landscaping materials, or enclosed within a building.
- 2) The color of all roof mounted equipment and vents shall be the same color as the roof. All solar energy systems shall be exempt from this requirement if the required color would affect the efficient operation of solar energy systems.
- 3) No roof-mounted equipment shall extend above the maximum building height allowed for the Zoning District in which the building is located. The height of wind and/or solar energy systems may be the only exception to exceed the maximum height if determined appropriate by the site plan approval process.

SECTION 1138—STORAGE OF ABANDONED VEHICLES, TRASH, AND DEBRIS PROHIBITED:

No required yard area and no required open space area shall be used for the storage or accumulation of any unlicensed, abandoned, wrecked, or junk vehicles or the storage of equipment, trash, or debris.

SECTION 1139—DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS:

**Table 11-1
Residential Development Standards**

| REQUIREMENTS | RESIDENTIAL ZONING DISTRICTS | |
|--|--|--|
| | Residential Agriculture (RA) | Residential Multi-Family (RMF) |
| Type of Structure | Conventional Single-Family or Two-Family Dwelling Units. Unconventional homes, which would include, but not be limited to a dome home, an a-frame, a home built on stilts, an earthen home, a straw home, shall not be allowed in Fairview City. | Three or Four Dwelling Units per structure. The development of contiguous multi-family units is limited to 4 units per building. |
| Minimum Lot Size | Frontage 90 feet - 10,000 sq. ft. Single Family Frontage 110 feet - 12,000 sq. ft. Two Family | |
| Maximum Lot Coverage of all Structures | 60 % of lot area | 3 times the square feet of the main level of building. |
| Minimum Floor Area for Multi-Family Structures | | Minimum Area per building unit; 1,000 sq. feet per main level. |
| Maximum Height for Structures | Thirty-five (35) feet | Thirty-five (35) feet |
| Setbacks for Primary Structures | | |
| Front Yard | Front yard setback will be a minimum of 25 feet which includes any part of a habitual part of the building, including the garage, basement, storage or porch area, garages, carports, temporary garages or temporary carports. | |

| REQUIREMENTS | RESIDENTIAL ZONING DISTRICTS | |
|-----------------------------------|---|---|
| | Residential Agriculture (RA) | Residential Multi-Family (RMF) |
| Side Yard | Side yard setback will be a minimum of 8 feet from the property line. Minimum distance between two Single-family buildings will be 16 feet. If lot is a corner lot then set back on street side shall be 20 feet. | Side yard setback will be a minimum of 25 feet from the property line. |
| Rear Yard | Rear yard setback shall be a minimum of 25 feet. | Rear yard setback shall be a minimum of 25 feet. Each multi-family unit shall have an area of at least six hundred (600) square feet in size for each unit's back yard. |
| Setbacks for Accessory Structures | | |
| Attached Garages | Attached garages shall have a minimum side yard of 8 feet from property line. | |
| Unattached Garages and Carports | Unattached garages shall have a side and rear yard of not less than eight (8) feet from the property line. Unattached garages shall have a minimum of four (4) feet walkway between the residence and the garage. Walkway may be covered. Carports shall have a side yard of not less than eight (8) feet from the property line, except carports on corner lots shall have a side yard of not less than twenty (20) feet from property line. | Garages, Carports, Temporary Garages or Temporary Carports. The structures must be set back 25 feet from the property line. |
| Accessory Structure | Accessory structures cannot be placed within 8 feet of the property line. Accessory structures must be located in the rear of the lot. Cargo or shipping containers, reefer trailers, old buses, old mobile trailers, campers, or motor homes shall not be allowed as accessory structures. | |

| REQUIREMENTS | RESIDENTIAL ZONING DISTRICTS | |
|-------------------------------------|--|--|
| | Residential Agriculture (RA) | Residential Multi-Family (RMF) |
| Distance Between Structures | There shall be a minimum of 16 feet between all habitable structures. | There shall be a minimum of 25 feet between all habitable structures. |
| Floor and Deck Height | The main floor of all homes shall be no less than 12” inches of foundation exposed above finished exterior grade and no more than 36” inches of foundation exposed to finished exterior grade. | |
| Residential Architectural Standards | | |
| Walls | Building and retaining walls. No more than three materials shall be used for the primary wall surfaces on a building. Exterior finish shall be of transitional, time and weather tested techniques. No steel or galvanized products will be allowed to be used as a siding solution. Retaining walls shall be of materials complementary to the building’s materials. | |
| Color Scheme | Wall colors may range from earth tones to colors with some moderate tints. Trim around openings may be accent colors. The use of a single-color scheme, minimal detail, or blank walls is not permitted. The use of exterior staircases is discouraged. | |
| Minimum Percentage of Stucco | The fronts and sides of all single-family units shall include a minimum of 25 % of brick, cultured brick, natural or cultured stone, wood or synthetic wood products, vinyl, aluminum and limited amounts of stucco. No steel or galvanized products are allowed for siding applications. | |
| Roof Form | 1. Large roof forms shall be designed in ways, and/or used in combinations to break up large, continuous building forms. Long unbroken ridgelines are prohibited. 2. Secondary roof structures such as porch roofs, roofs over bay extensions, etc., may include other roof forms such as shed roofs, and hip roofs in combination with gable roofs. However, the secondary roofs shall be consistent or complementary with the primary roof form. Secondary roofs that slope should not be less than 4:12. | |
| Openings | The following standards apply to openings of all structures: Entry doors must face the front yard, or if located on the Building side must be placed within | 1. Entry Doors. Entry doors must face the front yard, or if located on the building side must be placed within three feet |

| REQUIREMENTS | RESIDENTIAL ZONING DISTRICTS | |
|--|---|---|
| | Residential Agriculture (RA) | Residential Multi-Family (RMF) |
| | three feet of the front facade. Entry doors must be covered by a roof and must be a primary element of the front of the structure. | of the front facade. Entry doors must be covered by a roof and must be a primary element of the front of the structure. 2. Front Entry Feature. All dwelling units or residential buildings shall have an exterior entry that is a prominent, architectural focal point directing people into the unit or building. This feature shall relate to the architecture of the structure and may include porches, stoops, roofs, etc. |
| Residential Landscaping Requirements | | |
| All required landscaping shall be installed as a condition precedent to receiving a certificate of occupancy unless seasonal conditions make installation unfeasible, in which case the applicant shall provide cash security or its approved alternative, for all landscaping, which landscaping shall be installed by the following May 31 st . | | |
| Additional Requirements | Grass along with trees and shrubs shall also be required. Landscaping plan to be submitted with each plat plan. All landscaping shall be completed prior to the issuance of a certificate of occupancy; except however, certificate of occupancy may be issued between October 1 and April 15, provided a bond is posted with Fairview City to insure the installation of all landscaping. The landscaping for lots that were issued a certificate of occupancy between October 1 and April 15 shall be installed prior to the next June 1 st . A minimum of two trees, either evergreen or deciduous; a minimum of three shrubs, each a minimum of one gallon size. Each home owner shall be required to own at least one | 1. Minimum Open Space. The applicant shall dedicate not less than fifty percent of the interior of the proposed development area as open space. 2. Minimum Landscaped Area. The applicant shall landscape twenty-five percent of the interior of the proposed development area. The required open space may be landscaped to comply with this requirement. Landscape areas shall not be less than five feet wide. Building foundation landscaping is not interior landscaping. The applicant must landscape the front and side yards to the abutting property line. The back yard will be prepared for final grade. Each unit will have a fenced back yard on all sides. The home owner has the responsibility to complete their own back yard landscaping. The backyard of each unit will have an irrigation connection provided. Each unit owner |

| REQUIREMENTS | RESIDENTIAL ZONING DISTRICTS | |
|--------------|--|--|
| | Residential Agriculture (RA) | Residential Multi-Family (RMF) |
| | share of irrigation water right. An option for landscape would be to use the xeriscaping effect. | <p>will be provided with at least one share of irrigation water rights.</p> <p>3. Minimum Improved, Common Recreational Amenities. A minimum of fifteen percent of the open area shall be developed as active, improved common area to include such as mini parks, picnic areas, playgrounds, recreation areas and structures such as club house, pavilions, swimming pools, etc. Improved, common recreational amenities shall be concentrated into larger, more functional areas as much as possible while continuing to provide each dwelling unit with an amenity within reasonable walking distance.</p> <p>4. Deciduous trees shall be installed in all residential areas at a rate of one two-inch caliper tree per thirty feet of frontage. These trees may be clustered but there shall be no more than fifty feet between trees.</p> |

| REQUIREMENTS | RESIDENTIAL ZONING DISTRICTS | |
|-----------------------------------|------------------------------|---|
| | Residential Agriculture (RA) | Residential Multi-Family (RMF) |
| Residential Landscape Buffer Area | | <p>A landscaped buffer shall be required to separate all existing buildings.</p> <p>1. Landscape Buffer Area. The landscape buffer area must be a minimum of twenty-five feet wide to provide adequate screening and buffering. The landscape treatment should use a combination of distance and low level screening to separate the uses to soften the visual impact. The landscape buffer area shall include a minimum of one tree for every two hundred fifty square feet.</p> <p>2. Fully Sight-Obscuring Fence. Fencing used for this purpose must be six feet high and completely sight-obscuring. Fences may be of wood, metal, bricks, masonry, vinyl or other permanent materials.</p> <p>3. Screening Tree. Existing trees shall be preserved to the greatest extent possible and new evergreen and faster-growing deciduous trees shall be planted in adequate numbers to provide both short term and winter screening.</p> <p>4. Plant Material Areas requiring landscaping shall be planted with substantial live plant material including: plants, shrubs, trees, sod, etc., to buffering, screening, and improving the visual quality of the site.</p> |

| REQUIREMENTS | RESIDENTIAL ZONING DISTRICTS | |
|-----------------|--|--|
| | Residential Agriculture (RA) | Residential Multi-Family (RMF) |
| Irrigation Plan | <p>A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:</p> <ol style="list-style-type: none"> 1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system. 2. The home owner will own at least one share of irrigation water or what ever the irrigation company requires for the size of lot 3. Each valve shall irrigate a landscape area with the similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves. | <p>A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:</p> <ol style="list-style-type: none"> 1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system. 2. The developer will provide each unit's owner with at least one share of irrigation water, plus at least one share of irrigation water for each 10,000 sq. feet of open space. 3. The plans will provide; flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers. 4. Installation details for irrigation components. 5. Each valve shall irrigate a landscape area with the similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves. |
| Fencing | | |
| | See Section 1132, herein. | The entire project shall have a six feet high solid privacy fence along and the back and both ends of the area. Along the street front no fence is required. Each unit's back yard shall have a totally enclosed back yard constructed with the same material as the perimeter fence material. |

| REQUIREMENTS | RESIDENTIAL ZONING DISTRICTS | |
|-------------------------|------------------------------|---|
| | Residential Agriculture (RA) | Residential Multi-Family (RMF) |
| Lighting Standards | | |
| | | <p>All lights placed on property entrances or on buildings facades shall be down-directed and shielded to direct light to the entry or pedestrian way. The lighting design shall minimize light trespass. Spotlights and floodlights are prohibited. This does not prohibit the use of decorative landscape lighting when approved as part of a professionally produced landscape plan. High-pressure sodium or metal halide light sources are the only allowed light sources for outdoor lighting. Light levels should be designed with minimum light trespass off-site by using a cut off luminary that is fully or partially shielded with little or no light distributed about the horizontal plane of the luminary or other best practices that are available. Lights to be placed on timers to reduce amount of power used. Light fixtures to be approved by the City Power Department.</p> |
| Additional Requirements | | |

