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101.0 GENERAL PROVISIONS

101.1 Short Title

This Ordinance shall be known as the Zoning Ordinance of the Town of Portage, Utah and may be so cited and pleaded

101.2 Purpose

This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals and general welfare of present and future inhabitants of Portage, Utah. The zoning regulations of this Ordinance are also intended to conserve and protect property values, to secure the most appropriate use of land, to control the density of population, to prevent undue traffic congestion, to secure economy in governmental expenditures, to secure safety from fire and other hazards, and to implement the goals of the Portage Master Plan.

101.3 Interpretation and Conflicts

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Wherever the requirements of this Ordinance are at variance with any other lawful adopted rules, regulations, ordinances,

deed restrictions or covenants, the most restrictive or that imposing the highest standards shall govern.

101.4 Territory Annexed to the Town

All land hereafter annexed to the Town of Portage shall be classified for zoning purposes as RR, Rural Residential.

101.5 Validity Clause

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared invalid.

101.6 Effects on Previous Ordinances and Maps

The existing ordinances covering zoning, in their entirety, and including the maps heretofore' adopted and made a part of said ordinances are hereby super-ceded and amended to read as set forth herein; provided, however, that this Ordinance, including the attached map, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Ordinance, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

102.0 DEFINITIONS

102.1 Applicability

The words and terms defined in this Ordinance shall have the meaning indicated. Words used in the present tense include the future and words in the singular number include the plural and words in the plural include the singular. Words not included herein but defined elsewhere in this Ordinance shall be construed as termed therein. The word "shall" is mandatory.

102.2 Terms

1. **Agriculture** - The tilling of the soil, the raising of crops, horticulture and gardening, but not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

2. **Boarding House** - A house where rooms and meals are provided for pay. Individual rooms in a boarding house shall not contain cooking facilities. No more than 4 paying guests unrelated to the owner or owners of the boarding house shall be accommodated at any one time.

3. **Building** - Any structure built or erected for the support, shelter, or enclosure of persons, animals, chattel or property of any kind.

4. **Building, Accessory** - A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

5. **Building, Main** - The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use of the lot.

6. **Building, Height** - The vertical distance from the grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof a roof with 2 slopes on each of the 4 sides, or to a point midway between the lowest part of the eaves or cornice the ridge of a pitch or hip roof. Grade elevation shall be the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.

7. **Building, Public** - A building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions, or of the Town of Portage.

8. **Cluster Development** - A residential development project in which the areas, widths and setbacks of residential lots are reduced below the minimum area, width and setback requirements

of the zone in which the development is located. That land which is saved by reducing the minimum area and width requirements shall be set aside for the public for open space use of residents of the development.

9. Comprehensive Plan - The Portage Master Plan.

10. Conditional Use - A use of land for which a conditional use permit is required as specified in the Land Use Chart. Section 111 specifies procedures to be used in applying for and the granting of a Conditional Use Permit.

11. Dairy - A commercial establishment with 30 or more milking cows for the manufacture, processing or sale of dairy products.

12. Child Day Care - An establishment for the care and/or instruction of 5 or more children, for compensation, other than members of the family residing on the premises, but not including a public school.

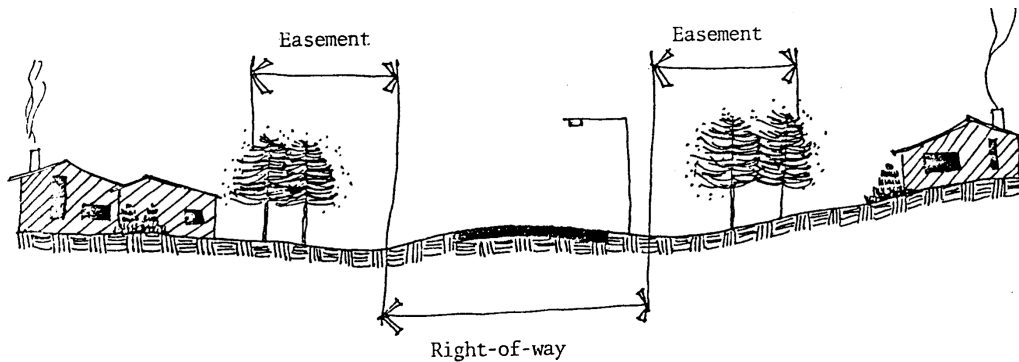
13. Corral - An enclosed area for the keeping of livestock where feed must be brought in on a regular basis. See Animal and Fowl Regulations, Section 107.

14. Dwelling - Any building or portion thereof which is designed for residential use, except hotels, motels, boarding houses, lodging houses, and tourist courts.

15. Dwelling Unit - A building or portion of a building, which is arranged, designed, occupied or intended to be occupied by 1 family. A dwelling unit contains living quarters, sanitary facilities, sleeping and food preparation facilities.

16. Dwelling, Single Family - A building designed or arranged to be occupied by one family.

17. Easement - A non-possessory interest in real property which gives the holder of such property the right to use some part, or all, of the real property of another.



18. Exotic Animals -Undomesticated animals or fowl kept as pets or livestock which are not native to the U.S. or which are not customarily kept as pets or livestock.

19. Family - One or more persons related by blood, marriage or adoption, or a group of not more than 4 unrelated persons living together as a single nonprofit housekeeping unit.

20. Feedlot - An open area where domesticated livestock are grouped together for intensive feeding purposes prior to their sale for slaughter. See Animal and Fowl regulations, Section 107.

21. Fence - A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect of preventing passage or view across the fence line. It includes hedges and walls.

22. Fractional Numbers or Measurements - In determining the requirements of this Ordinance, whenever a fraction of a number or a unit is one-half or more, said fraction of a number or a unit resulting from a computation is considered as a whole number or a unit; where the fraction is less than 1/2, said fraction shall not be included in determining requirements.

23. Front Lot Line - The property line of the lot toward which the front of a main building faces or may face, and which abuts a public dedicated street, a right-of-way approved by the Board of Adjustments, on a street made public by right of use.

For a corner lot, the property line adjoining either street, as selected by the lot owner.

24. Frontage - All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street, which it intercepts.

25. Home Occupation - Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling. Such use shall be clearly incidental and secondary to the use of the building for residential dwelling purposes. In addition, a home occupation shall meet the following criteria:

a. No more than 20% of the floor area of the dwelling unit shall be used for the home occupation.

b. No more than one person, not part of the family residing on the premises, shall be employed by the home occupation.

c. No structural alterations to the exterior of the dwelling shall be permitted.

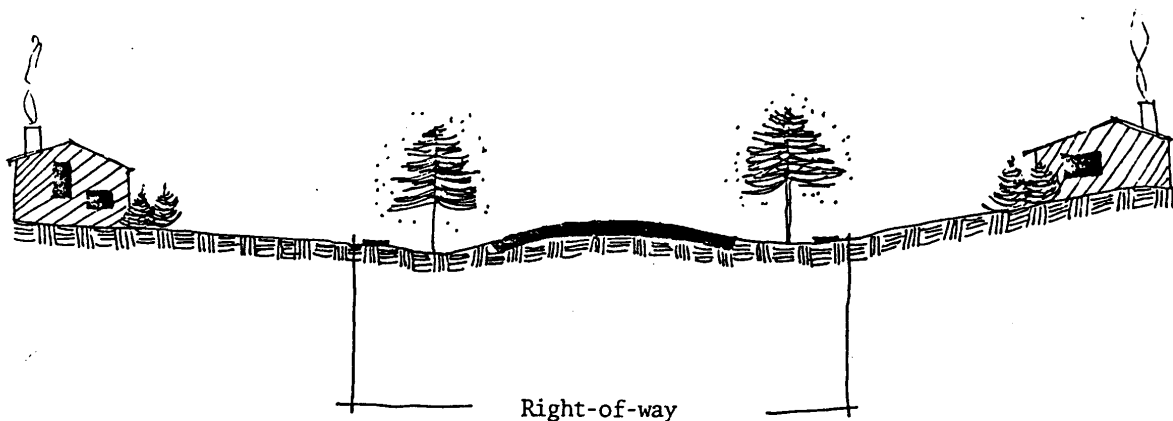
d. No accessory building or use of land not customarily associated with and incidental to the main residential use shall be used for a home occupation.

26. Kennel - The land or buildings used in the keeping of 3 or more dogs at least 4 months old.

27. Landscaping - The area maintained in live plants.

28. Lot - A parcel of land, held in separate ownership, occupied or capable of being occupied by a permitted or conditional use, building or group of buildings (main and accessory), together, with such yards, open spaces, lot widths and lot areas as are required by this Ordinance and having frontage upon or access easement to a street. Not more than one dwelling structure shall occupy anyone lot.

29. **Lot, Corner** - A lot abutting on two intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.
30. **Lot, Interior** - A lot other than a corner lot.
31. **Mobile Home** - A movable living unit designed to be transported after fabrication on its own wheels, attached wheels or low boy, and suitable for year-round occupancy. Mobile homes shall meet ANSI standards and Utah Motor Vehicle Standards but need not meet building code requirements of Portage for other structures. See Mobile Home Regulations, Section 106.
32. **Modular, Pre-Fab or Sectionalized Home** - A manufactured dwelling unit, designed to be transported after fabrication, which meets the building code requirements of Portage and which is placed on a permanent foundation.
33. **Natural Waterways** - Those areas, varying in width, along streams, creeks, springs, gulleys, or washes which are natural drainage channels as determined by the Utah State Geological and Mineralogical Society, in which areas no buildings shall be constructed.
34. **Public Facilities** - Structures for the use and benefit of the community, including but not limited to schools, hospitals, churches, parks or cultural buildings.



- 35. Right-of-way** - A strip of land dedicated or acquired for use as a public thoroughfare, which normally includes streets, sidewalks, and other public utilities or service areas.
- 36. Setback** - The shortest distance between the property line and the foundation, wall, or main frame of the building.
- 37. Sign** - Any device used for visual communication to the general public and displayed out of doors.
- 38. Sign, Animated** - A sign which involves motion or rotation of any part created by artificial means or displays flashing or intermittent lights.
- 39. Sign, Business** - A sign which directs attention to a use conducted, a commodity sold, or service performed on the premise.
- 40. Sign, Free Standing** - A sign which is supported by one or more columns, uprights or braces in .or upon the ground.
- 41. Sign, Information** - A sign indicating directions to and the character of businesses, public facilities, private institutions, points of interest, and other communities.
- 42. Sign, Name Plate** - A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises or indicating a home occupation legally existing on the premises.
- 43. Sign, Temporary** - Temporary signs shall include any sign, banner pennant or advertising display constructed of cloth, canvas, light plastic, cardboard, wallboard, or other light materials with or without frames, intended to be displayed for 30 days or less and for the purpose of announcing a special event, advertising or directing persons.
- 44. Sign, Wall** - A sign which is affixed to an exterior wall of a building or structure and which projects not more than 18 inches from the building or structure wall and which does not extend above the parapet, eaves or building facade of the building on which it is located.

- 45. Nonconforming Building or Structure** - A building or a structure which does not conform to the regulations for height, coverage, setbacks or yards of the zone in which it is situated, but which was in conformity, with applicable regulations, if any, at the time of its erection.
- 46. Nonconforming Lot** - A parcel of land in separate ownership at the time of the adoption of this Ordinance and which did not then meet the lot area or lot width requirements and whose size has not been diminished or changed by sale or lease since the time of the adoption of this Ordinance.
- 47. Nonconforming Use** - The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the zone in which the building or land is situated.
- 48. Nursery** - See Child Day Care.
- 49. Off-street Parking** - The parking area located on the same property as the dwelling or business, which does not intrude on to the road right-of-way.
- 50. Open Space** - An open space suitable for relaxation or landscaping. It shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement and packed gravel, except that such open space may be traversed by necessary sidewalks.
- 51. Pasture** - An area of land maintained in permanent grasses and used for the grazing of animals. See Animal and Fowl Regulations, Section 107.
- 52. Planned Unit Development** - A development in which the regulations of the zone in which the development is located are modified or waived to allow flexibility and initiative in site and building design, land use and housing density and mix in accordance with an approved plan.
- 53. Planning Commission** - The Planning Commission of Portage, Utah.

- 54. Single Family Home** - See Dwelling, Single Family.
- 55. Street** - A public thoroughfare, which affords principle, means of access to abutting property, and is more than twenty-four (24) feet wide.
- 56. Structure** - Anything constructed or erected, the use of which requires location on ground, or attachment to something having location on the ground.
- 57. Structural Alterations** - Any change in supporting members of a building, such as bearing walls, columns, beams or girders.
- 58. Town Council** - The Portage Town Council.
- 59. Use** - The specific purpose, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.
- 60. Use, Accessory** - A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted to the main use of the premises.
- 61. Use, Permitted** - Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no Conditional Use Permit is required.
- 62. Width of Lot** - The distance between the side lot lines measured along the minimum front yard setback line.
- 63. Yard** - An open space on a lot unoccupied and unobstructed from the ground upward by permanently parked vehicles, buildings, or structures except as otherwise provided herein.
- 64. Yard, Front** - An open space on the same lot with a building between the front setback line for the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and the front setback line of the building. On a corner lot, the front yard may be applied to either street.

65. Yard, Rear - An open, unoccupied space on the same lot with a building between the rear setback line for the building (exclusive of steps) and the rear lot line and extending the full width of the lot. In the case of a corner lot where the building faces on the side street, the rear yard may be established from the side of the house to the side property line.

66. Yard, Side - An open, unoccupied space on the same lot with a building between the side setback line for the building (exclusive of steps) and the side lot line and extending from the front yard to the rear yard.

67. Zone - The geographical area of the Town within which the zoning regulations are uniform.

68. Zoning Ordinance - The Zoning Ordinance of the Town of Portage, Utah.

103.0 ADMINISTRATION

103.1 Zoning Administrator - Authority and Duties

(CHANGE JUNE 2002)

The Zoning Administrator shall be the Planning and Zoning Commission as a whole.

The zoning administrator is hereby authorized to enforce this Ordinance and all provisions thereof and shall do so by any legal means available, including but not limited to the following:

1. Advise the building inspector on the issuance of building permits. (If the zoning administrator gives written notification to the building inspector that an intended use, building, or structure would be in violation of this Ordinance, such written notification shall be a presumption of illegality and the building inspector shall not issue a building permit for such use, building, or structure. If the offices of building inspector and zoning administrator are held concurrently by one person, this person shall detail the violation in writing on the permit refusal notification.)