| REQUIREMENTS | RESIDENTIAL ZONING DISTRICTS | |
|---------------------------|--|--|
| | Residential Agriculture (RA) | Residential Multi-Family (RMF) |
| Grading Plan | <p>A grading plan shall be drawn at the same scale as the planting plan and shall contain the following information:</p> <ol style="list-style-type: none"> 1. Finish grade shall slope away from the structure as required by the International Building Code. 2. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the planning department to verify compliance with the approved landscape plans. 3. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this section are not satisfied. 4. Occupancy can't occur prior to completion of landscape. The owner must place a cash bond for remaining landscape requirements to be completed if it can not be completed prior to October 1st. | <p>A grading plan shall be drawn at the same scale as the planting plan and shall contain the following information:</p> <ol style="list-style-type: none"> 1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas, storm drain systems and other site improvements; 2. Existing and finished contour lines and spot elevation as necessary for the proposed site improvements. 3. Grade shall slope away from the structure as required by the International Building Code. 4. Drainage Plan: To show drainage over entire site; locations of sumps, catch basins, direction of water flow, estimated amount of water to be contained per 100-year flood period, etc. |
| General Parking Standards | <ol style="list-style-type: none"> 1. All driveways to be constructed on prepared sub grade, with 4" gravel and minimum of 4" concrete. 2. No driveway shall be less than thirty feet from any intersection right-of-way. 3. Single Family. The minimum driveway width for a single-family use is ten (10) feet. | <p>Driveway standards: All driveways to be constructed on prepared sub grade, with 4" gravel and minimum of 4" concrete.</p> <ol style="list-style-type: none"> 1. No driveway shall be less than thirty feet from any intersection right-of-way. 2. Driveways that exceed fifteen feet in width at the lot frontage must be separated by a landscaped area of at least five feet in width and ten feet in depth; |

| REQUIREMENTS | RESIDENTIAL ZONING DISTRICTS | |
|--------------------|--|---|
| | Residential Agriculture (RA) | Residential Multi-Family (RMF) |
| | | <p>3. Single Family. The minimum driveway width for a single-family use is ten feet.</p> <p>4. Multi-Family. The follow standards apply to multi-family uses;</p> <p style="padding-left: 40px;">a. Shared Drive for Two Units. The minimum driveway width for a single use duplex is ten feet. The minimum driveway widths for a single-family use shared by two units are twenty feet.</p> <p>5. Surface Parking. Additional parking areas will be provided for guests. Each unit shall have 3 parking stalls per unit. The driveway and garage may be counted as one parking space each.</p> |
| Streets and Alleys | | <p>All public streets and all private streets whose purpose, in addition to providing access to property, is to facilitate circulation and connectivity through a development, shall provide a detached sidewalk at least four feet wide, a planting strip between the sidewalk and the back of curb at least four feet wide, and street trees. The tree requirement shall be calculated at one tree per thirty feet of frontage, either grouped or spaced no more than fifty feet between trees. All trees to be at least two-inch caliber in diameter.</p> |
| Utilities | <p>All utilities within the proposed development shall be buried. All utilities shall be approved and installed in compliance with City Standards as identified in the City Construction Standards. (See Section 1109)</p> | |

| REQUIREMENTS | RESIDENTIAL ZONING DISTRICTS | |
|---|------------------------------|---|
| | Residential Agriculture (RA) | Residential Multi-Family (RMF) |
| Plan Review and Construction Inspection | | <ol style="list-style-type: none"> 1. As part of the site plan approval process, a copy of the landscape plan documentation package shall be submitted to the City for review and approval. 2. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the planning department to verify compliance with the approved landscape plans. 3. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this section are not satisfied. 4. Occupancy can't occur prior to completion of landscape. The developer must place a cash bond for remaining landscape requirements to be completed. |

CHAPTER 12

SUPPLEMENTARY DEVELOPMENT STANDARDS

SECTION 1201—PURPOSE:

The purpose of supplementary development standards is to further the purposes of this Ordinance and to address the use, location, construction, and operation of particular uses and activities. Compliance with all supplementary development standards, as applicable, as well as all other requirements of this Ordinance, and all other federal, state, and local requirements is required for the issuance of any required development approval, license, or permit.

SECTION 1202—REQUIREMENTS FOR RESIDENTIAL FACILITIES FOR ELDERLY PERSONS:

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.

No Residential Facility for Elderly Persons shall be established unless:

- 1) It is proposed in a building that complies with all Land Use Ordinances and Building Code(s), as adopted, as applicable to similar structures in the Zoning District in which the Residential Facility for Elderly Persons is proposed.
- 2) The Residential Facility for Elderly Persons proposes no fundamental change in the character of the neighborhood. The facility shall be of a size, scale, and design, including landscaping, compatible to surrounding residential uses.
- 3) Residential Facility for Elderly Persons shall not exceed eight (8) occupants.
- 4) 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.
- 5) Any building proposed to be used as a Residence for Elderly Persons, 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 of Utah Department of Human Services.

- 6) No Residence for Elderly Persons shall be approved that would be located closer than three-quarters (3/4) of a mile to any other Residence for Elderly Persons.

SECTION 1203—REQUIREMENTS FOR RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY:

The approval of a Residential Facility for Persons with a Disability is nontransferable and terminates if the structure is devoted to a use other than a Residential Facility for Persons with a Disability or if the structure fails to comply with the requirements of this Section.

No Residential Facility for Persons with a Disability shall be established unless:

- 1) It is proposed in a building that complies with all Land Use Ordinances and Building Code(s), as adopted, as applicable to similar structures in the Zoning District in which the Residential Facility for Persons with a Disability is proposed.
- 2) The Residential Facility for Persons with a Disability proposes no fundamental change in the character of the neighborhood. The facility shall be of a size, scale, and design, including landscaping, compatible to surrounding residential uses.
- 3) **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 of Utah 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 eight (8) occupants.
- 4) **State of Utah Department of Human Services License.** At the time of 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 of Utah Department of Human Services for the type of Residence being considered by the City. The Land Use Authority shall condition any approval on the presentation of evidence that the Residence is licensed by the State of Utah Department of Human Services, as required by this Section. Failure to provide such evidence shall be grounds for the City to invalidate any existing or pending approval.
- 5) **Continued Compliance with the Licensure Requirements of the 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 therein shall rest with the State of Utah Department of Human Services.

- 6) **Reasonable Accommodations.** The Land Use Authority, in reviewing an application to establish and operate a Residence for Persons with a Disability, may modify the requirements, contained herein, if the Land Use Authority determines such modifications are necessary in order to make a reasonable accommodation to afford persons residing in a Residence for Persons with a Disability equal opportunity in the use and enjoyment of the Residence.
- 7) **Reasonable Dispersion.** No Residence for Persons with a Disability shall be approved that would be located closer than one (1) mile to any other Residence for Persons with a Disability.

SECTION 1204—REQUIREMENTS FOR YOUTH REHABILITATION RESIDENTIAL FACILITIES:

The approval of a Youth Rehabilitation Residential Facility is nontransferable and terminates if the structure is devoted to a use other than a Youth Rehabilitation Residential Facility or if the structure fails to comply with the requirements of this Section.

No Youth Rehabilitation Residential Facility shall be established unless:

- 1) It is proposed in a building that complies with all Land Use Ordinances and Building Code(s), as adopted, as applicable to similar structures in the Zoning District in which the Youth Rehabilitation Residential Facility is proposed.
- 2) The Youth Rehabilitation Residential Facility proposes no fundamental change in the character of the neighborhood. The facility shall be of a size, scale, and design, including landscaping, compatible to surrounding residential uses.
- 3) The Youth Rehabilitation Residential Facility shall comply with all applicable standards and requirements of the State of Utah Department of Human Services.
- 4) **Maximum Number of Occupants (Consumers and Staff).** Any building proposed to be used as a Youth Rehabilitation Residential Facility, 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 of Utah 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 eight (8) occupants.
- 5) **State of Utah Department of Human Services License.** At the time of Application to establish a Youth Rehabilitation Residential Facility, 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 of Utah Department of Human Services for the type of Residence being considered by the City. The Land Use Authority shall condition any approval on the presentation of evidence that the Residence is licensed by the State of Utah Department of Human Services, as required by this Section. Failure to provide such evidence shall be grounds for the City to invalidate any existing or pending approval.

- 6) **Continued Compliance with the Licensure Requirements of the Department of Human Services.** The responsibility to license programs, or owners or providers that operate a Youth Rehabilitation Residential Facility, as well as require and monitor the provision of adequate services to consumers residing therein shall rest with the State of Utah Department of Human Services.
- 7) **Reasonable Dispersion.** No Youth Rehabilitation Residential Facility shall be approved that would be located closer than one (1) mile to any other Youth Rehabilitation Residential Facility.
- 8) **Reasonable Conditions.** The Land Use Authority shall impose any reasonable conditions including, but not limited to, parking, lighting, fencing, security plans, or any other reasonable conditions to ensure the health, safety, and welfare of the City and its residents.
- 9) A Youth Rehabilitation Residential Facility shall not include any persons referred by the State of Utah Department of Corrections, any adult or juvenile court, or the juvenile justice system. An individual who has impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substances or alcohol, convicted of a sex-related offense, or any offense involving violence shall not be allowed as a resident of the facility.

SECTION 1205—HOME OCCUPATIONS:

The following regulations are established to provide minimum standards for the establishment and operation of Home Occupations.

- 1) Home Occupations may be approved following the receipt of a Home Occupation Application, subject to the following conditions:
 - a) The Home Occupation shall be conducted wholly within the residence or approved structure or area on the premises.

- b) The Home Occupation shall not occupy any area within the garage, unless the garage still functions for parking, and as long as two parking spaces for residential use are still available.
- c) Commodities may be sold that are incidental to the service provided.
- d) Only one vehicle may be used in association with the Home Occupation and shall be stored entirely within a garage or structure on the premises. No deliveries by semi-tractor/trailer are permitted.
- e) Home Occupations shall conform with all fire, building, plumbing, electrical, health, and sanitation codes, with all applicable State Laws, and with Fairview City Ordinances.
- f) 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.
- g) The Home Occupation, business, transaction or activity conducted entirely within no more than 25% of the primary dwelling and exclusively by persons residing within the dwelling, in a manner that is indiscernible from, clearly incidental, and secondary to the residential use, 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.
- h) 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 the Chapter, shall be met.
- i) 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.
- j) The owner or operator shall obtain, and maintain, a valid business license, as required by the business licensing requirements of the City.
- k) Sign Requirements:
 - i) No sign shall obstruct the view of, or be placed adjacent to or upon any public street, utility pole or post of any traffic or regulatory sign.
 - ii) No sign shall be erected upon or project onto any public land or building.

- iii) Maintenance shall mean, signs and sign support structures, and display surfaces shall be kept painted at all times.
 - iv) Wall signs shall mean, sign attached to wall or building structure. May apply for sign along with home occupation permit. Wall sign shall be no larger than eighteen (18) inches x (18) eighteen inches.
 - v) Over Entrance to Doorway shall mean, sign attached to wall entrance to doorway, may apply for sign along with home occupation permit. Over doorway sign shall be no larger than twelve (12) inches x thirty-six (36) inches.
 - vi) A Frame shall mean, free standing and be confined to residence property. May apply for sign with home occupation permit. A Frame sign shall be no larger than two (2) feet x three (3) feet.
 - vii) Temporary Sign shall mean, sign shall not remain in place for a period not to exceed three (3) days, and shall be confined to residence property. No permit required. Temporary sign shall be no larger than eighteen (18) inches x eighteen (18) inches.
- 2) 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 judgment of the Commission, required termination of said Permit.
- 3) Home Occupations Definitions.
- a) Permitted Home Occupations include, but are not necessarily limited to the following: artists, appraisers, authors, architectural and drafting services, advertising, barber, beauty and nails solons, crafts, consulting services, computer services, contractors, dance studios, data processing, direct sales, educational services, day care, financial services, garden produce and greenhouses, mail order, music lessons, real estate services, sales, and etc.
 - b) Home Occupations which meet the standards 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.

SECTION 1206—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 Ordinance, other Land Use Ordinances, adopted Building Code, and Health Code, as applicable.

- 2) The maximum number of guest rooms provided shall not exceed five (5). Each guest room shall provide a private bathroom.
- 3) Shall not create a density greater than one (1) bed and breakfast unit per everyone thousand (1,000) feet in any direction.
- 4) The premises shall be inspected and found that the dwelling and premises comply with all applicable Fire Codes, as adopted.
- 5) A hard-surfaced off street parking area of one (1) parking space for each guest room, in addition to the parking requirements for the single-family dwelling shall be provided.
- 6) No accessory structure, motor home, travel trailer, boat, or similar vehicle or facility shall be used as guest rooms.
- 7) Primary access to all guest rooms is provided and allowed through the main entrance of the dwelling.
- 8) All meals provided to guests shall comply with all applicable State, County, and City Health Code. The owner shall have a food handler permit issued by the applicable Health agency.
- 9) The owner or an employee must be on the premises at all times when guests are present.
- 10) One (1) non-flashing sign may be allowed in the front yard setback area with a sign area not to exceed three (3) feet by two (2) feet.
- 11) The owner or operator shall obtain, and maintain, a valid business license, as required by the business licensing requirements of the City.
- 12) Alcohol: No alcohol beverages shall be sold or served on the premises.
- 13) Smoking: No smoking will be allowed in the building and must comply with all sections of the State (see 26-28-1 to 26-38-9 and all applicable sections), County, and City health, fire, and building codes.

SECTION 1207—MOBILE HOME PARK REQUIREMENTS:

The owner of contiguous tract of land with the intent of building a mobile home park may do so providing it be, not less than two (2) and not more than (3) acres, create a density of four to six units per acre; and be located not less than 500 feet from any existing residence, and be in compliance with the regulations and restrictions set forth in this chapter. The purpose of these provisions is:

- a) To help provide a home for every family, especially lower and middle income families;
- b) To permit variety and flexibility in land development for residential purpose by allowing the use of mobile homes in certain areas within the city;
- c) To improve the quality of the housing supply;
- d) To do so in a manner that will promote the objectives and purpose of the City ordinance and to protect the integrity and characteristics of the areas contiguous to those in which mobile home parks are located.

1) **SUBMITTAL OF OVERALL PLAN.** Before a permit shall be issued for a mobile home park, the overall plan of the development must be submitted to the Planning Commission for this review. The Plan will show:

- a) The topography represented by contours shown at no greater intervals than two feet when required by the Planning Commission.
- b) The proposed street and mobile home space layout.
- c) Proposed reservation for parks, playgrounds and open space.
- d) Size and character of recreation building, pergolas, arbors and other structures associated with land and facilities to be used by the mobile home park occupants.
- e) Layout of typical mobile home spaces.
- f) Tabulations showing percent of area to be devoted to parks, playground and open space, number of mobile homes and total area in mobile home parks.
- g) Proposed location of parking spaces.
- h) Proposed landscape planting plan, including type and location of plant materials, also location of water and sewer lines, fire hydrants, curbs and other improvements.

- i) Any other data that the Planning Commission may require; The Planning Commission shall review and recommend approval or disapproval of the mobile home park depending upon compliance with the standards and requirements herein.
- 2) **STANDARDS AND REQUIREMENTS.** The development of a mobile home park shall conform to the following standards and requirements:
- a) The area shall be in a single ownership and shall remain in a single ownership.
 - b) The final plan must be prepared and certified by a professional engineer, architect or landscape architect licensed in the State of Utah.
 - c) The number of mobile homes shall be limited to six (6) units per acres. The remaining land not contained in individual lots, roads, or parking shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of the occupants of the development and visitors thereto. In any space, the number of mobile homes in one mobile home park shall not exceed eighteen (18) units.
 - d) Not less than ten percent of the gross area of the mobile home park shall be set aside for use by the occupants. The land covered by vehicular roadways, sidewalks and off-street parking shall not be construed as being part of this required area.
 - e) No mobile home or add-on shall be located closer than twenty (20) feet from the nearest portion of any other mobile home or add-on. All mobile homes and add-ons shall be set back at least five (5) feet from all roadways, and at least twenty-five (25) feet from any public street, and shall be landscaped.
 - f) All areas not covered by mobile homes, hand surfacing, buildings, parking space or driveways shall be planted in lawns, trees and shrubs or otherwise landscaped prior to occupying of any mobile home.
 - g) All off-street parking space and driveways shall be hard surfaced before any mobile home space may be occupied.
 - h) A strip of land at least eight (8) feet wide surrounding the park shall be planted and maintained in lawn, shrubs and street designed to afford privacy to the development.
 - i) All storage and solid waste receptacles outside of the confines of a mobile home must be housed in a closed structure compatible in design and construction to the mobile homes and to any service buildings within the mobile homes park; all patios, garages, carports and other add-ons must harmonize in design and construction with the

mobile home and with the service buildings to be placed in the mobile home park as approved by the City Council.

- j) No mobile home space shall be rented for a period of less than thirty (30) days and occupancy shall be by written lease, which lease shall be provided to the City on the first on each month.
 - k) Roadways shall be of adequate width to accommodate anticipated traffic as follows:
 - i) For one-way with no parking: Twelve (12) feet in width, plus extra width as necessary for maneuvering mobile homes;
 - ii) For two-way traffic with no parking; Twenty-four (24) feet in width.
 - iii) For entrance streets with no parking; a minimum of thirty-six (36) feet in width. All streets shall be bordered by curb and shall be hard surfaced.
 - l) There shall be no more than two (2) entrances from the mobile home park into any one street, which entrances shall be no closer than twenty-five (25) from each other, nor closer than fifty (50) feet to the corner of an intersection.
 - m) Access shall be provided to each mobile stand by means on an access way reserved for maneuvering mobile homes into position and shall be kept free from trees and other immovable obstructions. Paving the access way shall not be required. Use of planks, steel mats or other means during placement of a mobile home shall be allowed so long as the same are removed immediately after placement of the mobile home.
 - n) Off-street parking shall be provided at the rate of two (2) parking spaces per mobile home space adjacent to the mobile home park.
 - o) Mobile home parks may include a launderette for the convenience of the occupants of the park.
 - p) All City utilities supplied by the City to a mobile home park shall be charged to the owner of said park and be his responsibility to collect from the renters.
- 3) **PLANNING COMMISSION REVIEW.** The Planning Commission shall review the plan to determine its compliance with all portions of the City's ordinances. In consideration the plan, the Planning Commission, among other things, shall make that such development constitutes a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding areas. The planning commission may require changes to be made in the plan and development standards in excess of the minimum standards contained in this chapter, and walls, buffers, setbacks, greater

amounts of landscaping or parking space, etc. may be imposed as conditions of approval where it is determined by the Planning Commission such standards are necessary to insure that the mobile home park will mix harmoniously with adjoining or nearby uses.

- 4) **CONSTRUCTION – SECURITY REQUIRED.** In order to insure that the mobile home park will be constructed and maintained in an acceptable manner, the developer shall furnish the city with satisfactory security such as a bond, mortgage or cash deposit, acceptable to the City and approved by the City attorney as to form, in an amount equal to the estimated cost of construction and installing all required landscaping, road improvements, including parking spaces and other amenities as shown on the approved plans.
- 5) **MAINTANCE INSURED.** In order to insure that the mobile park will be properly maintained, the developer shall prepare and submit a document setting forth management policies, covenants, conditions and restrictions relating to the property maintenance of the mobile home park and shall covenant and agree with the city to meet and perform all of the developer's obligations and with respect thereto. When said document has been approved by the City Council, it shall be recorded in the office of the County Recorder, and all the covenants, conditions, restrictions and obligations therein contained shall run with the land and be binding upon the developer and all subsequent owners thereof. Any failure on the part of the developer or his successors or assigns to maintain the mobile home park in accordance with the approved management policies, covenants, conditions and restrictions is a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community. In addition to any other remedy provided by law for the abatement or removal of such public nuisance, the city may pursue remedies granted by Chapter 11 of Title 10, Utah Code Annotated, as amended.
- 6) **LICENSE REQUIRED.** A prerequisite to the operation of any mobile home park shall be the obtaining of an annual license. The license shall be issued only after inspection by the City Planning Department. It is unlawful to operate a mobile home park without first obtaining a license, and said license may be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards.

SECTION 1208—TRAVEL TRAILER PARK REQUIREMENTS:

- 1) **Condition Use Permit.** A Conditional Use Permit for a travel trailer park must be issued before such a facility may be constructed in any zone which permits said construction and location as a conditional use. In addition to such terms and conditions as may be required upon the issuance of a Conditional Use Permit for a travel trailer park, all travel trailer parks shall be built to the standards set forth in this Section.

- 2) **Property Development Standards.** The following development standards shall apply to the individual travel trailer sites. Plans and elevations for the travel trailer park and any buildings or structure proposed for location therein shall be submitted with the application for a Conditional Use Permit for a travel trailer park. Said plans shall be in conformance with the following general development standards:
- a) **Travel Trailer Site Requirements.** Each travel trailer site shall be plainly marked and numbered for identification and shall meet all requirements of this Section.
 - b) **Travel Trailer Site Area.** Each travel trailer site in a travel trailer park shall have an area of not less than fifteen hundred (1,500) square feet.
 - c) **Travel Trailer Site Width.** Each travel trailer site shall have a minimum width of twenty-five (25) feet. Trailers shall be separated from each other and from other structures by at least ten (10) feet. Any accessory uses, such as attached awnings, or steps, shall for purpose of this separation requirements, be considered to be part of the trailer.
 - d) **Travel Trailer Site Frontage.** Each travel trailer site shall abut directly upon a travel trailer park street for a minimum of twenty (20) feet. Alignment and gradient shall be properly adapted to topography.
 - e) **Trailer Density.** Not more than one travel trailer shall be placed on a travel trailer site.
 - f) **Site Coverage.** The travel trailer and accessory structures shall not cover more than seventy-five (75) percent of a travel trailer site.
 - g) **Off-Street Parking.**
 - i) Each travel trailer site shall have, thereon, a paved space suitable for providing automobile parking which may be part of or a continuation of a pad upon which the trailer will rest. Said parking space shall have unencumbered dimensions of not less than nine (9) feet in width and twenty (20) feet in length.
 - ii) Each travel trailer site shall provide sufficient parking and maneuvering space so that the parking, loading, or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the travel trailer parking area.
 - iii) There shall be provided quest parking in each travel trailer park at the ratio of one parking space for each ten (10) travel trailer sites within said park. These spaces shall be in addition to those on-site places required in Section 1207 (2) herein.