2. Issue a permit of occupancy to the effect that the proposed use, building or structure will conform to all ordinances of the Town of Portage.

3. Inspect the uses of building, structure or land to determine compliance with the Ordinance. Such inspections shall be made at reasonable times.

4. Issue Notices of Violation wherever building or land is being used contrary to the provisions of this Ordinance. (This shall be done by serving notice in writing on any person engaged in said use and posting such notice on the premises.)

5. Inform the Town Council of all Ordinance violations and recommend specific courses of action with regard to each violation.

6. Maintain a file of Ordinance violations and action to be taken by the Town Council on such violations.

103.2 Amendments to Zoning Ordinance and Map

The Town Council may amend this Ordinance, including the zoning map, but only in accord with the following procedure:

1. The Town Council may initiate Ordinance amendment recommendations. When the proposed amendment originates with the Town Council, it shall be submitted to the Planning Commission for review and comment. The Planning Commission may initiate Ordinance amendment recommendations to the Town Council. Any other person seeking to amend this Ordinance or map shall make application for such amendment by filing the following material with the Planning Commission:

a. For annexation requests, a written petition containing the signatures of at least 50 percent of the property owners and the signatures of the owners of at least 30 percent of the assessed valuation of the property proposed for annexation shall be presented to the Planning Commission. The petition shall give a

legal description of the property proposed for annexation.

b. For rezone requests, a written petition designating the change desired and the reasons therefore shall be presented to the Planning Commission.

c. For any zoning amendment, the petitioner shall complete and submit an application form to the Planning Commission at a regularly scheduled meeting of the Planning Commission.

d. A nonreturnable amendment review fee shall be made in an amount determined by resolution by the Town Council.

2. The Planning Commission shall review the amendment application and submit its recommendations in writing concerning the proposed amendment to the Town Council within 30 days from receipt of the amendment application. If the Planning Commission fails to make a recommendation at the end of 30 days, it shall be presumed that the proposed amendment is approved.

The Planning Commission shall recommend adoption of a proposed amendment where the following findings are made:

a. The proposed amendment is in accord with the goals of the Master Plan of the Town of Portage.

b. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of this Ordinance.

3. After receipt of the written recommendations of the Planning Commission, the Town Council shall give notice of a public hearing to consider such amendment as provided by law for zoning amendments. Written notification of a public hearing to consider rezone or annexation amendments shall be mailed by certified mail to all property owners within 300 feet of the property proposed for rezone or annexation.

4. After the required public hearing on the proposed amendment, the Town Council may adopt or reject such amendment.

5. If the Town Council proposes to make any substantive change in the amendment as submitted to it by the Planning Commission, or as advertised, it shall refer such change back to the Planning Commission for its recommendation before adoption of such amendment.

Where an application for zoning amendment has been denied, the Planning Commission and the Town Council shall not review the same zoning amendment application within six (6) months of such denial, but may consider the proposal thereafter, but only if there is substantial change of conditions since the earlier application. A resubmitted application shall be processed in accordance with the procedure outlined above.

103.3 Building Permits - Site Plan Required

An application for a building or use permit shall be made to the local building inspector and the zoning administrator and shall include a site plan and such other information as may be required by ordinance in the Town of Portage.

Once approved, a building permit is valid for 180 days (6 months). If work is progressing but not complete at the time of

permit expiration, an extension may be applied for at no additional cost.

Building permit becomes null and void if work or construction authorized is not commenced within 180 days (6 months), or if construction work is suspended or abandoned for a period of 180 days (6 months) at any time after work is commenced.

103.4 Building and Occupancy Permits Required

No building or structure shall be constructed, reconstructed, altered, or moved except after the issuance of a building permit by the building inspector and an occupancy permit by the zoning administrator of the Town of Portage.

103.5 Building and Occupancy Permits to Comply with this Code

Building and occupancy permits shall not be granted for the construction or alteration of any building or structure, or for the moving or removing of a building onto or from a lot or for the use or occupancy of a building or land if such structure, construction, alteration, moving, use, or occupancy would be in violation of any of the provisions of this Ordinance. Permits issued in violation of any provision of this Ordinance, whether intentional or otherwise, shall be null and void.

103.6 Fees for Permits and Amendments

In order to cover the costs incidental to processing permits required by this Ordinance, considering amendments to this Ordinance or map, and considering appeals to the Board of Adjustments, the Town Council shall establish by resolution such fees directly related to processing fees, permits, amendments or appeals.

The building permit fee shall be as follows:

(Changed October 2006)

- a.** For any building less than 200 sq. feet, no building permit shall be required unless electricity is to be installed in the building. If electricity is to be installed, then there will be inspection fees and no building permit fees.
- b.** For any building, not for human habitation (such as sheds and garages), over 200 sq. feet to 500 sq. feet, the building permit shall cost \$25.00 plus inspection fees.
- c.** For any building, not for human habitation (such as sheds and garages), over 500 sq. feet to 1000 sq. feet, the building permit shall cost \$50.00 plus inspection fees.
- d.** For any building, not for human habitation (such as sheds and garages), over 1000 sq. feet, the building permit shall cost \$100.00 plus inspection fees.
- e.** For all inhabitable dwellings, the building permit shall cost \$200.00 plus inspection fees.

(Change April 2012) Resolution 2012-6

A resolution eliminating town assessed fees for all standard design, kit packaged buildings, and/or other pre-engineered buildings, constructed within the town boundaries where such buildings do not require a county building permit and which will not have water and/or power connected to them.

103.7 Inspection and Approval Required Prior to Occupancy

Buildings and structures' requiring a building permit pursuant to the provisions of this Ordinance shall not be occupied or put into use until the local building official has inspected such building or structure, finds compliance with this Ordinance and gives a written certificate of occupancy and use to the owner or his agent to occupy and/or use the building or structure in the manner approved by the issuance of a valid building permit.

103.8 Penalties

Any person, group, firm or corporation, whether a principle, agent, employee or otherwise, violating, causing, or permitting the violations of the provisions of this Ordinance shall be guilty of a misdemeanor. Such person, group, firm or organization shall be deemed to be guilty of a separate offence for each day during which any portion of any violation of this Ordinance is permitted or continued by such person, group, firm or corporation.

In addition, the Town of Portage by action of the Town Council may also institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or

Every dwelling unit shall be located and maintained on a lot as defined in this Ordinance. Such lot shall have the required frontage on an existing or dedicated public street or on a right-of-way which has been approved by the Board of Adjustment.

104.5 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky and unobstructed except for accessory buildings in a rear yard.

104.6 Only One Dwelling per Lot

Only one dwelling structure shall be located on any lot.

104.7 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this Ordinance for a lot or building may be sold or leased away from such lot or building.

104.8 Area of Accessory Buildings

No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.

104.9 Accessory Buildings Prohibited as Living Quarters

Living or sleeping quarters in any building other than the main residential building are prohibited.

104.10 Additional Height Allowed for Public Buildings

Public buildings and churches may be erected to any height provided the building is set back from the required building setback lines a distance of at least 11 feet for each additional foot of building height above the maximum height otherwise permitted in that zone.

104.11 Fence Height Regulations

For the purpose of this subsection, solid fence is any fence, hedge, or wall which substantially blocks vision. An open, see-through fence is any fence, hedge, or Wall Which permits substantially un-obstructed vision.

1. Front Yard - A 4'-high solid fence, or a 7'-high open, see-through fence is permitted.
2. Street Side Yard - A 4'-high solid fence or a 7'-high open, see-through fence is permitted.
3. Interior Side Yard
 - a. Front property line back 30'- A 4' solid fence or a 7' open, see-through fence is permitted.
 - b. 30' from front property line to back property line - A 7' solid or open, see-through fence is permitted.
4. Rear Yard - A 7' solid or open, see-through fence is permitted. Regardless of other fence height regulations, there shall be no obstruction to clear view of intersecting streets as defined in the next subsection.

104.12 Clear View of Intersecting Streets

No fence; hedge, wall, landscaping or other structure which obstructs clear view shall be placed on any corner lot within a triangular area formed by the *street* property lines and a line connecting them at points 40 feet *from* the intersection of the street lines except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

104.13 Effect of Street Plan

Wherever a front or side yard is required for a building, which abuts on a proposed *street* designated by the Planning Commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.

104.14 Storage of Junk and Debris in Residential Zones Prohibited

No yard or other open space surrounding an existing building in any residential zone or which is hereafter provided around any building in any residential zone shall be used for the storage of junk, debris, or inoperable vehicles. No land in any zone shall be used for such purposes except as specially permitted herein or allowed by Conditional Use Permit. Any vehicle which has not been in operation for 180 days shall be considered inoperable.

104.15 Lighting Regulations

No spotlight or floodlight shall be installed in any way which will permit the direct rays of such light to penetrate into any other property. No light, sign, or advertising

structure as regulated by this Ordinance shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

104.16 Sign Regulations

- 1.** Purpose - The purpose of the sign regulations is to encourage well-designed and visually compatible signs with their surroundings. It is desirable to promote and encourage the use of freestanding identification signs, which are of a low-profile, planter-type design.
- 2.** Setback - All business signs shall be setback from public streets a distance of at least five (5') feet from the property line.
- 3.** Height - No free-standing sign shall be permitted with a maximum height of more than six (6') feet above the street level immediately adjoining the sign. The maximum width shall be ten (10') feet.
- 4.** Information on Signs - All business signs shall display only information pertaining to products or services sold on premises.
- 5.** Animated Signs - Animated signs are prohibited in all zones.
- 6.** Signs in Residential Zones - No business signs shall be allowed in any residential zone with the following exceptions:
 - a.** Signs pertaining to the sale or lease of residential property,
 - b.** Name plates,

c. Signs indicating the office of a professional person or home occupation, and

d. Such signs shall not exceed four square feet in area.

7. Signs in General Commercial, Neighborhood Commercial, and Future Industrial Zones -

a. Free-standing signs of up to 60 sq. ft. in area are a conditional use.

b. No signs are permitted that are greater than 60 square feet in area.

c. Wall signs of up to 30 square feet in area are a conditional use.

d. No wall signs are permitted that are greater than 30 square feet in area.

e. Temporary signs of up to 30 square feet in area and which are used for no more than 30 days are conditional use.

f. Temporary signs shall not exceed 30 square feet in area nor be used for more than 30 days.

8. Signs on Public Property - Signs on public property shall be approved by the Planning Commission and Town Council as a Conditional Use.

9. Public Information Signs - Public Information signs are publicly owned signs which provide a service function to public traveling in or through Portage. These signs shall indicate such information as:

a. the location of or directions to businesses, public facilities, private institutions, points of interest, and other communities;

b. a brief description of the type of service provided (for example, Acme Brothers - Groceries). Public information

signs are not intended to serve as advertising signs for profit making organizations. Public information signs shall not exceed 30 square feet in area and shall be of a uniform design throughout Portage. Public information signs are a conditional use in all zones.

10. Compliance - No sign erected before the adoption of this Ordinance shall be moved, to a new location on the lot or building or enlarged or replaced unless it complies with the provisions of this Ordinance.

11. Permits Required - Regardless of cost, no sign shall be erected or placed within the Town of Portage without first making application for and obtaining, a building permit, except that temporary political posters, temporary signs advertising property for sale or lease, name plates, and signs indicating an approved home occupation or the office of a professional need not obtain a building permit.

104.17 Pollution Prevention

All state and local codes concerning air and water quality and solid water disposal are hereby adopted by reference.

104.18 Water and Sewage Disposal Requirements

Before a building permit or use permit is granted, the applicant shall present written evidence of approval by the State Division of Health of the proposed sewage disposal system and the culinary water system where a non-municipal source is used.

105.0 PARKING

105.1 Off-street Parking Required

At the time any building or structure is erected or enlarged or increased in capacity or any use is established, there shall be provided off street parking spaces for automobiles in accordance with the following requirements.

105.2 Size

The dimensions of each off street parking space shall be at least 9 feet by 20 feet for diagonal or perpendicular spaces, or 9 feet by 22 feet for parallel spaces exclusive of access drives or aisles.

105.3 Access to Individual Parking Space

Access to each parking space in a parking lot shall be from a private driveway and not from a public street.

105.4 Number of Parking Spaces

The minimum number of off street parking spaces required shall be as follows:

1. Business or professional office - one parking space for each 100 square feet of floor area.
2. Church - one parking space for each 3.5 fixed seats.
3. Dwelling - two parking spaces for each dwelling unit.
4. Hotel, motel, motor inn - one space for each sleeping unit.
5. Day care or nursery - one parking space for each staff member plus one space for each 5 children at maximum capacity.
6. Nursing home - four parking spaces plus one space for each five beds.
7. Restaurant, private club or other similar dining and eating establishment - one parking space for each 3.5 seats or one parking space for each 100 square feet, whichever is greater.
8. Retail store - one parking space for each 100 square feet.
9. Wholesale establishment, warehouse, manufacturing establishment, industrial use - one parking space for each 1 1/2 employees on the highest employment shift.
10. Boarding or rooming house - two parking spaces plus one space for each 2 paying guests.

11. All other uses not listed - to be determined by the zoning administrator based on the nearest comparable standards.

105.5 Access Requirements

Adequate ingress and egress shall be provided to all uses at the following minimum standards:

1. No more than 2 driveways shall be allowed for each 100 feet or fraction thereof of frontage on anyone street.
2. No driveway in a residential zone shall be closer than 3 feet to any property line.
3. No driveway which enters a state highway shall be closer than 10 feet to any property line.
4. No two driveways on the same property shall be closer than 12 feet to each other.
5. No driveway shall be located closer than 20 feet to any corner.
6. Parking spaces for all uses except residential uses shall be so located that parking or debarking vehicles do not back onto public streets.
7. Where a parking area adjoins an existing curb and gutter and/or sidewalk, a safety island or buffer zone shall be provided to prevent the entrance or exit of vehicles except via established driveways. The safety island or buffer zone may consist of a concrete curb or a landscaped strip of no less than 8 feet in width, depending on the

site conditions and the decision of
Commission.

the Planning

105.6 Screening and Landscape

1. Where a parking lot for a non-residential use is located within 50 feet of a residential zone or residential property, at least 8 feet of screening shall be provided at the residential boundary. The screening may consist of solid fencing material or landscaping such as tightly spaced shrubs or low branching trees, depending on the site conditions and the decision of the Planning Commission.

2. Parking lots for non-residential uses shall be separated from the paved area of the roadway or the curb and gutter by a buffer zone of no less than 8 feet in width. The buffer zone shall be landscaped and maintained in live plant materials to enhance the appearance of the development. The buffer zone may contain a sidewalk.