- h) **Landscaping.** The following landscaping provisions shall apply to all travel trailer parks:
- i) All open areas except driveways, parking areas, walking areas, utility areas, or patios shall be maintained with landscaping plan to be approved in conjunction with issuance of a Conditional Use Permit.
 - ii) Trees shall be planted along the street frontages as may be required as a condition of a Conditional Use Permit. There shall also be at least one (1) tree upon each travel trailer site.
- i) **Walls and Fences.** Walls and fences on individual travel trailer sites shall not exceed two (2) feet in height. In addition. A decorative wall or fence at least six (6) feet in height shall be erected around the perimeter of each travel trailer park. Said wall or fence shall be on masonry construction, or of wood construction with masonry pilasters at an interval of no less than twenty (20) feet on center.
- j) **Travel Trailer Park Streets.** Travel trailer park streets shall be provided in such a pattern as to provide convenient traffic circulation within the travel trailer park. They shall be built to the following standards:
- i) Streets shall be at least twenty-five (25) feet wide. Parking shall not be allowed on travel trailer park streets.
 - ii) The travel trailer park street shall be paved in accordance with City standards 3" asphalt and 8" road base and shall be provided with concrete curb and gutters. Said curbs and gutters may be of a "roll" type to provide convenient access to trailer sites.
 - iii) Travel trailers park streets shall be lighted with one street light for every four (4) spaces.
- k) **Recreation Areas.** A central recreation area shall be established in all travel trailer parks, which shall be easily accessible from all trailer sites. The size of such recreation areas shall be not less than ten (10) percent of the gross site area of all travel trailer spaces, or three thousand (3,000) square feet, whichever is greater.
- l) **Travel Trailer Park Office.** Every travel trailer park shall include a permanent building for office use. Such building may include a single-family dwelling for the exclusive use of the owner or manager, provided there is an area of not less than five thousand (5,000) square feet devoted exclusively to the use of said single family dwelling and the occupants thereof.

- m) **Laundry Rooms.** Every travel trailer park shall have at least one (1) laundry room. Laundry drying lines shall not be permitted on any travel trailer site.
 - n) **Restrooms and Shower Facilities.** Restrooms, including toilet, showers and lavatories shall be provided within a travel trailer park to conveniently and adequately serve the trailer site within said park.
 - o) **Telephone.** The travel trailer park shall contain at least one (1) public telephone for the use of park renters.
 - p) **Utilities.** All utility distribution facilities, including television antenna service lines serving individual travel trailer sites, shall be placed underground. The owner is responsible for complying with the requirements of this subsection, and he shall make the necessary arrangements with each of the serving utilities for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to such underground facilities may be placed above ground. All travel trailer sited must be served with water, electricity, cable, and sewer connections.
- 3) **Minimum Park Area.** No travel trailer park facility shall be constructed on a parcel of property which is less than two (2) acres or greater than five (5) acres in size.
- 4) **Length of Occupancy.** No travel trailer site located within a travel trailer park established under the provisions of this Chapter shall be occupied by an individual, family, or group of individuals within a trailer, camper, motor-home or other facility for a period exceeding thirty (30) days.
- 5) **Eating and cooking Facilities.** Each travel trailer park shall be equipped with an appropriate number of picnic tables and benches or equivalent, and an outdoor cooking facility which meets the approval of the Fire Chief.
- 6) **Disposal and Water Stations.** Each travel trailer park shall have facilities for disposal from the holding tanks of trailers and similar vehicles which shall be in compliance with City's requirements and also a source of potable water for filling trailer water tanks.
- 7) **All Common Elements.** All common areas to meet ADA standards, sidewalks, play ground areas, and etc.

SECTION 1209—SALE, DISTRIBUTION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND ALCOHOLIC PRODUCTS:

All applications for a Beer License, as provided by Utah law, shall comply with the procedures and requirements of the Fairview City Alcoholic Beverage Control Ordinance, as adopted.

SECTION 1210—SEXUALLY ORIENTED BUSINESS LOCATION AND SEPARATION REQUIREMENTS:

A sexually oriented business may be allowed subject to the following restrictions:

- 1) No sexually oriented business shall be located less than one thousand (1,000) feet of:
 - a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - b) A public or private educational facility, including, but not limited to, child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - c) A public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land within the City which is under the control, operation or management of the City park and recreation authorities;
 - d) An entertainment business which is oriented primarily towards children or family entertainment; or
 - e) Any private club or tavern;
 - f) A boundary of a "residential district", as defined in the zoning code; or
 - g) The property line of a lot devoted to a "residential use", as defined in the zoning code.
- 2) For the purpose of this subsection, measurements shall be made in a straight line, without regard to the intervening structures or objects from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in this subsection.

Presence of a City, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this subsection.

3) For the purpose of this subsection, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

4) Signs for sexually oriented businesses shall be limited as follows:

- a) No more than one exterior sign shall be allowed.
- b) No sign shall be allowed to exceed eighteen (18) square feet.
- c) No animation shall be permitted on, or around any sign, or on the exterior walls or roof of such premises.
- d) No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
- e) Only flat wall signs and/or awning signs shall be permitted.
- f) Painted wall advertising shall not be allowed.
- g) Other than the signs specifically allowed by this subsection, sexually oriented businesses shall not attach, construct, or allow to be attached or constructed, any temporary signs, banner, light, or other device designed to draw attention to the business location.

CHAPTER 13 OFF-STREET PARKING STANDARDS

SECTION 1301—REQUIREMENTS FOR ZONING DISTRICTS:

Every building, structure, and improvement in each zoning district within Fairview City shall provide permanently maintained parking spaces as specified in this Chapter.

SECTION 1302—REQUIREMENTS SPECIFIED WITH BUILDING PERMIT:

Required off-street parking shall be specified in the plans submitted to and approved by Fairview City in the Building Permit for each dwelling, business, commercial, or public facility. Parking shall be the continuing obligation of the property owners so long as the use requiring vehicle parking or vehicle loading facilities continues.

- 1) **Minimum Requirements.** Except as otherwise may be reasonably approved by the Planning Commission, the number of off-street parking spaces for each of the zoning districts within Fairview City shall be as follows:
 - a. Residential/Agricultural Zone and Residential Multiple-Family Zone: a minimum of two (2) spaces for each residential dwelling.
 - b. Business/Commercial Zone: One (1) space for each two hundred (200) square feet of floor area.
 - c. Sensitive Lands Zone: Parking spaces as specified by the Planning Commission in the Conditional Use Permit.
- 2) **Required Improvement.** As specified in the Building Permit, the parking area shall be paved with asphalt 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.
- 3) **Handicapped Parking Spaces.** All structures which are required by provisions of the International Building Code (IBC) 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.

CHAPTER 14 SIGN STANDARDS

SECTION 1401—SIGN DEFINITIONS:

- 1) **Official business directional sign:** Means a sign erected and maintained by the State or an entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public.
- 2) **Off-premise sign:** Means a business sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location other than where that business, activity, or product sold or offered is located. For purpose of this article, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.
- 3) **Outdoor advertiting:** Means any outdoor advertising structure or outdoor structure used in combination with an outdoor advertising sign or outdoor sign.
- 4) **Outdoor Advertising Corridor:** Means a strip of land 350 feet wide, measured perpendicular from the edge of a controlled highway right-of-way and encroachment within the Fairview City "Declaration of Annexation" area.
- 5) **Point of Widening:** Means the point of the gore or the point where the intersecting lane begins to parallel the other lanes of traffic, but the point of widening may never be greater than 2,640 feet from the center line of the interesting highway of the interchange or intersection at grade.

SECTION 1402—PROHIBITED SIGNS:

All off-premise signs are prohibited and no permit shall be granted for the construction of any off premise signs on or after the effective date of this subsection. (December 21, 2004).

SECTION 1403—REPAIR AND RECONSTRUCTION OF SIGNS:

Any off-premise sign, in existence prior to the enactment of this ordinance, be damaged by acts of God, weather, unintentional harm or negligence or should any off-premise sign deteriorate due to failure to properly maintain said sign to the point that the cost of repair is greater than 50 percent of its current fair market value, the City shall not grant any permits for the repair or reconstruction of the sign. This prohibition does not apply to signs damaged by vandalism or other criminal acts.

Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business, activity conducted, or product sold or offered at a location not on the same premises such business sign is located.

SECTION 1404—SEVERABILITY AND CONFLICT:

This ordinance and its various parts are hereby declared to be severable. If any section, clause, provision or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of either this ordinance as a whole or any parts not declared invalid or unconstitutional. If any part of this ordinance is found to be in conflict with any other ordinance of the City of Fairview, the most restrictive or highest standard shall prevail.

CHAPTER 15 NONCONFORMING USES, NONCOMPLYING STRUCTURES AND OTHER NONCONFORMITIES

SECTION 1501—PURPOSE:

This Chapter is provided to establish procedures for determining the existence, expansion, or modification of a legal nonconforming use, a legal noncomplying structure, or other legal nonconformity, including noncomplying lots and signs.

SECTION 1502—LAND USE AUTHORITY FOR DETERMINATIONS OF LEGAL NONCONFORMING USE, LEGAL NONCOMPLYING STRUCTURE, OR OTHER LEGAL NONCONFORMITY APPLICATIONS:

As provided for by the Act, the Commission is authorized by the Council as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity,

SECTION 1503—APPLICATION INITIATION AND APPLICATION COMPLETENESS:

All requests for a determination of a legal nonconforming use, legal noncomplying structure, or other legal nonconformity shall be made on the applicable Land Use Application. A property owner may submit for a Determination of a Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity Application. An agent of the property owner, or a lessee of the property, may submit a Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application, provided such application is accompanied by a property owner affidavit of authorization.

SECTION 1504—REVIEW PROCEDURES FOR DETERMINATION OF A LEGAL NONCONFORMING USE, NONCOMPLYING STRUCTURE, OR OTHER NONCONFORMITY APPLICATIONS:

The procedures for the Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application by the Commission are identified by Figure 15-1, herein.

- 1) The Zoning Administrator shall review the Application for a Determination of a Legal Nonconforming Use, Legal Noncomplying Structure, or Other Legal Nonconformity and determine if the application:
 - a) From the evidence presented by the applicant, who shall have the burden of proof of establishing the existence of a legal nonconforming use, legal noncomplying structure, lot, sign, or other legal nonconformity, as provided by the Act, that sufficient information, documentation and other materials have been presented to clearly

establish that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance.

- 2) Upon a finding by the Commission that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance, the applicant may present any other necessary applications that may be required by this Ordinance, other Land Use Ordinances, or the Building Codes, as adopted, as provided by Section 2008 below.
- 3) Upon a finding by the Commission that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, did not legally exist on the date of adoption of this Ordinance, and did not legally comply with all prior enactments of this Ordinance, the applicant shall present an application to correct the illegality. No other action shall be taken by a Land Use Authority until the use, structure, lot, sign, or other nonconformity complies with the requirements of this Ordinance, and all other Land Use Ordinances, as adopted.