106.0 MOBILE HOME REGULATIONS

106.1 Mobile Homes Permitted

Mobile homes may be used as single family dwelling units on single lots.

106.2 Mobile Homes on Single Lots

Mobile homes located on single lots shall comply with the following requirements:

1. A plot plan indicating the location of water lines, sewage disposal system, off-street parking, utility connections and any accessory buildings shall be presented to and approved by the Planning Commission.

a. New mobile homes must supply the manufacturer's instructions for installation, certification, and warranty with the application to the Planning Commission.

2. Mobile homes shall be no less than 980 square feet.

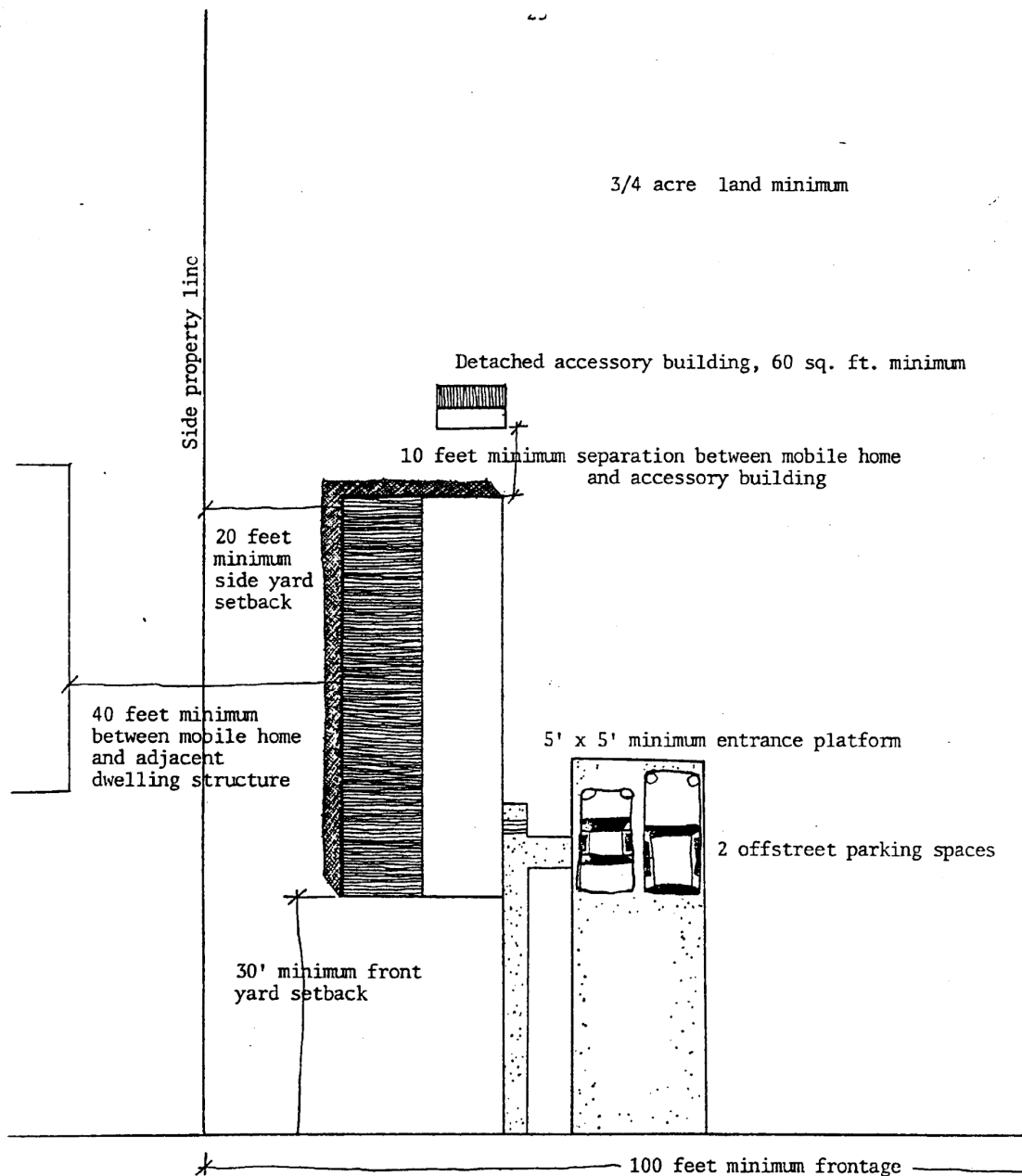
3. All mobile homes shall be set and permanently anchored to the ground according to the manufacturer's instruction to resist wind damage, earth tremor, and frost heave.

a. Used or second-hand mobile homes shall comply with one of the following methods for anchoring mobile homes.

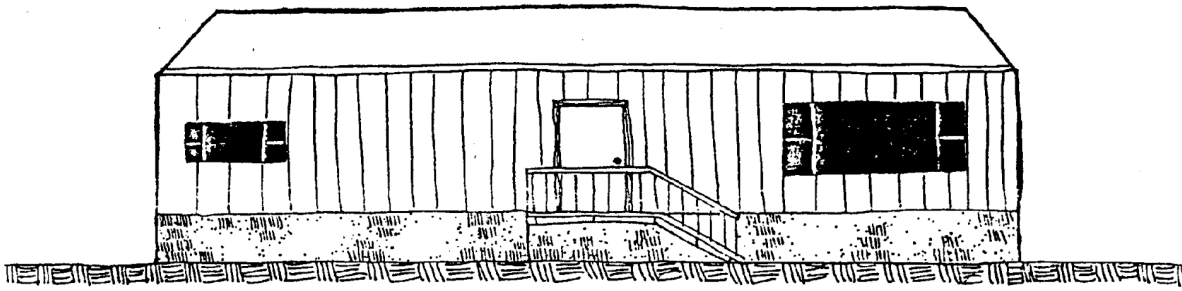
b. All mobile homes shall be supported under the structural I-beam.

c. Where mobile homes are set on continuous concrete strips, the concrete strips shall extend 10" below the surface of the ground, be 24" wide, and be reinforced

with rebar. The anchors shall be attached ~ to the continuous concrete strip.



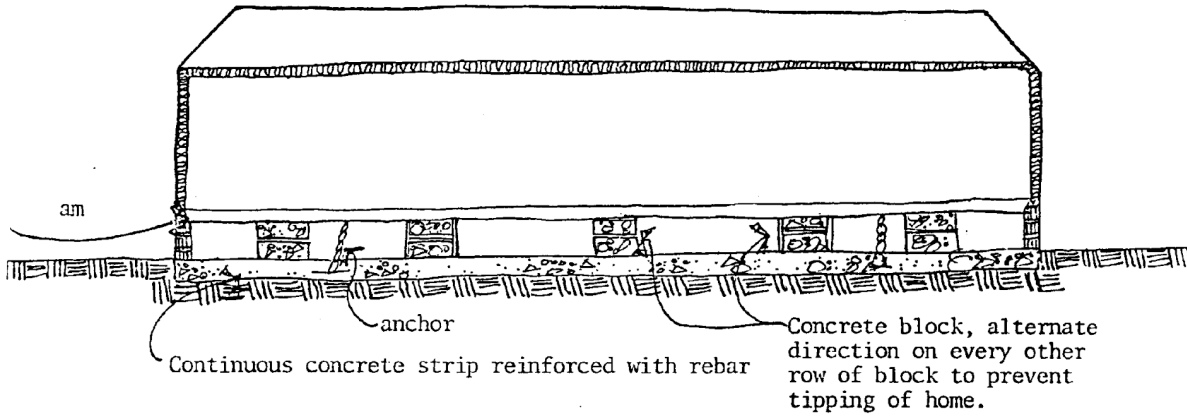
MINIMUM SPACE REGULATIONS FOR MOBILE HOMES ON SINGLE LOTS



Masonry skirting

Entrance platform 5' x 5'
and guardrail

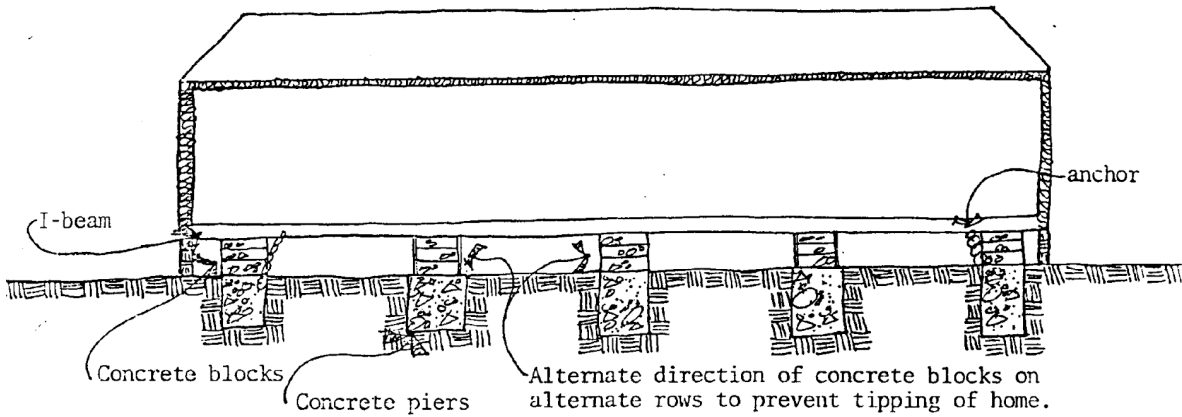
MOBILE HOME SECTION



Continuous concrete strip reinforced with rebar

Concrete block, alternate
direction on every other
row of block to prevent
tipping of home.

MOBILE HOME SECTION

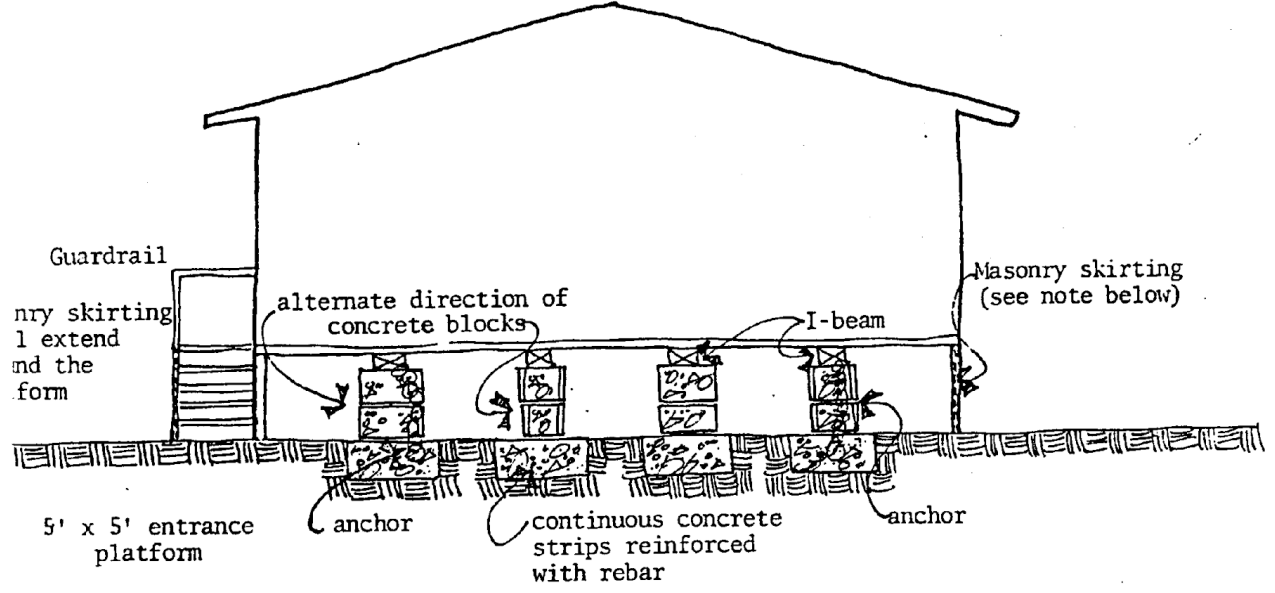


Concrete blocks

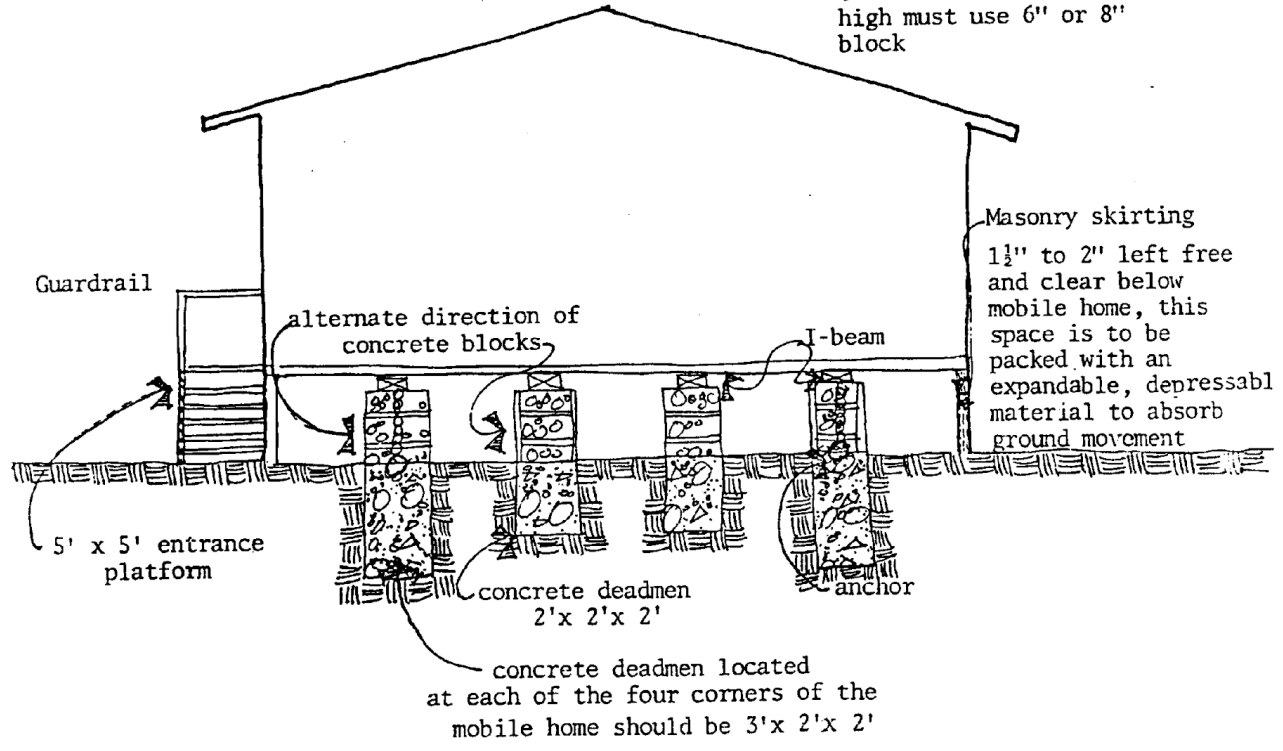
Concrete piers

Alternate direction of concrete blocks on
alternate rows to prevent tipping of home.