**SECTION 1505—DETERMINATION OF LEGAL NONCONFORMING USE,
NONCOMPLYING STRUCTURE, OR OTHER NONCONFORMITY APPLICATION
REQUIREMENTS:**

All Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Applications shall include and provide the following information:

- 1) A complete Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application.
- 2) Eight (8) eleven (11) x seventeen (17) inch copies of a site plan drawn at a scale as required by the Zoning Administrator, identifying the following;
 - a) The location and dimension of the property boundaries and all existing uses, buildings or other structures located on the property.
 - b) The date of the creation of the lot or parcel and the date of establishment of all uses, buildings or structures located on the property.
- 3) All information and materials, as determined necessary by the Applicant, and sufficient to identify and demonstrate that the Applicant considers that a legal nonconforming use, noncomplying structure, or other legal nonconformity exists and complies with the requirements of this Chapter and this Ordinance. Information,

materials, and other evidence provided should include the source of such information, materials, and other evidence. The applicant shall have the burden of proof of establishing the existence of a legal nonconforming use, legal noncomplying structure, lot, sign, or other legal nonconformity, as provided by the Act.

- 4) All other information, as may be required by the Commission, necessary to review the Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application.

SECTION 1506—MINIMUM REQUIREMENTS FOR APPROVAL OF DETERMINATION OF LEGAL NONCONFORMING USE, NONCOMPLYING STRUCTURE, OR OTHER NONCONFORMITY APPLICATIONS:

If, from the evidence presented by the applicant, who shall have the burden of proof of establishing the existence of a legal nonconforming use, legal noncomplying structure, lot, sign, or other legal nonconformity, as provided by the Act, the Commission finds that sufficient information, documentation and other materials have been presented to clearly establish that the use, structure, lot, sign, or other nonconformity legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance, the City's other Land Use Ordinances, including the Subdivision Ordinance, the Commission shall approve the Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application.

SECTION 1507—FINDINGS AND STANDARDS FOR APPROVAL OF DETERMINATION OF LEGAL NONCONFORMING USE, NONCOMPLYING STRUCTURE, OR OTHER NONCONFORMITY APPLICATIONS:

In determining whether a Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application meets the approval standards of Section 1506 the Commission may be guided by the following review criteria in deciding a Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application:

- 1) Has documentation and other materials been presented, and provided from a credible source, to clearly establish that the use, structure, lot, sign, or other nonconformity legally existed prior to the date of adoption and effective date of the first Land Use Ordinances, including the Zoning Ordinance and Subdivision Ordinance?
- 2) Has documentation and other materials been presented, and provided from a credible source, to clearly establish that the use, structure, lot, sign, or other nonconformity legally existed on the date of adoption of this Ordinance, and complied with all prior

enactments of this Ordinance, or the City's other Land Use Ordinances, including the Subdivision Ordinance?

SECTION 1508—DECISION FOR A DETERMINATION OF LEGAL NONCONFORMING USE, NONCOMPLYING STRUCTURE, OR OTHER NONCONFORMITY APPLICATION:

- 1) If the Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application complies with all the requirements of Section 1506 and Section 1507, the Commission shall approve the Application. The City Recorder shall notify the applicant of the decision, as required by Section 307, herein.
- 2) If the Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application does not comply with all the requirements of Section 1506 and Section 1507, the Commission shall deny the Application. The City Recorder shall notify the applicant of the decision, as required by Section 307, herein.

SECTION 1509—EFFECT OF APPROVAL:

- 1) A finding by the Commission of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall not authorize the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any nonconforming use, noncomplying structure, lot, sign, or other nonconformity.
- 2) A finding by the Commission of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall not be deemed an approval of any application, permit, or license.
- 3) A finding by the Commission of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall allow the filing of an application for any necessary approval, permit, or license, as may be required by the City's Land Use Ordinances.

SECTION 1510—TERMS AND REQUIREMENTS FOR NONCONFORMING USES:

Following a determination by the Commission of the existence of a legal nonconforming use, the use shall comply with the following terms and requirements:

- 1) A nonconforming use may be continued by the present or future property owner.

- 2) As allowed by the Act, a legal nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purposes of the extension. For the purposes of this subsection, the addition of a solar energy device to a building is not a structural alteration.
- 3) Necessary maintenance and repairs may be made to a structure housing a legal nonconforming use by following the procedures for a Land Use Application approval, permit, or license, including the issuance of a Building Permit, for such maintenance and repairs.
- 4) The City may require the termination of a legal nonconforming use by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use.
- 5) The City may not terminate a nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the use has been abandoned.
- 6) A nonconforming use of a structure shall terminate if:
 - a) The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the Zoning Administrator or Building Official, that the structure is uninhabitable and that the nonconforming use will be lost if the structure is not repaired or restored within six (6) months.
 - b) The property owner has voluntarily demolished a majority of the building that houses the nonconforming use.
- 7) **Change in Use.** A nonconforming use may only be changed to a use allowed in the Tables of Uses for the Zoning District in which the property is located by following the Land Use Application approval procedures for such new use, as required by this Ordinance.

SECTION 1511—TERMS AND CONDITIONS FOR NONCOMPLYING STRUCTURES:

Following a determination by the Commission of the existence of a legal noncomplying structure, the structure shall comply with the following terms and requirements:

- 1) A noncomplying structure may be continued by the present or future property owner.

- 2) The City may not prohibit the reconstruction or restoration of a noncomplying structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure has been abandoned.
- 3) Necessary maintenance and repairs may be made to a legal noncomplying structure by following the procedures for a Land Use Application approval, permit, or license, including the issuance of a Building Permit, for such maintenance and repairs.
- 4) A noncomplying structure shall terminate if:
 - a) The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the Zoning Administrator or Building Official, that the structure is uninhabitable and that the noncomplying structure will be lost if the structure is not repaired or restored within six (6) months.
 - b) The property owner has voluntarily demolished a majority of the noncomplying structure.

**SECTION 1512—TERMINATION OF A NONCONFORMING USE DUE TO
ABANDONMENT:**

- 1) Any party claiming a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
- 2) Abandonment may be presumed to have occurred if:
 - a) A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the City regarding an extension of the nonconforming use.
 - b) The use has been discontinued for a minimum period of one (1) year; or
 - c) The primary building associated with the nonconforming use remains vacant for a minimum period of one (1) year.
- 3) The property owner may rebut the presumption of abandonment under this Subsection and shall have the burden of establishing that any claimed abandonment under this Subsection has not in fact occurred. The Commission shall have authority to review and decide all disputes relating to abandonment of structures associated with a nonconforming use or noncomplying structures.

- 4) The City may terminate the nonconforming use status of a school district or charter school when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a minimum period of one (1) year.

SECTION 1513—NONCOMPLYING LOTS:

This Section shall only apply to legal undeveloped lots or parcels.

- 1) A lot of record, or any parcel of record, legally existing on the effective date of adoption of this Ordinance and Subdivision Ordinance shall:
 - a) Be eligible for a Building Permit authorizing the construction of one (1) single family dwelling, even though such lot or parcel may not conform to the requirements of the Zoning District in which it is located. provided:
 - i) That such lot or parcel of land is located in a Zoning District that allows single family dwellings, and
 - ii) The proposed construction can qualify for the issuance of a Building Permit, as required by the building codes, as adopted.

SECTION 1514—NONCOMPLYING SIGNS:

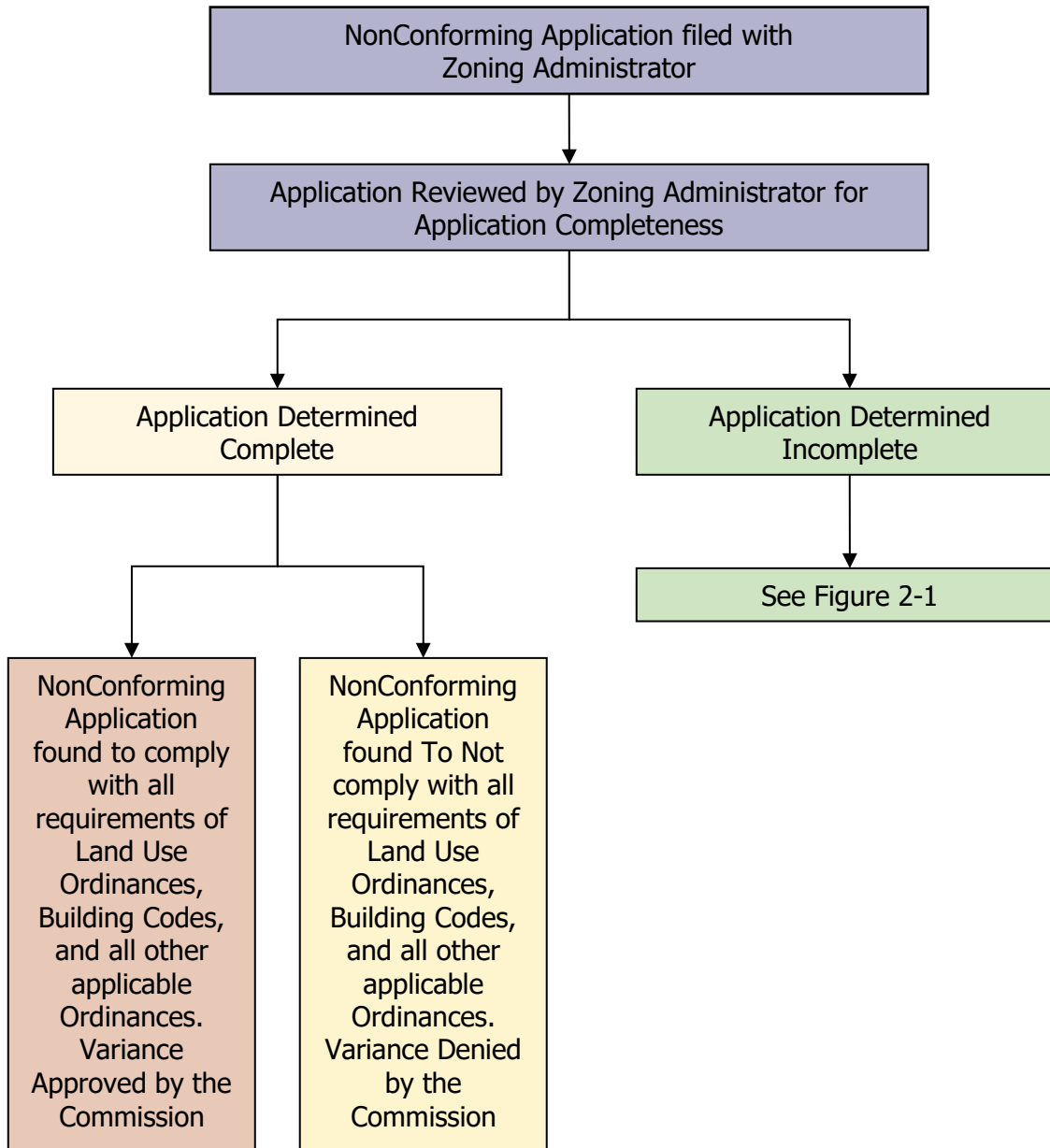
This Section shall apply only to signs that were legal on the date of adoption of this Ordinance, or its prior enactments, but which may now be determined to be a noncomplying structure.

- 1) A noncomplying sign shall not be enlarged.
- 2) A noncomplying sign shall not be moved or replaced, except to bring the sign into compliance with this Ordinance and the City's other Land Use Ordinances.
- 3) The text message of a noncomplying sign may be changed if such changes do not create any new nonconformities or other noncompliance.
- 4) A noncomplying sign shall be considered abandoned if it advertises a business, service, commodity, or other activity that has been discontinued for a minimum period of one (1) year.

SECTION 1515—APPEAL:

Any person aggrieved by a decision of the Commission for any Determination of Legal Nonconforming Use, Noncomplying Structure, or Other Nonconformity Application may appeal the decision to the Appeal Authority, as identified by Chapter 24, herein.