SUGGESTED METHODS FOR SETTING AND ANCHORING MOBILE HOMES



Mobile homes set higher than 3 concrete blocks high must use 6" or 8" block



All mobile homes must provide service access to facilities

d. Where mobile homes are set on concrete deadmen the deadmen shall be 2' x 2' x 2' below the surface of the ground and shall be of poured concrete. The four exterior corner deadmen shall be larger, 3' x 2' X 2' deep, and the mobile home shall be anchored to these underground deadmen.

4. Wheels shall be removed at the time the mobile home is set and anchored.

5. Mobile homes shall be skirted with a masonry skirting, preferably a skirting which blends with the mobile home. Such skirting shall be installed and fireproofed within 30 days after being located on a lot within Portage. Skirting shall extend around the tongue of the mobile home. The skirting shall also extend around the 5' x 5' front door platform to provide access to services under the mobile home.

6. A platform at least 5' x 5' shall be located outside the main entrance to the mobile home. When the platform is more than 30 inches above the ground level, sturdy handrails or guardrails shall be provided. The platform shall be installed within 30 days after the mobile home is located in Portage.

7. At the time a mobile home is located in Portage, the owner is encouraged to secure funding for and provide at least one accessory storage building. Such building shall contain at least 60 square feet for storage.

8. No accessory building shall be located closer than 10 feet to any mobile home.

9. Where no outside hose bib is provided on the mobile home, an outside water faucet shall be provided.

10. No mobile home shall be located closer than 40 feet to any adjacent dwelling structure.

11. No modifications shall be make to mobile homes which result in the mobile home failing to meet ANSI standards.

12. Mobile homes shall comply with all other regulations for the zone in which they are located

107.0 ANIMAL AND FOWL REGULATIONS (107.0 - 107.8 UPDATED FEB.2012)

107.1 Purpose

The purpose of animal and fowl unit regulations is to protect the health and general welfare of residents of Portage. To this end, the number of livestock and the location of structures housing livestock shall be governed in the residential zones by the following definitions and regulations.

107.2 Definitions

1. Animal Unit - The keeping of not more than the below stated number of adult animals. (An adult animal shall be considered to be an animal one year or older or of breeding age, whichever is less. Juvenile animals which are not the offspring of adult animals kept on the premises shall be considered as adult animals in counting animal units.)

- a. one head of any of the following: horse, cow,
- b. or three head of any of the following: sheep, goats,
- c. Or two non-breeding pigs, or
- d. Five head of the following non-carnivorous animals: rabbits or other similar small animals.

2. Fowl Unit - The keeping of not more than the below stated number of adult fowl. An adult fowl shall be considered to be a fowl of breeding age.

- a. twenty-five each of the following classes of fowl: chickens, pheasants, and pigeons provided that there may be a combination of said fowl not to exceed twenty-five, or

b. five each of the following classes of fowl: ducks, geese and turkeys provided that there may be a combination of said fowl not to exceed five.

107.3 Regulations by Acreage

Up to $\frac{3}{4}$ acre of property, one animal unit plus one fowl unit shall be permitted. For each additional $\frac{1}{2}$ acre of pasturable land, one additional animal unit plus one additional fowl unit shall be permitted. Where animals are being kept on existing lots at the time of passage of this Ordinance, the keeping of such animals shall be permitted to continue subject to the requirement of Section 112, Nonconforming Uses of Land.

Regardless of the number of animal units permitted, no more than two exotic animals shall be kept on any lot.

107.4 Corral Regulations

A corral is an enclosed area for the keeping of livestock where feed must be brought in on a regular basis. No more than four (4) animals one year or older shall be kept in any corral in the residential (R) zone.

107.5 Required Setbacks for Agricultural Uses and Structures in Residential Zones

	Front	Dwelling
Side		

	Lot Line	Unit
Lot Line		
Fenced Pasture	-	-
-		
Barns, stables, coops, 20	150	75
Buildings for the accommodation of animals and fowl (except household pets), manure piles, manure pits, lounging sheds		
Corrals		35
30	-	

107.6 Restraint of Livestock and Pets

In all zones, livestock and pets shall be so restrained that they shall not damage, destroy or intrude upon any property.

107.7 Prohibited Animals

Mink are prohibited in the residential zones.

107.8 Agricultural Production Exception

Livestock may exceed the allowable numbers established above, on a short term basis, when animals are needed to harvest excess standing herbage in smaller pastures, hold animals for shipping, and other normal agricultural practices.

108.0 DEVELOPMENT STANDARDS FOR COMMERCIAL AND FUTURE INDUSTRIAL ZONES

108.1 Lot Coverage

Maximum building coverage	40%
Maximum parking or paved areas	40%
Minimum landscaped areas	<u>20%</u>

100%

108.2 Building Design

1. A unified architectural style shall be used for all, buildings on the site. Architectural drawings shall be submitted to the Planning Commission together with the application for a Conditional Use Permit.

2. Buildings shall receive design considerations on all sides. Backsides will be visible from areas of Portage and must be as well designed as the front.

3. Objects such as water and cooling towers, storage tanks, processing equipment, fans, vents and other structures and equipment must be architecturally compatible or shielded from public view. Flues, vents, gutters, downspouts and other projections shall be painted or treated to coordinate with the design of the building.

108.3 Drainage

1. Site grading shall be designed to retain runoff on site from one-inch rainfall.

2. Drainage for anything over a one-inch rainfall shall flow into an approved drainage channel.

108.4 Landscaping Requirements

1. Twenty-five trees shall be planted for each gross project acre. At least 40% of the trees shall be at least 2' Caliper and 15' tall; the remaining trees shall be no less than 1 1/2" caliper and 8' tall.

2. All trees must be nursery grown, in containers or balled and burlapped. Tree species shall be approved by

the Box Elder County Extension Service as specie hardy in northern Box Elder County.

3. A site plan and planting plan shall be prepared by a qualified landscape architect and submitted to the Planning Commission together with the application for a Conditional Use Permit.

4. An automatic irrigation system shall be installed before completion of the main building.

5. All landscaping shall be completed within 30 days of completion of the main building or as soon as weather permits.

108.5 Loading and Storage

1. Loading docks and storage areas shall be located behind the main building.

2. Loading docks shall be accessible for loading and turn-around from within the lot. No loading or turn-around shall be made from the public rights-of-way.

3. Storage areas shall be screened from adjacent properties.

4. Trash dumpsters and other related facilities shall be located behind the main building and screened.

108.6 Parking Areas

1. Two hundred feet of landscaped area shall be included in the parking lots for every 10 parking stalls. The landscaped area shall include at least one 2" caliper tree for every 10 parking stalls.

2. A landscaped median of a minimum 10' wide shall be provided for every two contiguous double-loaded parking aisles.

3. Parking rows shall not exceed 20 parking spaces.

108.7 Prohibited Uses

1. No use shall be permitted on any site that constitutes a nuisance, causes the emission of odors, fumes, dust, smoke, or which is hazardous by reason of excessive danger of fire or explosion, or injures the reputation of any site or neighboring property, or is in violation of the laws of the United States or the State of Utah or any subdivision thereof.

2. Buildings are limited to uses, which produce no adverse effects discernible at property line or affecting adjacent property. These adverse effects include noise, Smoke, noxious odors, dust, fumes, and fire hazards.

3. Nuisance and Hazardous Uses

a. Products shall not be manufactured, stored, distributed or sold in a manner, which creates a fire hazard on the site or to adjoining properties.

4. Smoke and Air Pollution

a. Processes, installations, or facilities which produce smoke, fog, mist, or any obscuring or polluting of the clearness or purity of the air will not be permitted.

b. Ground area conditions, which will produce dust, will not be permitted and shall either be paved or planted with grass.

c. Visible emissions of smoke will not be permitted (outside any building), other than the exhausts emitted by motor vehicles or other transportation facilities. This requirement shall also be applicable to the disposal of trash and waste materials. Wind-borne dust, sprays, and mists originating in manufacturing plants will not be permitted.

d. No fumes, odors, gases, vapors, acids, or other substances shall be permitted to escape or to be discharged into the atmosphere which may be detrimental to health, safety, or welfare of persons, or may interfere with the comfort of persons within the area, or which may be harmful to property or vegetation.

5. Water Pollution

a. No refuse, trash, sewage, gray water, industrial, and commercial waste water, or other liquid or solid waste shall be deposited or discharged or allowed to enter any open waterway or infiltrate into the groundwater.

6. Vibration

a. Buildings and other structures shall be constructed and machinery and equipment installed and insulated on each site so that the ground vibration inherently and recurrently generated is not perceptible with instruments at any point along any of the exterior site lines.

7. Glare and Heat

a. Any operation producing intense glare or heat shall be performed only within an enclosed or screened area and then only in such manner that the glare or heat emitted will not be discernible from any exterior site line.

8. Noise

a. At no point on any exterior lot line shall the sound pressure level of any individual plant or operation (other than the operation of motor vehicles or other transportation facilities, or isolated and non-continuing sounds such as whistles, bells, or sirens) exceed the decibel levels in the designated octave bands shown below:

Octave Band Cycles Sound	Per Second Decibels	Maximum Permitted Level in
0 - 300	75	
300 - 1,200		
1,200 - 4,800		45
4,800 - and above		40

55

(Change 1-9-2019) Emergency sirens are allowed in any zone regardless of octave band, cycles or decibels.

9. Temporary Structures

a. No temporary structure shall be installed or maintained on any lot without the specific written approval of the Planning Commission. All applications for approval of any temporary structure will include its being dismantled and removed from the lot in question.

109.0 PLANNED UNIT DEVELOPMENTS

109.1 Purpose

The intent of the Planned Unit Development shall be to establish a better relationship between open space and buildings, greater harmony between the development and the surrounding area, a wider variety of residential settings, more economical development and a better living environment than is possible by developing on a lot by lot basis.

To this end, the requirements of this Ordinance which affect density, land use, setback requirements, area requirements and building size may be waived or modified by the Town Council providing such waivers or modifications shall not conflict with the intent of the zone in which the Planned Unit Development is located.

109.2 Conditional Use Permit Required

Planned Unit Developments are a Conditional Use in all zones and shall be subject to the requirements for Conditional Uses listed in Section 111. In addition, the requirements of this Section must be met.

109.3 Uses Allowed

Any use listed as a permitted or conditional use in the zone in which the Planned Unit Development is to be located may be approved in a Planned Unit Development.

109.4 Minimum Area

The minimum area, which may be considered as a Planned Unit Development, is ten acres.

109.5 Density Bonus

The number of dwelling units in a Planned Unit Development may be increased by 10% over the number permitted by area requirements of the zone in which the Planned Unit Development is located. The 10% density increase is a bonus to be awarded by the Planning Commission based on the following considerations:

1. Land designated for public facilities such as schools, churches and utilities shall not be included in the area used to determine the number of dwelling units permitted.

2. The amount of bonus, if any, shall be determined by the Planning Commission after considering the proposed site in relation to the public services and facilities, surrounding residential density and land use, adequacy of traffic access, topographic considerations, amenities proposed, and other related conditions. For details of the bonus evaluation procedure, see subsection 109.13, Point Evaluation for Density Bonus Grant.

109.6 General Requirements

The Planned Unit Development should be compatible with surrounding land uses, building types and physical features of the site. Specific requirements are included below:

1. The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by all owners of the property.

2. The property adjacent to the Planned Unit Development shall not be adversely affected and to this end the Planning Commission may require that uses of least intensity or greatest compatibility be arranged around the boundaries of the project. Yard, height, and use requirements of the adjacent district shall apply within 50' of the boundary of the proposed Planned Unit Development

3. The Town Council, upon recommendation of the Planning Commission, shall require the preservation, maintenance, and the ownership of open space utilizing at the town's option one of the following methods:

- a. Dedication of the land as a public park or parkway system, or
- b. Complying with the provisions of Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities. Recreation uses and facilities may be developed within the common open space as part of the approved final development plan of the Planned Unit Development.

Note: If the second method, as set forth above, is utilized to maintain the open spaces, but the organization established fails to maintain the open space in reasonable

order and condition the Town may, at its option, do or contract to have done the required maintenance and shall assess ratably the open space and individually owned properties within the Planned Unit Development. Such assessment shall be a lien against property and shall be filed with the County Recorder, or the Town may bring suit to collect the maintenance fees together with reasonable attorney's fees and costs.

4. The developer shall be required to provide a surety of cash bond in an amount determined by the Town guaranteeing the completion of the development of the open space, or a phase thereof. When completed in accordance with the approved plan the bond shall be released. If uncompleted at the end of two years, the Town will review the progress and may proceed to use the bond funds to make the improvements to the open space areas in accordance with the approved plan.

5. If the Planned Unit Development is to be subsequently divided either as a subdivision into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan. Preliminary subdivision approval shall be concurrently obtained in the case of a "subdivision".

6. Any part of a Planned Unit Development which is proposed as a subdivision is subject to the provision of the Subdivision Ordinance, except for references to lot dimensions

and size, which are to be determined as part of the Planned Unit Development review process.

7. Where access roads create corner lots of adjoining parcels of land, the location of the paved area of the access road shall be located so as to maintain the minimum street side yard requirements of the zone in which the corner lot is located.

8. In Planned Unit Developments that are proposed as condominiums or other forms of multiple, separate ownership, agreement shall be reached between the Planning Commission and developer as to a schedule of installation of all development amenities. Such agreement shall be a condition of approval of the preliminary plan. Amenities shall include all recreational facilities.

9. Written approval by the State Division of Health must be presented for the proposed sewage disposal system and culinary water supply if a non-municipal water source is used.