Figure 15-1
NonComforming/NonComplying Application Procedures



CHAPTER 16 VARIANCE APPLICATIONS

SECTION 1601—PURPOSE:

This Chapter identifies and provides the procedures for the review of all Variance Applications and required to determine compliance with this Ordinance.

SECTION 1602—BOA LAND USE AUTHORITY FOR VARIANCE APPLICATIONS:

The Commission is authorized as the Land Use Authority responsible to review and approve, approve with revisions, or deny all Variance Applications.

SECTION 1603—INITIATION:

All requests for a Variance, as defined herein, shall be made on the applicable Land Use Application. A property owner may submit a Variance Application. An agent of the property owner, or a lessee of the property, may submit a Variance Application, provided such application is accompanied by a property owner affidavit of authorization.

SECTION 1604—REVIEW PROCEDURES FOR VARIANCE APPLICATIONS:

The procedures for the review of a Variance Application by the Commission are identified by Figure 16-1, herein.

SECTION 1605—VARIANCE APPLICATION REQUIREMENTS:

All Variance Applications shall include and provide the following information:

- 1) A complete Variance Application.
- 2) Eight (8) eleven (11) x seventeen (17) inch copies of a site plan with the proposed uses drawn at a scale as required by the Zoning Administrator, identifying the following;
 - a) The location and dimension of the property boundaries and all proposed uses, and existing buildings or other structures located on the property.

- b) The required setbacks for the Zoning District and exterior dimensions of any proposed buildings and structures.
 - c) The location of all roads and streets serving the site, or proposed to serve the site.
 - d) The location and dimension of all existing and proposed ingress and egress points and off-street parking.
- 3) All information and materials, as determined necessary by the Applicant, and sufficient to identify and demonstrate that the Applicant considers that an unreasonable hardship, as defined, will result from the strict compliance with the requirements of this Ordinance.
- 4) All other information, as may be required by the Commission, necessary to review the Variance Application.

SECTION 1606—MINIMUM STANDARDS AND FINDINGS FOR APPROVAL OF A VARIANCE APPLICATION:

The Commission shall not approve a Variance Application unless, based upon the evidence presented, it finds that all of the following apply;

- 1) Literal enforcement of the provisions of this Ordinance would cause an unreasonable hardship for the applicant with the applicant providing sufficient evidence demonstrating that the hardship is located on, or associated with the subject property, for which the variance is sought, and is peculiar to the property rather than conditions generally existing on other properties in the in same Zoning District or immediate area.
- 2) The identified hardship is not self-imposed.
- 3) The identified hardship is not economic in nature.
- 4) There exist special circumstances attached to the property that do not apply to other properties in the same Zoning District. The Commission may find an unreasonable hardship exists only if the alleged hardship is located on, or associated with, the property for which the Variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- 5) The Variance is essential to the enjoyment of a substantial property right possessed by other property in the same Zoning District. The Commission may find that special circumstances are attached to the property exist only if the special circumstances relate

to the hardship complained of and deprive the property of privileges granted to other properties in the same Zoning District.

- 6) The approval of the Variance Application will not be contrary to the public interest.
- 7) The approval of the Variance Application will not have the effect of nullifying in any way the intent and purpose of this Ordinance, or the City's other Land Use Ordinances.

SECTION 1607—DECISION FOR A VARIANCE APPLICATION:

- 1) If the Variance Application complies with all the requirements of this Chapter the Commission shall approve the Application, with or without revisions and requirements determined necessary for compliance to the requirements of this Ordinance. The City Recorder shall notify the applicant of the decision, as required by Section 307, herein.
- 2) If the Variance Application does not comply with the requirements of this Chapter the Commission shall not approve the Application. The City Recorder shall notify the applicant of the decision, as required by Section 307, herein.

SECTION 1608—VARIANCE REQUIREMENTS:

In approving any Variance Application, the Commission may require such revisions and requirements that in the judgment of the Commission are necessary to mitigate any negative effects of approving the Variance Application and to secure the purposes of this Ordinance.

SECTION 1609—USE VARIANCE PROHIBITED:

The Commission may not authorize the establishment of a use other than those uses as identified in the Tables of Uses.

SECTION 1610—EFFECT OF APPROVAL:

The approval of a Variance Application shall not authorize the establishment or extension of any use, or the development, construction, reconstruction, alteration or moving of any building or structure, but is a prerequisite to the preparation, filing, review, and determination of any Land Use Application approval, permit, or license that may be required by this Ordinance.

SECTION 1611—VARIANCE APPROVAL AMENDMENT:

The procedure for amending an approved Variance Application shall be the same procedure required to approve the Application in the first instance.

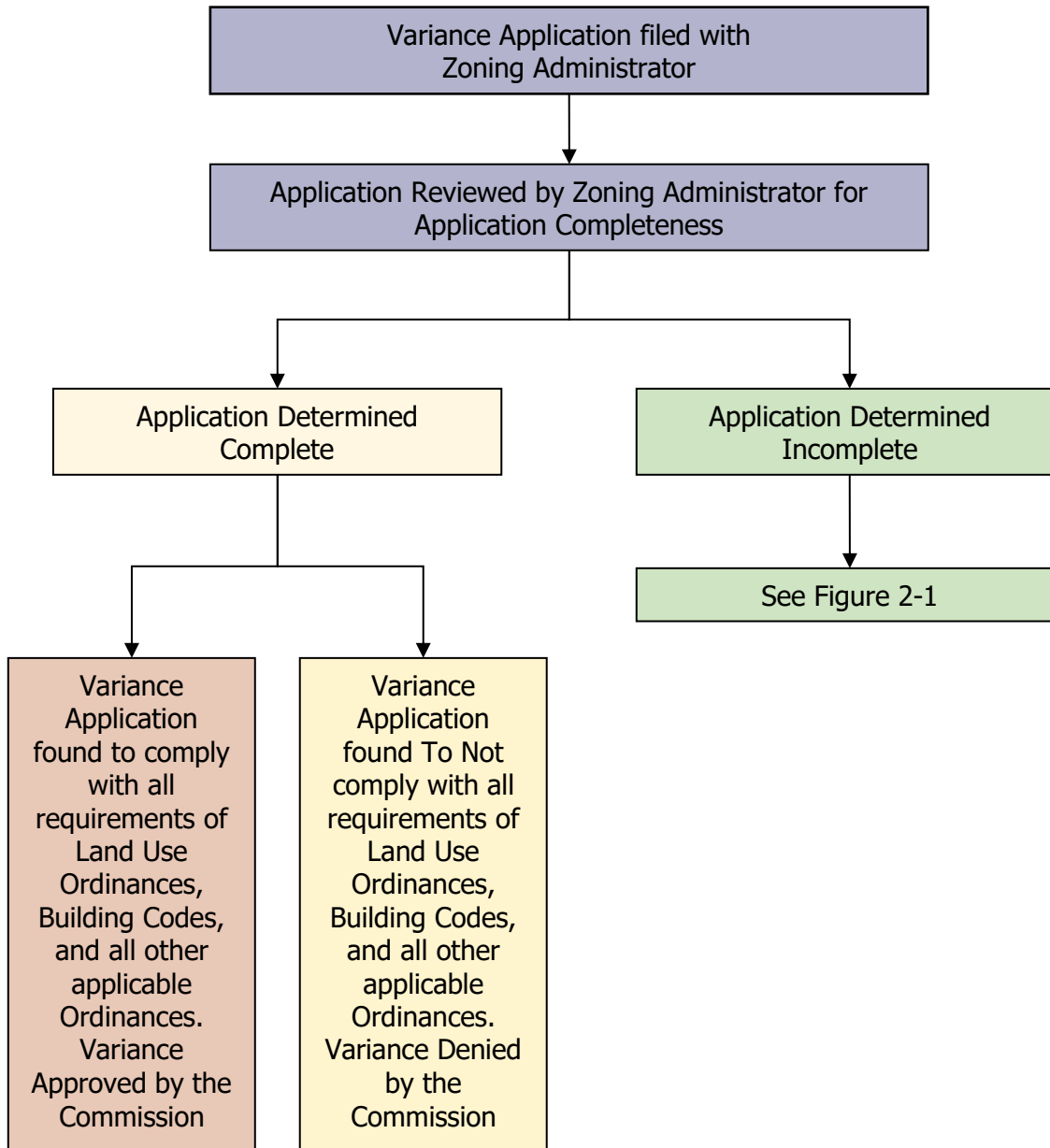
SECTION 1612—EXPIRATION:

A Variance Application approval shall expire and shall be invalid unless a Land Use Application approval is granted by a Land Use Authority, as applicable, within one hundred eighty (180) days from the date of approval.

SECTION 1613—APPEALS:

Any person aggrieved by a decision of the Commission for any Variance Application may appeal the decision to the Appeal Authority as identified by Chapter 24, herein.

Figure 16-1
Variance Application Procedures



CHAPTER 17

ANIMAL CONTROL ORDINANCE

Revised April 25, 2017

1701 Definitions

- **Limited Number of animals**

A person can have up to a combination of 3 dogs or cats on a single-family lot.
A person can have up to a combination of 2 dogs or cats on a multi-family lot.
For this ordinance: If you are feeding an animal regularly, they are defined as your pet.

- **Pets**

A small animal which either lives inside or outside of your home, can also be classified as a companion animal living with people.

- **Exotic Pets**

An exotic pet is a rare or unusual pet, or an animal kept within human households which is generally thought of a wild species not typically kept as a pet. Specifically, "exotic" refers to a species which is not native or indigenous to the owner's locale; and "pet" is a companion animal living with people.

- **Pets for Therapeutic Use**

Animals used as prescribed by a therapist or doctor to help with the treatment of their patient.

1702 Domestic Fowl, Domestic Farm Animals, and Pets

- For the purpose of this ordinance, domestic fowl are defined as follows:
- Small-size domestic fowl include chickens, ducks, quails, pheasants, and pigeons.
- Medium-size domestic fowl include turkey and geese.
- It is unlawful for any person to keep domestic fowl, domestic farm animals, or pets within the City limits except as follows:
- Subject to the requirements of this section, no more than twelve (12) small-size domestic fowl, of which no more than one (1) may be a male chicken (rooster), or four (4) medium-size domestic fowl, may be kept on a lot or parcel of land in a residential zone on which the primary use is a single-family dwelling.
- For a lot on which the primary use is a multi-family dwelling, no more than four (4) small size domestic fowl, and no (0) male chickens (roosters) may be kept

per family unit. No medium-size domestic fowl shall be kept on parcels or lots for which the primary use is multi-family dwelling.

- The keeping of emu, ostrich, pigs, mature male goats, exotic pets, or any creature, animal, or fowl known to transmit harm shall not be permitted within the incorporate limits of Fairview City.
- For the keeping of small-size and medium-sized fowl, the enclosed area shall include a covered, ventilated, and predator-resistant coop.
- The coop shall have a minimum floor area of at least two (2) square feet per small-size fowl and four (four) square feet per medium-size fowl.
- If fowl 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 small-size fowl and the (10) square feet per medium-size fowl.
- All pens are to be maintained and kept clean to prevent odor and insects from causing problems.
- If animals are allowed to free range, they must be kept from straying onto neighboring property. Neighbors will not be held liable for any free-ranging animals that is damaged or killed while not on their owner's property.
- Any violation of this ordinance will be fined \$50 for the first (1st) violation; \$100 for a second (2nd), and \$250 for a third (3rd) violation. Additional violations may result in a Class C misdemeanor charges against the homeowner or renter.
- The requirements for shelter and enclosure for small animals are the same as the requirements above for small fowl.