109.7 Planning Commission Review

1. Five copies of a preliminary application and preliminary site plan shall be submitted to the Planning Commission. After receipt of the preliminary application and preliminary site plan, the Town Clerk shall notify by mail all property owners within 300 feet of the proposed Planned

Unit Development. Such notice shall indicate the date when the Planned Unit Development will be considered by the Planning Commission, and that a public hearing will be held by the Town Council prior to consideration for approval by the Town Council.

2. A complete copy of the preliminary application and preliminary site plan shall be submitted to the town engineer for review and comment. Recommendations for approval, in whole or in part, with or without modifications, or for denial, shall be returned to the Planning Commission within 30 days.

3. The Town Clerk shall publish notice of the Planning Commission Meeting to consider the preliminary application for the Planned Unit Development at least 21 days prior to the meeting. Such notice shall be published in a newspaper of general circulation in Portage and posted in 3 places in Portage.

4. The Planning Commission shall consider the preliminary application and preliminary site plan, together with any recommendations made by the town engineer and any comments made by interested citizens, at a regularly scheduled meeting within 60 days of receipt of the preliminary application and preliminary site plan.

5. The Planning Commission may recommend approval in whole or in part, with or without modifications, or may recommend

denial. Where the Planning Commission recommends denial, the reasons shall be explained in writing.

6. Following approval of the preliminary application and preliminary site plan, five copies of final application and final site plan shall be submitted to the Planning Commission.

7. Where the final application and final site plan differ from the preliminary application and preliminary site plan, the final application and final site plan shall be resubmitted to the town for review and comment. Recommendations shall be returned to the Planning Commission within 30 days.

8. The Planning Commission shall review the final application and final site plan within ~~45~~ (change May 2002) 90 days and make its recommendation for approval in whole or in part, with or without modifications, or for denial to the Town Council. Such recommendation shall be made in writing.

9. The Planning Commission recommendation shall be based on the following guidelines:

a. The relationship of the proposed development, including its character, density and design, to the surrounding area and to the site itself.

b. The demonstrated ability of the applicant to financially carry out the project 1. In either

total or phased development within the time established.

c. Considerations of Section 111, Conditional Uses.

109.8 Town Council Action

1. After receipt of the written recommendation of the Planning Commission, the Town Council shall hold a public hearing, notice of which shall be published in a newspaper of general circulation at least 15 days prior to the public hearing.

2. Following the public hearing, the Town Council may approve, in whole or in part, with or without modifications, or deny the Planned Unit Development. The decision of the Town Council shall be final.

3. After approval of a Planned Unit Development, the Town Council shall indicate approval, together with any conditions attached, on the site plan and shall instruct the Town Clerk to note the approval of the Planned Unit Development on the official zoning map.

109.9 Preliminary Application

The preliminary application and site plan shall contain the following information:

1. General map of physical features and topography of site.

2. Legal description of parcel and acreage.

3. Schematic

development plan showing general location of land uses and structures; density of uses shall also be indicated.

4. General circulation plan showing vehicular and pedestrian circulation, parking areas, service and loading areas, and access to public rights-of-way.

5. General open space plan showing location and character of open space areas together with a brief discussion of the proposed ownership and method of maintenance of open spaces.

6. General statement explaining the objectives to be achieved by developing as a Planned Unit Development rather than on a traditional lot by lot basis.

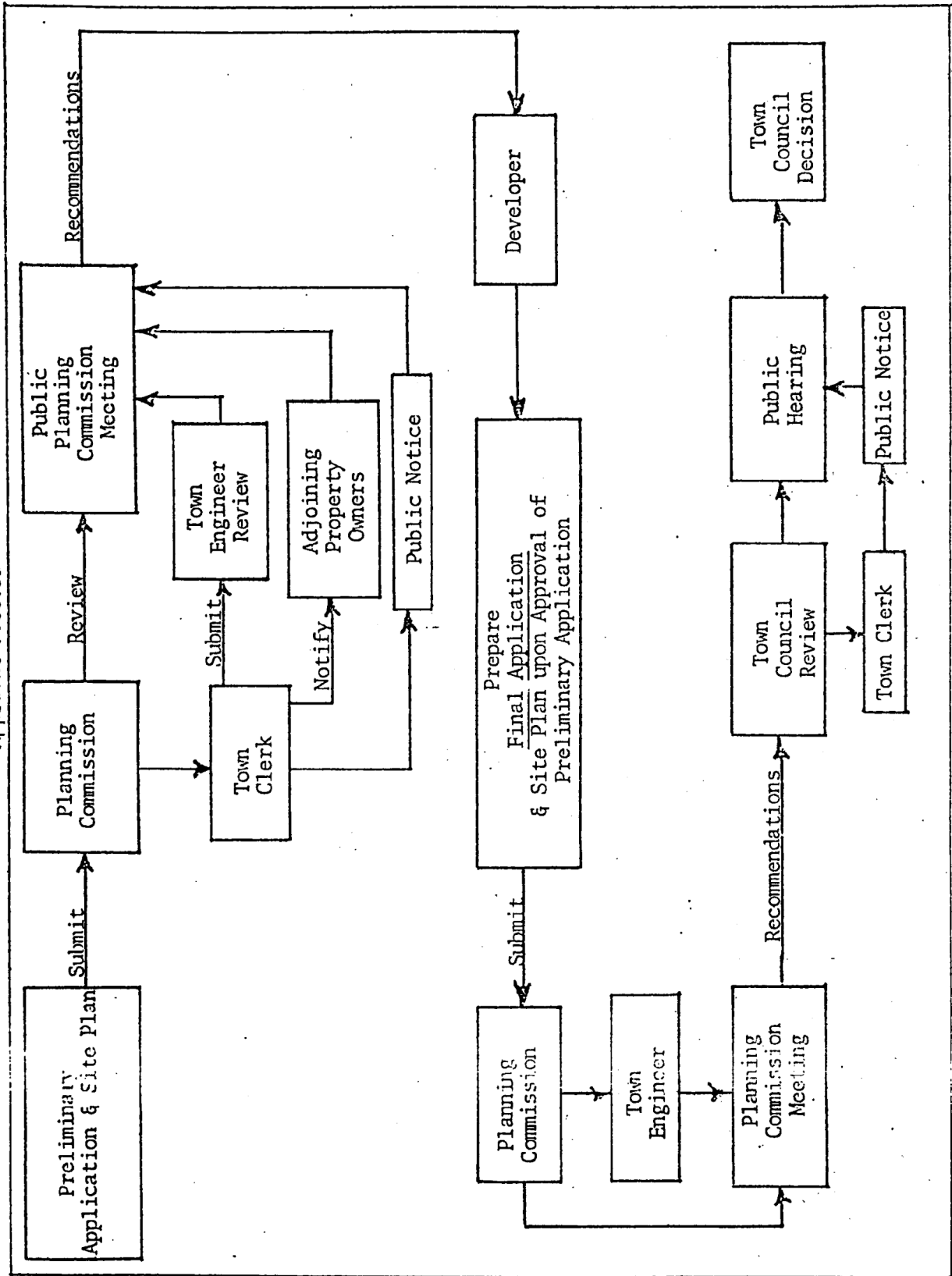
7. Names of all owners of land in the Planned Unit Development.

8. List of names and addresses of all property owners within 300 feet of the planned Unit Development.

9. A nonrefundable review fee in an amount to be determined by Resolution by the Town Council.

PLANNED UNIT DEVELOPMENT

Approval Process



109.10 Final Application

The final application and final site plan shall contain the following information:

1. Complete site and building plans prepared by a professional designer or team of designers with competence in the area of planned developments. The site plan shall be drawn at a scale of no less than 1" = 100' and contain the following information:

a. Topographic map of the site indicating contours at no more than 2-foot intervals.

b. All proposed land uses.

c. Location and size of all existing and proposed buildings and structures.

d. Height of all existing and proposed buildings.

e. Density and type of buildings. (sketches and elevations of all buildings may be required at the discretion of the Planning Commission in order to demonstrate the character of the development.)

f. Internal traffic and circulation systems, including:

- 1) off street parking,
- 2) service and loading areas,
- 3) access points to public rights-of-way,
- 4) pedestrian walkways, and
- 5) bicycle routes.

g. Location, height and size of signs and lighting.

h. Areas which are to be conveyed, dedicated or reserved for recreation or public facilities.

i. Areas subject to natural hazards such as flooding, erosion or earthquake faulting

j. General landscaping plan indicating spacing, sizes and types of landscaping material.

k. Location, size, height and use of all structures within 100 feet of the boundary of the Planned Unit Development.

1. Uses of land within 300 feet of the boundary of the Planned Unit Development.

2. Written statement explaining the following:

a. The objectives to be achieved by developing as a Planned Unit rather than on a traditional lot by lot basis.

b. Development schedule indicating the approximate dates when construction will begin and will be completed on either the entire Planned Unit Development or phases of the Planned Unit Development.

c. Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance and continued protection of the Planned Unit Development and any of its common park areas.

109.11 Development in Stages and Time of Approval

1. The applicant must begin and substantially complete the development of the Planned Unit Development within a time specified by the Town Council and Town Engineer. The developer shall post a bond to guarantee completion of the Planned Unit Development or an approved phase of the Planned Unit Development within the approved time limit.

2. If the applicant does not begin and substantially complete the Planned Unit Development, or any stage of the Planned Unit Development, within the time limits imposed by the preceding subsection, the Town Council shall review the Planned Unit Development and may recommend that the time for

completion of the Planned Unit Development be extended, that the penalty in the construction contract be enforced, that the approval of the Planned Unit Development be revoked, or that the Planned Unit Development be amended. The recommendation of the Town Council for an amendment to the Planned Unit Development shall be subject to the procedures of subsection 109.7 and 109.8.

109.12 Changes

1. In the event a final site plan requires revision, the site plan and its revision shall be resubmitted to the Planning Commission for consideration of approval. The Planning Commission shall approve, modify or deny minor revisions. Minor revisions are changes which result in less than 10 feet, provided none of these changes exceeds the minimum or maximum requirements of this Ordinance.

2. For all other revisions, including changes in the site plan and the development schedule, the Planning Commission shall review and recommend to the Town Council, under the procedures applicable to initial approval as specified in subsection 109.7 and 109.8.

3. Where the revision is to a final site plan, all new property owners in the development shall be notified in writing of the proposed revision by the Town Clerk.

109.13 POINT EVALUATION FOR DENSITY BONUS GRANT

Evaluation
Maximum

Evaluation

Points
Evaluation

Criteria

(may be positive
Points

or negative)

_____ a. Is the physical design of the develop-
 2
 ment superior to what could develop
 under normal subdivision and zoning
 requirements?

_____ b. Does the development blend well
 1
 with complimentary adjacent land uses, either
 existing or proposed in the Comprehensive
 Plan?

_____ c. Are the building elevation designs out-
 1

standing from an aesthetic viewpoint and, where appropriate, in harmony with adjacent building design?

d. Does the development successfully cope
1

with the physical limitations of the site?

e. Does the project relate well to the
2

existing and proposed street system so that traffic problems are not created or intensified? Is internal circulation adequate?

f. Does the open space on the site exceed 40%
1

of the site? Is it usable? Is it well integrated with the overall site design so as to be convenient for use by residents?

g. Will an increased density in this development
1

adversely affect public facilities, public utilities, or public services?

h. Does the development help to implement the goals of the Comprehensive Plan?
1

Total Points = Percent Density Bonus to be Granted

110.0 PLANNING COMISSION

110.1 Appointment

(Change 1-9-2019)

The Planning Commission shall consist of seven (7) members. The applicant(s) receiving the majority votes shall then be appointed by the Mayor. One member shall be from the Town Council and shall serve as the chairman, as well as a nonvoting member of the Planning Commission except in the case of a tie vote or when he/she is needed to make a quorum. The chairman shall be utilized before the alternate to make a quorum and vote. All new members shall be voted on by the Planning Commission/ Town Council with the exception of the Town Council member who shall be elected by a public vote or appointed by a majority a vote from the Town Council to fill the remainder of the term vacated by the said member. There will be one (1) alternate member. The alternate member(s) shall be appointed by the Mayor after he/she receives a majority vote from the Planning Commission/ Town Council. The alternate member shall attend all meetings, so that he/she can be up to date on all matters of the Planning Commission. The alternate member shall automatically be placed on the commission board when a vacancy occurs.

An advertisement will then be posted to fill the alternate member position opening. The new alternate member application(s) will be reviewed and voted on by the Planning Commission and Town Council after a majority vote the new alternate shall be appointed by the Mayor.

110.2 Term and Vacancies

The terms of members of the original Planning Commission, excluding the Town Council representative to the Planning Commission, shall expire in consecutive years from January 1, 1981 to January 1, 1985. The term of the Town Council representative to the Planning Commission shall coincide with his/her elected term of office. Appointments made to fill vacancies created by expiring terms, excluding the Town Council representative, shall be for a period of five years. Any vacancy occurring during the term of any Planning Commission member shall be promptly filled for the unexpired portion of the term.

110.3 Removal for Cause

The Town Council may remove any member of the Planning Commission for cause, after a public hearing upon written charges.

110.4 Compensation

The members of the Planning Commission shall serve without compensation except for such reasonable expenses as are approved by the Town Council.

110.5 Organization and Meetings

The Planning Commission shall adopt rules and regulations as necessary subject to the laws of the State of Utah, the laws of Portage and the Portage Zoning Ordinance. The Planning Commission may amend the rules and regulations as necessary. All rules and regulations shall be filed with the Town Clerk. Meetings shall be held at least once a month at a time to be decided in January of each year. Notification of the regularly scheduled meeting time and place for the Planning Commission shall be published once each year in a newspaper of general circulation and posted at the Town Hall and Post Office.

110.6 Contracts and Employment

The Planning Commission may appoint such employees and staff as it may deem necessary for its work, and may contract with

city planners and other consultants for such services, as it requires, providing the expenditures of the commission shall not be in excess of such sums as may be appropriated by the Town Council and/or be placed at the disposal of the Planning Commission through gift or otherwise.

110.7 Record of Proceedings

The Planning Commission shall keep a written record of proceedings, which shall be filed with the Town Clerk.

110.8 Functions and Duties of Planning Commission

The Planning Commission shall have such powers and duties as prescribed by Sections 10-9-4,10-9-5,10-9-19,10-9-20,10-9-21, 10-9-22. .10-9-23 and 10-9-25, Utah Code Annotated, 1953, as amended.

In addition, the Planning Commission shall review and make recommendations on all conditional uses and all proposed changes to the Zoning Ordinance.