1703 Limitations on the Keeping and Maintenance of Animals and Fowls

- A person can have up to a combination of 3 dogs or cats on a single-family lot.
- A person can have up to a combination of 2 dogs or cats on a multi-family lot.
- The kittens of a pet cat, or the puppies of a licensed pet dog, may be kept without penalty for 8 weeks, after which time the maximum number of three (for single-family) or two (for multi-family) pets is in effect.
- No more than a total of two (2) equine (horses, donkeys, mules,) or bovine (calves, cows), or llama; or no more than a total of four (4) female sheep or

goats with offspring; or no more than a total of twelve (12) poultry, fowl, rabbits, or small animals like unto shall be kept or maintained per half-acre parcel or plot in the Residential-Agricultural zone.

- Animals shall be properly sheltered and restrained upon an approved lot or parcel of land at all times. If an animal is unrestrained and allowed to wander freely to off the property, and is injured or killed on another person's property, the other person is not liable for the damages to the unrestrained animal.
- All dogs must have a current dog license tag on their collar. Any dog or cat that is running loose within the City limits, causing a nuisance, can be picked up by the animal control officers and be penned and housed until such times as prescribed by the City Ordinance. If your animals have been impounded, all fees shall be paid at the City Offices. When the fees are paid in full, the office personnel shall contact the pound master or other city employee to arrange the release of said animal.
- On the first offense, impounding fees shall be \$25 for the first (1st) day and \$10 for each and every following day the animal is impounded. For the second offense, impounding fees shall be \$35 for the first (1st) day and \$10 for each and every following day the animal is impounded. On the third offense, impounding fees shall be \$50 for the first (1st) day, and \$10 for each and every following day the animal is impounded.
- When a dog is licensed, one copy of the registry shall be kept at the animal shelter and one copy shall be kept with the animal license book.
- The City Office personnel shall keep a record of each animal at the animal shelter. After being impounded, all dogs and cats shall be photographed and their photo posted in the information bulletin board at City Hall so parties interested in adopting these animals may see what is available.

1704 Exotic Pet Permit Requirements

- The keeping of emu, ostrich, pigs, mature male goats, exotic pets, or any creature, animal, or fowl known to transmit disease or inflict harm shall not be permitted within the corporate limits of Fairview City.
- Exotic pets may be permitted only if:
 - Owners of such animals comply with requirements for either the individual animal or the specific species as allowed by the City Council;
 - All applicable fees are paid;

- No violations of the animal ordinance have been committed within the previous twenty-four (24) month period;
- All provisions of the section are complied with the no animal is deemed a nuisance.

1705 Pets for Therapeutic Use

- Animal-assisted therapy is a type of therapy that involves animals as a form of treatment. Animals can be useful for education and motivation effectiveness for participants. A therapist who brings along a pet may be viewed as being less threatening, increasing the rapport between a patient and therapist. Animals used in therapy include domesticated pets, farm animals, and marine mammals.
- Therapeutic pets may be permitted provided only if:
 - The therapeutic pet is prescribed by a licensed doctor or therapist;
 - Owners of such special animals comply with requirements for either the individual animal or specific species as allowed by the City Council.
 - The therapeutic pet is licensed with the City;
 - While the animal is in therapy use, the owner must carry 50,000 minimum liability insurance policy for any injuries inflicted by the animal; certification that the animal has adequate housing; and meets at federal and state guidelines for licensing. Present a copy of insurance during the licensing process.
- The owner of a therapeutic pet must follow section 1702 requirements.

1706 Number of Animals per Size of Property

| Size of lot (single-family dwelling | Number of small fowl or animals allowed | Number of medium-size fowl allowed | Number of equine allowed |
|---|---|--|-----------------------------|
| One-quarter (1/4) Acre or 10,000 square feet | 12 (1 rooster allowed) | 4 | 0 |
| One-half (1/2) Acre | 12 (1 rooster allowed) | 4 | 2 |
| One (1) Acre | 18 | 6 | 3 |
| One and one-half (1 1/2) Acres | 24 | 8 | 4 |
| Two (2) or more Acres | 30 | 10 | 5 |

RESERVED

CHAPTER 18

BUSINESS - COMMERCIAL (BC) ZONE

Section 1801 Business - Commercial Zone

This zone is established to provide land within Fairview 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 Fairview City and to existing commercial areas. Provisions herein are intended to encourage greater integrity and aesthetic improvements as business and commercial areas are redeveloped, expanded, and improved. Integrates 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 professional offices, light manufacturing, retail and services stores, restaurants and shops. Mobile home and travel trailers parks are covered in other sections of this ordinance.

Section 1802 - Lot Splits

Where lot splits border the streets with availability of power and water they should be handled by the City Administrator as before. If the City Administrator has any question or concerns on the lot splits, they will be referred to the Planning Commission.

Section 1803 - Lot Area

There shall be no minimum lot area requirements in the Business-Commercial Zone except as may be dictated by off-street parking requirements, adequate circulation, and appropriate site utilization.

Section 1804 - Lot Width and Frontage

Each lot or parcel of land in this zone shall have frontage on a public street for a minimum distance of thirty-five (35) feet.

Section 1805 - Yard Requirements

Each building in the Business-Commercial Zone shall have a front setback of not less than ten (10) feet. Rear and side yard setbacks, access and parking areas shall be dictated by off-street parking requirements, adequate circulation, and appropriate site utilization.

Section 1806 - Clear View

Shall mean no obstruction on any corner lot within a twenty (20) foot triangular area formed by street property line with no trees or shrubs over three (3) feet in height being permitted unless they can be pruned at least seven (7) feet above established grade of the curbs as not to obstruct the clear view.

Section 1807 - Commercial Fences

Any fence differing from those permitted in a Residential Zone must be approved by the Planning Commission.

Section 1808 - 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.

Section 1809 - Parking and Access

Each lot or parcel in the Business -Commercial 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 asphalt, concrete, or gravel and shall be provided with adequate drainage. Parking spaces shall not be provided within the required front yard or side yard setback adjacent to a public street.

Section 1810 - Signs

All signs erected in the Business-Commercial Zone shall correspond in height to the principle buildings and shall be amenable to the buildings or facilities served in design, lighting, and appearance.

Section 1811 - 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 structures two (2) stories or more in height shall be served with elevators or escalators in addition to the stairways otherwise required by law.

Section 1812 - Distance Between Buildings

No requirement.

Section 1813 - Project and Plot Plan Approval

Prior to the construction of any building or structure in the Business-Commercial Zone, a project and plot plan shall first be submitted to and approved by the Fairview City Planning Commission and, thereafter, by the Fairview City Council. Said plan shall be drawn to scale and certified by a licensed engineer or surveyor and shall contain the following information:

- 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.
- The location of all parking spaces, driveways, loading, and dock areas, and points of vehicular ingress and egress;
- 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;
- Preliminary elevations of all buildings showing the general appearance and type of external materials;
- No wall, fence, or opaque hedge or screening material higher than three (3) feet shall be installed or maintained within a required front yard in a Business-Commercial Zone. An opaque chain link fence or decorative masonry wall at least six (6) feet in height shall be erected along all property lines which are contiguous to a Residential Zone three (3) feet in height along the ten (10) feet setback for commercial buildings.

Section 1814 - General Areas of Business-Commercial Zone

All property which: Have frontage on U.S. Highway 89 and are located within the boundaries of Fairview City; and those properties which have frontage on State Highway 31 (400 North Street) and extend easterly from U.S. Highway 89 to the east boundary of Fairview City, shall be designated as being within the Business-Commercial Zone (refer to the Fairview City Zoning Map).

This chapter provides standards and guidelines for building design of commercial business developments. Although these standards are not required for industrial parks, warehouses, or large corporate office or campus, they are highly encouraged.

The purpose is to provide standards and guidelines to enhance the visual quality of Development, to help create developments that encourage pedestrian activity, to promote buildings of lasting architecture and aesthetic appeal.

All commercial buildings shall avoid large panelized products or featureless surfaces. Commercial buildings shall utilize an appropriate mixture of building materials on all sides, including brick, rock, fiber/cement siding, wood, glass, stucco, and colored architectural CMU (concrete masonry unit). Stucco may not be used on more than 50 percent of a building. Metal plain CMU may be used as accents only.

Buildings should incorporate materials used throughout the city and be similar in character and architectural theme as significant neighboring structures. Architectural detailing and mixture of materials must be used on all sides- especially all street-facing sides.

Section 1815 - Adult Entertainment Prohibited

No shop, retail business, store, drugstore, video store, or other business or premises shall cater to adult entertainment in Fairview City.

Section 1816 - Tobacco Restrictions

An ordinance relating to health; requiring that tobacco produce be offered for sale in a manner so the public does not have direct access to the products; providing civil penalties; providing enforcement authority; and providing an effective date of 21 st day of April 1980 was passed and adopted by the Fairview City Council.

Chapter 19

PUBLIC FACILITIES (PF) ZONE

1901 Definitions

This zone provides recognition of the location and establishment of facilities which are maintained in public and quasi-public ownership 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 Public Facilities Zone in Fairview City shall be considered according to the principal public good or benefit derived from the use, or proposed conditional use thereof.

- **Lot Splits** Where lot splits border the streets with availability of power and water they should be handled by the City Administrator as before. If the City Administrator has any question or concerns on the lot splits, they will be referred to the Planning Commission.
- **Lot Area** There shall be no minimum lot area requirements in the Business-Commercial Zone except as may be dictated by off-street parking requirements, adequate circulation, and appropriate site utilization.
- **Lot Width** and Frontage Each lot or parcel of land in this zone shall have frontage on a public street for a minimum distance of thirty-five (35) feet.
- **Yard Requirements** Each building in the Business-Commercial Zone shall have a front set back of not less than ten (10) feet. Rear and side yard setbacks, access and parking areas shall be dictated by off-street. Rear and side yard setbacks, access and parking areas shall be dictated by off-street parking requirements, adequate circulation, and appropriate site utilization.
- **Clear View** Shall mean no obstruction on any corner lot within a twenty (20) foot triangular area formed by street property line with no trees or shrubs over three (3) feet in height being permitted unless they can be pruned at least seven (7) feet above established grade of the curbs as not to obstruct the clear view.
- **Commercial Fences** Any fence differing from those permitted in a Residential Zone must be approved by the Planning Commission.
- **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.

- **Parking and Access** Each lot or parcel in the Business -Commercial 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 asphalt, concrete, or gravel and shall be provided with adequate drainage. Parking spaces shall not be provided within the required front yard or side yard setback adjacent to a public street.
- **Signs** All signs erected in the Business-Commercial Zone shall correspond in height to the principle buildings and shall be amenable to the buildings or facilities served in design, lighting, and appearance.
- **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 structures two (2) stories or more in height shall be served with elevators or escalators in addition to the stairways otherwise required by law.
- **Distance Between Buildings**

No requirement.

1902 Project and Plot Plan Approval Prior to the construction of any building or structure in the Business-Commercial Zone, a project and plot plan shall first be submitted to and approved by the Fairview City Planning Commission and, thereafter, by the Fairview City Council. Said plan shall be drawn to scale and certified by a licensed engineer or surveyor and shall contain the following information:

- 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.
- The location of all parking spaces, driveways, loading, and dock areas, and points of vehicular ingress and egress;
- 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;
- Preliminary elevations of all buildings showing the general appearance and type of external materials;
- No wall, fence, or opaque hedge or screening material higher than three (3) feet shall be installed or maintained within a required front yard in a Business-Commercial Zone. An opaque chain link fence or decorative masonry wall at least six (6) feet in height shall be erected along all

property lines which are contiguous to a Residential Zone three (3) feet in height along the ten (10) feet setback for commercial buildings.