110.9 Quorums and Decisions

(Change 1-9-2019)

Four members shall constitute a quorum for the Planning Commission. Recommendations to the Town Council shall be based on a majority vote of the Planning Commission. If no majority decision can be reached the matter will be taken to the Town Council for vote. Four votes are required for a majority vote. The chairman/nonvoting council member and/or an alternate member may be utilized when necessary to make a quorum/majority vote. The chairman will be utilized first followed by the alternate. The alternate member shall automatically be placed on the commission board when a vacancy needs filled.

111.0 CONDITIONAL USES

111.1 Intent and Purpose

The intent of conditional uses is to allow uses not normally permitted in a zone to occur if certain conditions and specifications are met. These conditions and specifications insure that the use fits in with the intent of the zone, is a desirable use related to the permitted uses for that zone, and does not cause hardships for neighboring properties.

111.2 Conditional Use Permit

A conditional use permit is required for all uses listed as conditional uses in the Land Use Chart. A conditional use permit may be revoked by the Town Council upon failure of the applicant to comply with the conditions imposed with the original approval of the permit.

111.3 Review Procedure

1. Application for a conditional use permit shall be made to the Planning Commission. Appropriate forms may be secured from the Town Clerk.

2. Detailed location map and site and building plans shall be part of the completed application forms.

3. The application, together with all information required by the Planning Commission, shall be considered by the Planning Commission at its next regularly scheduled meeting.

4. The Planning Commission may call a special public hearing on any conditional use permit application if they determine the hearing to be in the public interest. The public hearing shall be held after two weeks of public notice. The record

of the public hearing, if held, and the recommendation of the Planning Commission, together with any conditions of approval or reasons for denial, shall be forwarded in writing to the Town Council within thirty (30) days after the application is first reviewed by the Planning Commission.

111.4 Determination

The Planning Commission shall recommend approval or denial to the Town Council of any use listed as a conditional use in the applicable zone. In recommending approval of a conditional use, the Planning Commission shall suggest in writing any requirements and/or conditions, which are necessary to protect adjacent properties and the public welfare.

The Town Council shall permit or deny applications for conditional uses within thirty (30) days after the application and the Planning Commission's recommendation are received at a regularly scheduled meeting. In approving any conditional use, the Town Council shall impose any requirements and/or conditions, which it deems necessary. The decision of the Town Council shall be final.

111.5 Basis for Issuance of a Conditional Use Permit

The Planning Commission shall not recommend and the Town Council shall not permit a conditional use unless the following conditions are met:

1. The proposed use of the particular location is necessary and/or desirable to provide a service or facility, which will contribute to the general well-being of the community.

2. The use will not, under the particular circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons, nor be injurious to property improvements in the community.

3. The proposed use will be compatible with and complimentary to the existing surrounding uses, buildings and structures. The following list presents questions to be considered by the Planning Commission. Other items determined to be relevant by the Planning Commission shall also be considered.

a. Does the development have an approved water supply?

b. Does the development have an approved sewage disposal system?

c. Have arrangements been made for the collection and disposal of wastes produced by the development?

d. Will the construction of the project be accomplished in a timely manner so as to produce minimal disruptions to neighboring properties?

e. Do the developers have sufficient financial backing to complete the project as proposed?

f. If the proposed use is a non-residential use, will the hours of operation or use adversely affect neighboring properties?

g. Will the proposed use generate traffic which will be detrimental to the surrounding neighborhood in terms of traffic character and volume?

h. Will internal traffic circulation and parking adversely affect adjacent property?

i. Will entrances and exits be able to handle intended traffic?

j. Will parking facilities be adequately screened from adjacent residential properties?

k. If a hard surface parking lot is developed, will irrigation water, storm water runoff or snow-melt drain onto adjacent properties? .

l. Do the structures and design of the development enhance the existing neighborhood?

m. Is the architectural style of proposed buildings compatible with existing architecture in the area?

n. Will any proposed signs adversely affect the development itself or surrounding properties?

o. Will proposed landscaping improve the appearance and acceptability of the development?

p. Will the proposed development adversely affect air or water quality or ambient noise levels?

q. Does the site design provide adequate drainage of storm water?

r. Will site construction methods be used to minimize erosion?

111.6 Inspection

Following the approval of a conditional use permit by the Town Council, the building inspector shall issue an application for a building permit. The building inspector shall insure that the development is undertaken and completed in compliance with the conditions attached to the conditional use permit.

111.7 Time Limit

Unless there is substantial action as determined by the Town Council under a conditional use permit within one year of its issuance, the conditional use permit shall expire.

112.0 NONCONFORMING BUILDINGS AND USES

112.1 Maintenance Permitted

A nonconforming building or structure may be maintained.

112.2 Repairs and Alterations

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

112.3 Additions, Enlargements, Moving

1. A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area, or yard requirements shall not be added to or enlarged in any manner or moved to another location on the lot 'except as provided by subsections 2 and 3 below.

2. A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area, or yard regulations may be added to or enlarged or moved to a new

location on the lot upon a permit authorized by the Board of Adjustment, which may issue, provided that said Board, after hearing, shall find that:

a. The addition, or enlargement of, or moving of the building will be in harmony with one or more of the purposes of this Ordinance.

b. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

3. Additions or extensions may be made to a residential building which is nonconforming as to height, area or yard requirements providing such additions conform to all requirements of the district in which it is located and do not increase the number of dwelling units.

112.4 Alteration Where Parking Insufficient

A building or structure lacking sufficient automobile parking space in connection therewith as required by this Ordinance may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alteration or enlargement.

112.5 Restoration of Damaged Buildings

A nonconforming building or structure which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such destruction, may be continued or resumed, provided that such restoration is started within a period of one year and is diligently prosecuted to completion.

112.6 One Year Vacancy

A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter

be occupied except by a use, which conforms to the use regulations of the district in which it is located.

112.7 Continuation of Use

The occupancy of a building or structure by a nonconforming use existing at the time this Ordinance became effective, may be continued.

112.8 Occupation Within One Year

A vacant building or structure may be occupied by a use for which the building or structure, was designed or intended, if so occupied within a period of one year after the use became nonconforming.

112.9 Change of Use

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

112.10 Expansion Permitted

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

112.11 Nonconforming Use of Land

The nonconforming use of land, existing at the time this Ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or

extended either on the same or on adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for 1 year or more, any future use of such land, shall be in conformity with the provisions of this Ordinance.

113.0 BOARD OF ADJUSTMENT

113.1 Appointment, Term, Removal, Vacancies

In order to avail itself of the powers provided in this Ordinance, the Town Council shall provide by resolution for the appointment of a Board of Adjustment. The Board of Adjustment shall consist of five members, each to be appointed by the Town Council for a term of five years provided that the terms of the members of the first Board so appointed shall be such that the term of one member shall expire each year. Any member may be removed for cause by the appointing authority upon written

charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member, but not more than one, of the Planning Commission shall be a member of the Board of Adjustment.

113.2 Organization, Meetings, Duties of Members

The Board of Adjustment shall organize and elect a chairman and adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the Board and shall be a public record.

113.3 Appeals

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

113.4 Stay of Proceedings Pending Appeal

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property.

In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of

Adjustment or by the district court on application and notice and on due cause shown.

113.5 Notice of Hearing on Appeal

The Board of Adjustments shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Upon the hearing any party may appear in person or by agency or by attorney.

113.6 Powers of Board on Appeal

The Board of Adjustment shall have the following powers:

- 1.** To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of this Ordinance or of any ordinance adopted pursuant thereto.

- 2.** To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under such Ordinance.

3. To authorize upon appeal such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:

a. The variance will not substantially affect the comprehensive plan of zoning of Portage and that adherence to the strict letter of the Ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

b. Special circumstances are attached to the property owned by the applicant which do not generally apply to the other property in the same district.

c. That because of said special circumstance, property covered by the application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property possessed by other property in the same district.

4. To interpret the Zoning Map.

5. To permit, in a residential zone, for a period not to exceed one year, a temporary building permit or use of a

commercial or industrial nature which is incidental and necessary to the construction of the residential development.

113.7 Decision on Appeal

In exercising the above mentioned powers such Board may, in conformity with the provision of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

113.8 Vote Necessary for Reversal

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under such ordinance, or to effect any variation in such ordinance.

113.9 Judicial Review of Board's Decision

The city or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief there from in any court of competent jurisdiction; provided, petition for such relief is presented to the court within 30 days after the filing of such decision in the office of the Board.

113.10 Time Limitations on Variance

Once the Board of Adjustment grants a variance, alterations in accordance with the variance first be begun within 6 months after the date of the variance is granted or the variance shall expire. At the request of the applicant, the Board of Adjustment may grant one 6-month extension if the Board determines the extension to be in the public interest.

114.0 ZONES

114.1 Establishment of Zoning Districts

For the purpose of this Ordinance, the following zoning districts pertain to the Town of Portage.

RR Rural Residential Zone

R Residential Zone

C1 Neighborhood Commercial Zone

C2 General Commercial Zone

I Future Industrial Zone

114.2 Filing of Ordinance and Map

This Ordinance and map shall be filed in the custody of the Town Clerk of Portage and may be examined by the public subject to the reasonable regulations established by the Town Clerk.

114.3 Rules for Locating Boundaries

Where uncertainty exists as to the boundaries of any zone, the following rules shall govern.

1. Wherever the zone boundary is indicated as being approximately upon the center-line of a street, alley or block, or along a property line, then unless otherwise definitely indicated on the map, the center-line of such street, alley or block, or such property line shall be construed to be the boundary of the zone.

2. Wherever the zone boundary is indicated as being parallel to or an extension of features on the map, such parallel line or such extension shall be deemed to be the boundary of such zone.

3. Where such zone boundaries cannot be determined by the above rules, their location may be found by the use of the scale appearing, upon the map.

4. Where the application of the above rules does not clarify the zone boundary location, the Board of Adjustment shall interpret the map.

114.4 Zoning Districts

1. Rural Residential Zone Minimum of Two (2) Acres Required

Purpose: The purpose of the rural residential zone is to provide for and protect residential development in a semi-rural environment. The keeping of limited numbers of livestock and the raising of crops can be considered a normal activity in this zone.

- a. Use Regulations - See Section **115**
- b. Area and Setback Regulations - See Section **115**
- c. Parking Regulations - See Section **105**
- d. Sign Regulations - See Section **104**
- e. Animal and Fowl Regulations - See Section **107**
- f. Pre-existing Uses - See Section **112**

2. Residential Zone Minimum of 3/4 (.75) of an Acre Required

Purpose: The purpose of the residential zone is to encourage, maintain and protect low density residential neighborhoods. Uses in and adjacent to residential zones should be compatible with family oriented neighborhoods.

- a. Use Regulations See Section **115**
- b. Area and Setback Regulations - See Section **115**
- c. Parking Regulations - See Section **105**
- d. Sign Regulations - See Section **104**
- e. Animal and Fowl Regulations - See Section **107**
- f. Pre-existing Uses - See Section **112**

3. Neighborhood Commercial Zone Minimum of 3/4 (.75) of an Acre Required

Purpose: The purpose of the neighborhood commercial zone is to provide areas for retail commercial activities, service activities, business, entertainment and related activities to serve residents of Portage and which are compatible with the small town character of Portage.

- a. Use Regulations - See Section **115**
- b. Area and Setback Regulations - See Section **115**
- c. Parking Regulations - See Section **105**
- d. Sign Regulations - See Section **104**
- e. Animal and Fowl Regulations - See Section **107**

f. Pre-existing Uses - See Section 112

g. Development Standards - See Section 108

4. General Commercial Zone Minimum of 3/4 (.75) of an Acre Required

Purpose: The purpose of the general commercial zone is to provide areas for retail, wholesale, and service activities, which are incompatible with the residential character of the town center.

a. Use Regulations - See Section 115

b. Area and Setback Regulations - See Section 115

c. Parking Regulations - See Section 105

d. Sign Regulations - See Section 104

e. Animal and Fowl Regulations - See Section 107

f. Pre-existing Uses - See Section 112

g. Development Standards - See Section 108

5. Future Industrial Zone Minimum Five (5) Acres Required

Purpose: THE FUTURE INDUSTRIAL ZONE SECTION IS A REGULATORY PLAN FOR FUTURE INDUSTRIAL ZONES: The purpose of the future industrial zone is to provide for non-offensive industrial uses, which will provide jobs and increase the tax base of Portage. In order to

insure that industry does not detract from the quality residential setting, the following standards shall apply.

- a. Use Regulations - See Section **115**
- b. Area and Setback Regulations - See Section **115**
- c. Parking Regulations - See Section **105**
- d. Sign Regulations - See Section **104**
- e. Pre-existing Uses - See Section **112**
- f. Animal and Fowl Regulations - See Section **107**
- g. Development Standards - See Section **108**

(Added 1-9-2019)

6. Water Protection "Zone"

This is not a Portage zone but is a protection zone with The State of Utah Division of Drinking Water

LOCAL MUNICIPAL WATER SOURCES AND PROTECTION ZONES

Water sources are arguably the most critical amenity for any community for obvious reasons. Portage has three main water sources.

The primary sources of water are two springs, commonly referred to as the "upper and lower springs" located several miles up Portage Canyon, the secondary water source is a well on the western end of the municipal boundary.

As rain or snowfall accumulates in the upper watershed, water percolates into the ground and fills these water sources. The State of Utah Division of Drinking Water has delineated source water protection zones for many community water sources statewide. This data exists for Portage Town and includes 4 source water protection zone designations (Zone 1 through Zone 4). As recommended by division staff, zones 1 and 2 are areas

where land use and activities should be regulated to prevent pollution from entering the town's water sources. Development that utilizes septic systems, intense agricultural activities, or others that allow pollution within these zones should not be allowed (E-mail correspondence with Utah Division of Drinking Water staff, 2017).

See existing hydrology and town infrastructure maps.

115.0 LAND USE

115.1 Land Use Regulations

No building, structure or land shall be used and no building or structure shall be constructed, altered, enlarged or maintained except as provided in this Ordinance.

115.2 Classification of New and Unlisted Uses

For uses not listed in the Land Use Regulations Section, the applicant for such use shall take the request for classification to the Planning Commission. The Planning Commission shall determine the appropriate classification based on the following guidelines:

1. Should the Planning Commission determine the new or unlisted use is the same as a use listed under another name in the Land Use Regulations Section, the Planning Commission shall so document this information. The applicant may then proceed under the regulations applicable to that use.

2. Should the Planning Commission determine the use is not considered by the Land Use Regulations Section, the applicant shall petition the Town Council to amend the Zoning Ordinance to specify and locate an appropriate zone or zones for the new use.