- **Remodeling or Enlargement of Existing Building and Structures in the Public Facilities Zone.** The Project and Plat plan requirements of this section shall apply to the remodeling or enlargement of existing buildings and structures in the Public Facilities Zone.
- **General Areas of Zone.** Those land areas within Fairview 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, rodeo grounds, parks, schools, and Fairview City equipment shops, and storage areas, shall be designated as being within the Public Facilities Zone (refer to the Fairview City Zoning Map).

1903 Fairview City and Public Utilities and Facilities.

- Provisions of this Chapter shall apply to the installation, maintenance, and operation of public structures or facilities used by Fairview City or any utility company for the purpose of distributing electricity, water, natural gas, or telecommunication services. Such facilities or services shall be located in accordance with the applicable Utah State Regulations and Building Standards Act as adopted by Sanpete County and Fairview City Zoning Ordinance. All structures and installations are subject to inspections as required by the Uniform Building Code, Electrical Code, Plumbing Code, Fire Code, Sign Code, Sewer Code, and other applicable codes as adopted by the City in keeping with the guidelines specified by the State of Utah and/or Fairview City.
- Public Facilities and Utilities including Telecommunications, are subject to Zoning approval and shall first be reviewed by the City Planning Commission and then be recommended to the City Council for approval or denial.
- All utilities shall use easements or right-of-way already provided for in Fairview City General Plan. Proposed easements of right-of-way over public or private land not already provided for in the Fairview City General Plan are subject to zoning approval.
- All designated arterial streets throughout the City of Fairview shall have a legal right-of-way of sixty-six (66) feet wide.

Reserved

CHAPTER 20

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 Fairview 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 landside, proximity to steep slopes, to primary or secondary fault areas, or to any other unsafe condition. All land uses within this zone deemed environmentally sensitive or hazardous by the Planning Commission shall be considered on a conditional basis only, and only in accordance with stringent standards specified in this Chapter and Fairview City General Plan.

- **Presumption.** Conditions described on reports or maps issued by the U.S. Soil Conservation Service and Utah Division of Comprehensive Emergency Management, maintained, or secured by Fairview City, together with explanatory information or materials appurtenant thereto, shall be presumed to exist.
- **Letter of Certification and Report by Registered Professional Engineering Required.** It shall be unlawful to grade, to fill, or excavate any land or to erect any structure with first obtaining a Letter of Certification and Environmental Report from a Utah Licensed professional engineer (ePE) which addresses each of the geotechnical elements enumerated within the Chapter.
- **Said Report and Certification** shall establish beyond reasonable doubt in the minds of a majority of the members of the Fairview City Planning Commission and City Council that the proposed use of land within the Sensitive Lands Zone shall be denied. Either or both public bodies may request that additional geologic, hydrologic, wildlife habitat, or environmental information, or tested data, be submitted prior to the approval or denial of the proposed conditional use.
- **General Areas of Sensitive Lands Zone.** Those land areas within or which may lie immediately adjacent to Fairview City; which are environmentally sensitive lands because of unique hydrological, topographical, location, or other features; and which reasonably seem to require special protection or regulation, are hereby designated as being within the Sensitive Lands Zone refer to the Fairview City Zoning Map.

CHAPTER 21

LIGHT INDUSTRIAL (I-1) ZONE

Section 2101 Light Industrial Zone

This zone is established to provide land within Fairview City primarily for the accommodation of Light Industrial uses. Land parcels in this zone are, and should be, adjacent, contiguous or proximate to major arterial roadways within Fairview City and to existing commercial areas.

Provisions herein are intended to encourage greater integrity and aesthetic improvements as light industrial areas are redeveloped, expanded, and improved. Integrates 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, light manufacturing, wholesale and warehousing uses as well as those industrial uses that include fabrication, manufacturing, assembly or processing of materials that are refined for and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line of subject property.

Mobil home and travel trailers parks are covered in other sections of this ordinance.

Section 2102 - Lot Splits

Where lot splits border the streets with availability of power and water they should be handled by the City Administrator as before. If the City Administrator has any question or concerns on the lot splits, they will be referred to the Planning Commission.

Section 2103 - Lot Area

There shall be no minimum lot area requirements in the Light Industrial Zone except as may be dictated by off-street parking requirements, adequate circulation, and appropriate site utilization.

Section 2104 - Lot Width and Frontage

Each lot or parcel of land in this zone shall have frontage on a public street for a minimum distance of thirty-five (35) feet.

Section 2105 - Yard Requirements

Each building in the Business-Commercial Zone shall have a front set back of not less than ten (10) feet. Rear and side yard setbacks, access and parking areas shall be dictated by off-street. Rear and side yard setbacks, access and parking areas shall be dictated by off-street parking requirements, adequate circulation, and appropriate site utilization.

Section 2106 - Clear View

Shall mean no obstruction on any corner lot within a twenty (20) foot triangular area formed by street property line with no trees or shrubs over three (3) feet in height being permitted unless they can be pruned at least seven (7) feet above established grade of the curbs as not to obstruct the clear view.

Section 2107 – Commercial Wall and Fences

- All improved property shall be fenced with chain link, block wall or other type fence as may be approved by the city.
- In any required rear or interior side yard, a wall or fence shall not exceed six feet in height as measured from the highest grade.
- A wall or fence adjacent to a driveway providing vehicle access to an abutting lot shall not exceed 36 inches in height within 20 feet of the intersection of said driveway and street right-of-way.
- A solid masonry wall not less than six feet in height shall be erected along the property line (side and rear) that forms a common boundary with any residential or any commercial zone.

Section 2108 - Accessory structures.

- 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.
- Accessory structures shall not be located in front of the main building.
- Accessory structures shall meet all of the setback requirements for main buildings.
- Porches, steps, architectural features such as canopies and eaves, and

chimneys, balconies or stairways may project not more than four feet into any required yard areas.

- Accessory structures used for the selling of agricultural products shall be reviewed by the planning commission.

Section 2109 - Parking and Access

Each lot or parcel in the Business -Commercial 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 asphalt, concrete, or gravel and shall be provided with adequate drainage. Parking spaces shall not be provided within the required front yard or side yard setback adjacent to a public street.

Section 2110 - Signs

All signs erected in the Business-Commercial Zone shall correspond in height to the principle buildings and shall be amenable to the buildings or facilities served in design, lighting, and appearance.

Section 2111 - 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 structures two (2) stories or more in height shall be served with elevators or escalators in addition to the stairways otherwise required by law.

Section 2112 – Permitted uses.

Permitted uses allowed in the I-1 zone are set forth in Table 21. Any retail sales portion of such uses shall be conducted entirely within an enclosed building.

Section 2113 – Conditional uses.

Conditional uses allowed in the I-1 zone, subject to the conditional use permit regulations, are set forth in Table 21 .

Table 21
I-1 Light Industrial Zone
-Permitted and Conditional Uses

| Uses | Permitted Use | Conditional Use |
|--------------------------------|---------------|-----------------|
| Agricultural processing plants | x | |

| | | |
|--|---|---|
| Bakeries | X | |
| Building material and lumber storage | X | |
| Cabinetmaking and carpenter shops | X | |
| Distributing plants (except petroleum products with flash point below 70 degrees Fahrenheit) | X | |
| Electric power transformer substations | X | |
| Food processing (except fish, dairy, poultry and meat products, sauerkraut, vinegar, yeast and rendering of fats and oils) | X | |
| Fruit or vegetables packing plants | X | |
| Ice and cold storage | X | |
| Kennels, dog and cat pounds | X | |
| Laboratories for research and development | X | |
| Light manufacturing and assembly | X | |
| Machine shops | X | |
| Mechanized equipment storage and sale | X | |
| Municipal waterworks | X | |
| Nonhazardous material, bulk, storage and Related uses | X | |
| Railroads yards and freight stations | X | |
| Sheet metal shops | X | |
| Storage buildings for household goods | X | |
| Tractor repair shops | X | |
| Trucking yard or terminal | X | |
| Wholesale and warehouse uses | X | |
| Small concrete products manufacturing plants | X | |
| Towing yards and vehicle storage | | X |
| Chemical manufacturing plants | | X |
| Large concrete products manufacturing plants (batch plants) | | X |
| Grain milling | | X |
| Treatment of wastewater | | X |
| Uses involving handling, storage, or shipping | | X |

1. Other similar uses shall be allowed subject to a recommendation by the planning commission and adopted by the City Council.

2. These uses shall be permitted subject to a conditional use permit.

Section 2114 - Minimum property development standards.

The property development standards set forth in the above table shall apply to all land and buildings in the light industrial zone.

Section 2115 - Project and Plot Plan Approval

Prior to the construction of any building or structure in the Business-Commercial Zone, a project and plot plan shall first be submitted to and approved by the Fairview City Planning Commission and, thereafter, by the Fairview City Council. Said plan shall be drawn to scale and certified by a licensed engineer or surveyor and shall contain the following information:

- 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.
- The location of all parking spaces, driveways, loading, and dock areas, and points of vehicular ingress and egress;
- 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;
- Preliminary elevations of all buildings showing the general appearance and type of external materials;
- No wall, fence, or opaque hedge or screening material higher than three (3) feet shall be installed or maintained within a required front yard in a Business-Commercial Zone. An opaque chain link fence or decorative masonry wall at least six (6) feet in height shall be erected along all property lines which are contiguous to a Residential Zone three (3) feet in height along the ten (10) feet setback for commercial buildings.

Section 2116 - General Areas of Business-Commercial and Light Industrial Zone

All property which: Have frontage on U.S. Highway 89 and are located within the boundaries of Fairview City; and those properties which have frontage on State Highway 31 (400 North Street) and extend easterly from U.S. Highway 89 to the east boundary of Fairview City, shall be designated as being either within the Business- Commercial Zone or Light Industrial (refer to the Fairview City Zoning Map).

The purpose is to provide standards and guidelines to enhance the visual quality of Development, to help create developments that encourage pedestrian activity, to promote buildings of lasting architecture and aesthetic appeal.

All commercial buildings shall avoid large panelized products or featureless surfaces. Commercial buildings shall utilize an appropriate mixture of building materials on all sides, including brick, rock, fiber/cement siding, wood, glass, stucco, and colored architectural CMU (concrete masonry unit).

Stucco may not be used on more than 75 percent of a building. Metal plain CMU may be used as accents only.

Buildings should incorporate materials used throughout the city and be similar in character and architectural theme as significant neighboring structures. Architectural detailing and mixture of materials must be used on all sides- especially all street-facing sides.

Section 2117 - Adult Entertainment Prohibited

No shop, retail business, store, drugstore, video store, or other business or premises shall cater to adult entertainment in Fairview City.

Section 2118 - Tobacco Restrictions

An ordinance relating to health; requiring that tobacco produce by offered for sale in a manner so the public does not have direct access to the products; providing civil penalties; providing enforcement authority; and providing an effective date of 21st day of April 1980 was passed and adopted by the Fairview City Council. specified in Chapter 6 of the Fairview City General Plan an official subdivision may duly approved and recorded, or any lot for which a bona fide deed has been duly recorded.