Abbreviations

The following abbreviations shall apply:

P Permitted use

C Conditional use (conditional use permit required)

NP Use not permitted

115.3 Land Use Charts

Land Use	Rural Residential	Residential	Neighborhood Commercial	General Commercial	Future Industrial
Accessory building or use customarily incidental to permitted uses	P	P	P	P	P
Accessory building or use customarily incidental to conditional uses	C	C	C	C	C
Public park or recreational facility	C	C	C	C	C
Public uses: quasi-public uses, essential services, including schools, churches, utility stations, municipal facilities	C	C	C	C	C

Agricultural uses:	Rural Residential	Residential	Neighborhood Commercial	General Commercial	Future Industrial
Tilling of soil, raising crops, horticulture, gardening	P	P	P	P	P
* Grazing, pasturing or keeping animals	P	P	NP	C	C
* Riding stables	C	NP	NP	NP	NP
Kennel, on 2.5 acres or more	C	NP	NP	NP	NP
Dairy, on 5 acres or more	C	NP	NP	NP	NP
Apiary	C	NP	NP	NP	NP
Commercial greenhouse or nursery	C	NP	NP	C	NP
Business or industry related to agricultural uses	C	NP	C	C	C

* See 107 animal and fowl regulations

Commercial uses: <i>(Planning Commission review and approval is required for all uses located in commercial zones)</i>	Rural Residential	Residential	Neighborhood Commercial	General Commercial	Future Industrial
**Retail sales and service	NP	NP	C	C	NP

**Wholesale activities	NP	NP	NP	C	NP
**Hotel, motel, motor inn	NP	NP	NP	C	NP
**Service activities	NP	NP	C	C	NP
**Day care, nursery	C	C	C	NP	NP
**Professional office or clinic	NP	NP	C	C	NP

** See section 108, Development standards for commercial and future industrial zones

Future industrial uses:	Rural Residential	Residential	Neighborhood Commercial	General Commercial	Future Industrial
**Light manufacturing and industrial activates	NP	NP	NP	NP	C
**Warehouse	NP	NP	NP	C	C
**Construction equipment and materials storage yard	NP	NP	NP	NP	C

** See section 108, Development standards for commercial and future industrial zones

Residential uses:	Rural Residential	Residential	Neighborhood Commercial	General Commercial	Future Industrial
Detached single family house (conventional, modular, or prefab home placed on permanent foundation which meets Portage building code requirements)	P	P	C	NP	NP
*** Mobile home on ¾ acre or more	P	P	NP	NP	NP
Temporary secondary dwelling unit (used during construction of permanent dwelling unit)	C	C	C	NP	NP
*** Mobile home used as second dwelling unit on a temporary basis: for the housing of a person or persons requiring intensive care by reason of incapacitating illness or injury or physical or mental condition. Conditional use permits for this use shall be issued for no more than 1 year, but may be reissued if necessary.	C	C	NP	NP	NP
Nursing homes	C	NP	NP	NP	NP
Household pets	P	P	P	NP	NP
Home occupation	C	C	C	NP	NP

*** See section 106 mobile home regulations

Area requirements	Rural Residential	Residential	Neighborhood Commercial	General Commercial	Future Industrial
Minimum lot area in acres	2	3/4	3/4	3/4	5
Minimum lot width, measured at front setback line	200'	100'	100'	100'	300'

Setback requirements, main building

Front yard	30'	30'	30'	30'	100'
Side yard, interior	20'	20'	10' unless abutting residential zone or use; then 20'		10' unless abutting residential zone or use; then 60'
Side yard, street	30'	30'	30'	30'	75'
Rear yard	20'	20'	20'	20'	60'

Setback requirements: accessory building

Front yard	30'	30'	30'	30'	100'
Side yard, interior	10' in all zones where accessory building is located less than 10' behind principle building. 5' in all zones where accessory building is located 10' or more behind principle building.				
Side yard, street	30'	30'	30'	30'	75'
Rear yard	3'	3'	10'	10'	10' unless abutting residential zone or use; then 60'

Height regulations

Maximum height in feet	35'	35'	35'	50'	100'
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See portage ordinance sections that may apply

102 Definitions

103 Administration

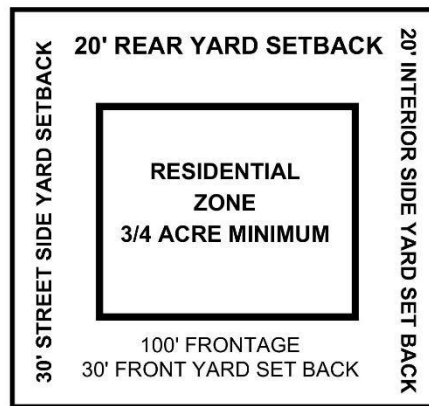
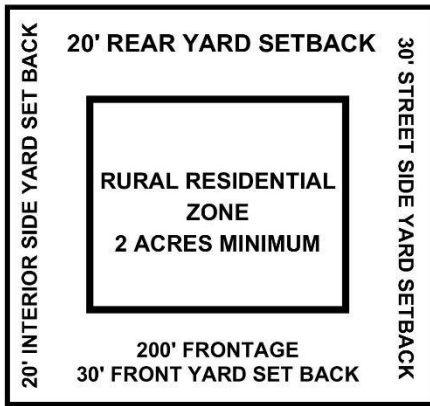
104 Supplementary and qualifying regulations applicable within all zones

105 Parking

- 106 Mobile home regulations**
- 107 Animal and fowl regulations**
- 108 Development standards for commercial and future industrial zones**
- 109 Planned unit developments**
- 111 Conditional uses**
- 112 Nonconforming buildings and uses**
- 114 Zones**
- 115 Land use**
- 116 Zoning map**

115.4 SETBACK AND MINIMUM LOT SIZE diagrams

**TOWN OF PORTAGE
ZONING MINIMUM LOT AREA AND YARD SETBACK
REQUIREMENTS
SEE ORDINANCES LISTED BELOW FOR MORE DETAILED INFORMATION**



STREET

STREET

STREET

- ALL ZONES SEE TOWN OF PORTAGE ORDINANCE SECTIONS:**
- 102.0 DEFINITIONS
 - 104.0 SUPPLEMENTARY AND QUALIFYING REGULATIONS APPLICABLE WITHIN ALL ZONES
 - 105.0 PARKING ~ 106.0 MOBILE HOME REGULATIONS
 - 107.0 ANIMAL AND FOWL REGULATIONS
 - 108.0 DEVELOPMENT STANDARDS FOR COMMERCIAL AND FUTURE INDUSTRIAL ZONES
 - 190.0 PLANNED UNIT DEVELOPMENTS ~ 111 CONDITIONAL USES
 - 112.0 NONCONFORMING BUILDINGS AND USES ~ 114.0 ZONES ~ 115.0 LAND USE
 - 116 ZONING MAP

**FRONT YARD SET BACKS ARE:
33' FROM CENTER OF ROAD IS THE PROPERTY LINE
30' FROM PROPERTY LINE IS THE BUILDING SET BACK
TOTAL OF 63' FROM CENTER LINE OF ROAD
WITH EXCEPTION FOR FUTURE INDUSTRIAL**

**TOWN OF PORTAGE
ZONING MINIMUM LOT AREA AND YARD SETBACK
REQUIREMENTS**

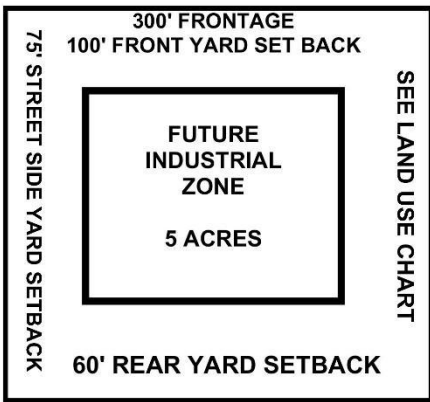


STREET

STREET

SEE TOWN OF PORTAGE
SECTION LIST ON PAGE 1
OF ZONING MINIMUM LOT AREA
AND YARD SETBACK

FOR MORE DETAILED
INFORMATION



STREET

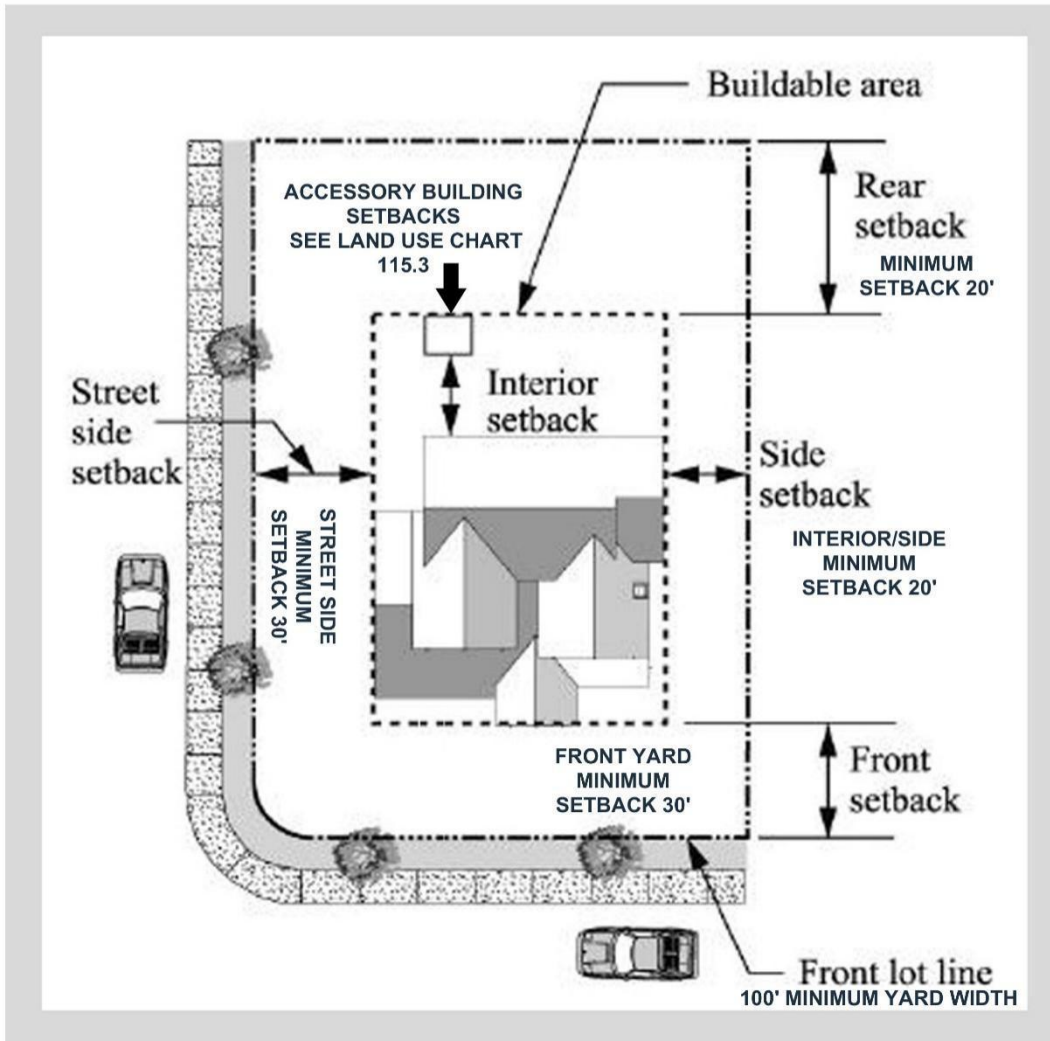
**SET BACKS ARE:
33' FROM CENTER OF ROAD IS THE PROPERTY LINE
30' FROM PROPERTY LINE IS THE BUILDING SET BACK
TOTAL OF 63' FROM CENTER LINE OF ROAD**

115.5 SETBACK REGULATIONS FOR MAIN AND ACCESSORY

BUILDINGS overhead view diagram

**RESIDENTIAL ZONE MINIMUM LOT SIZE 3/4 ACRE
MAIN AND ACCESSORY BUILDING SETBACK REQUIREMENTS**

SEE ORDINANCES/CODES:
LAND USE AND SETBACK REGULATIONS 115
PARKING 105, SIGNS 104
ANIMAL/FOWL 107, FENCES 114.11
PRE-EXISTING USES 112
PROPERTY LINE 33' FROM CENTER OF ROAD
BUILDING SETBACK 30' FROM PROPERTY LINE

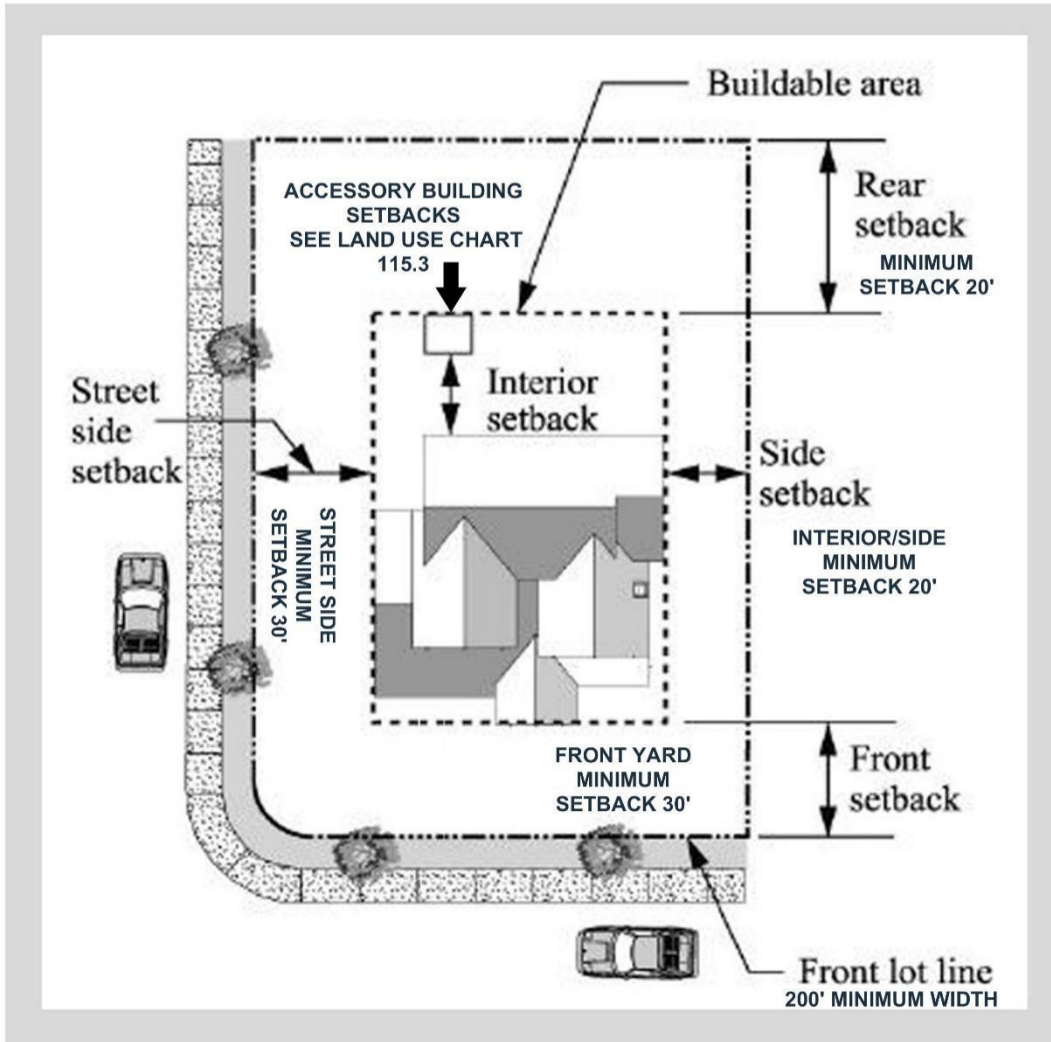


ALSO SEE KENNEL INFORMATION IN
TERM: 102.2 AND LAND USE CHARTS 115.3

**RURAL RESIDENTIAL ZONE MINIMUM LOT SIZE 2 ACRES
MAIN AND ACCESSORY BUILDING SETBACK REQUIREMENTS**

SEE ORDINANCES/CODES:
LAND USE AND SETBACK REGULATIONS 115
PARKING 105, SIGNS 104
ANIMAL/FOWL 107, FENCES 114.11
PRE-EXISTING USES 112

PROPERTY LINE 33' FROM CENTER OF ROAD
BUILDING SETBACK 30' FROM PROPERTY LINE

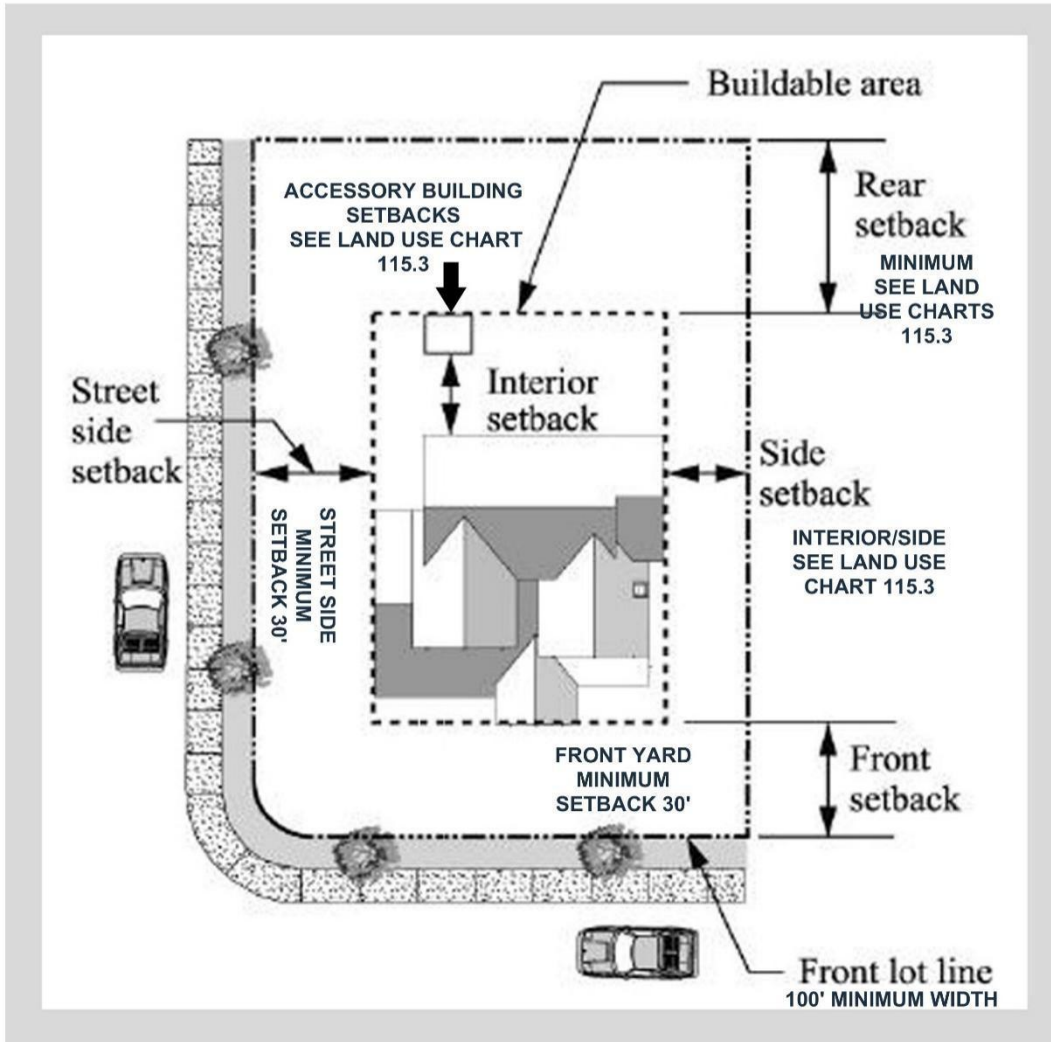


ALSO SEE KENNEL INFORMATION IN
TERM: 102.2 AND LAND USE CHART 115.3 PAGE 2

**NEIGHBORHOOD COMMERCIAL ZONE MINIMUM LOT SIZE 3/4 ACRE
MAIN AND ACCESSORY BUILDING SETBACK REQUIREMENTS**

SEE ORDINANCES/CODES:
LAND USE AND SETBACK REGULATIONS 115
PARKING 105, SIGNS 104
ANIMAL/FOWL 107, FENCES 114.11
PRE-EXISTING USES 112, DEVELOPMENT STANDARDS 108

PROPERTY LINE 33' FROM CENTER OF ROAD
BUILDING SETBACK 30' FROM PROPERTY LINE



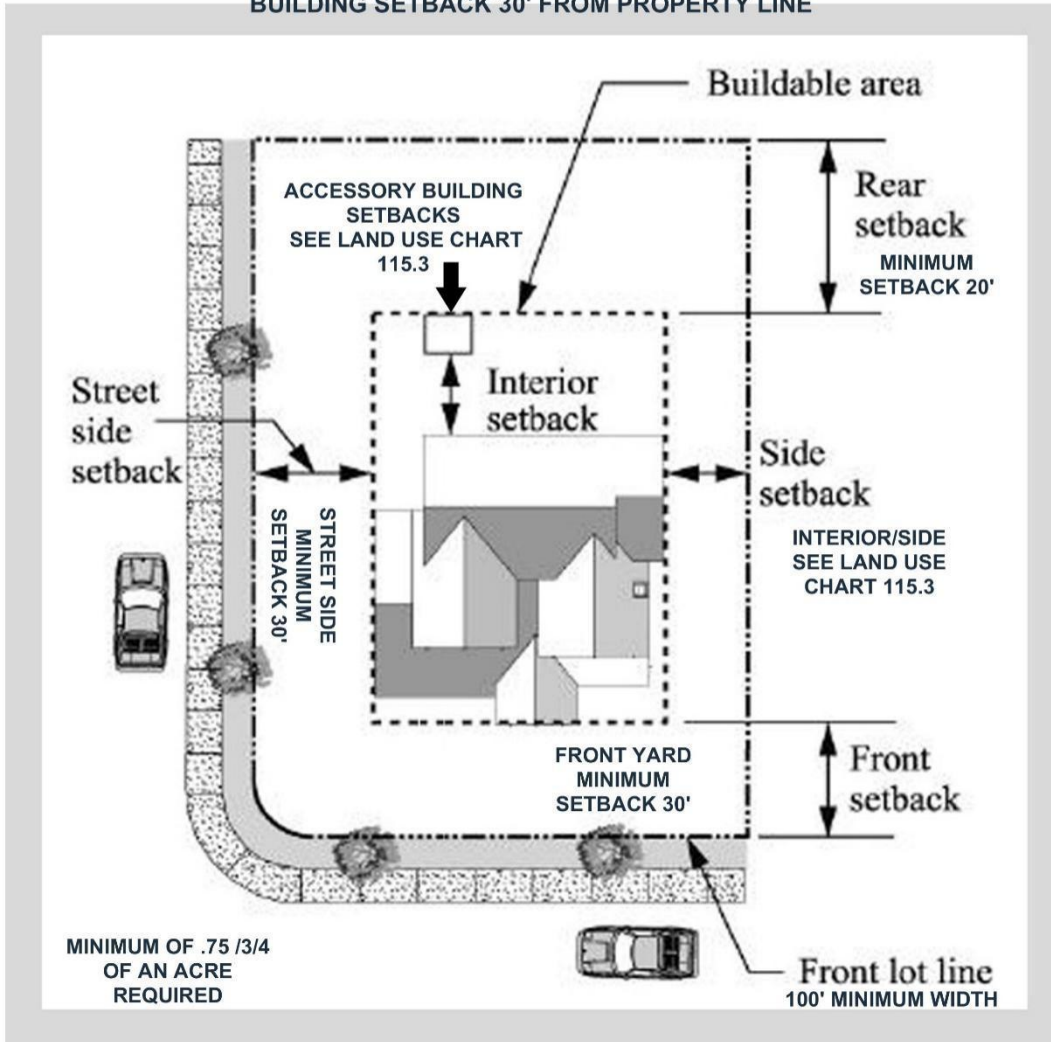
ALSO SEE KENNEL INFORMATION IN
TERM: 102.2 AND LAND USE CHARTS 115.3

COMMERCIAL GENERAL AND NEIGHBORHOOD ZONES

MAIN AND ACCESSORY BUILDING SETBACK REQUIREMENTS

SEE ORDINANCES/CODES:
LAND USE AND SETBACK REGULATIONS 115
PARKING 105, SIGNS 104
ANIMAL/FOWL 107, FENCES 114.11
PRE-EXISTING USES 112, DEVELOPMENT STANDARDS 108

PROPERTY LINE 33' FROM CENTER OF ROAD
BUILDING SETBACK 30' FROM PROPERTY LINE

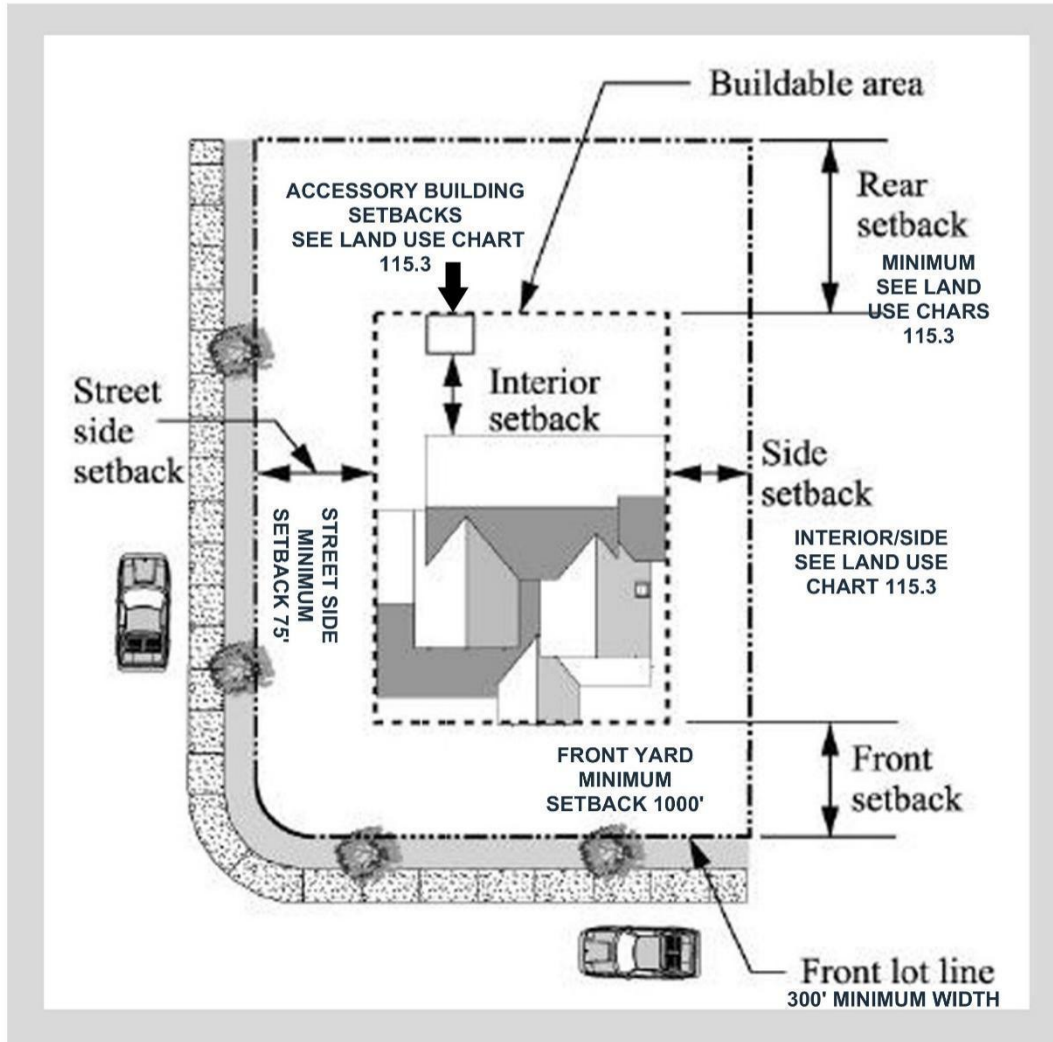


ALSO SEE KENNEL INFORMATION IN
TERM: 102.2 AND LAND USE CHARTS 115.3

**FUTURE INDUSTRIAL ZONE MINIMUM LOT SIZE 5 ACRES
MAIN AND ACCESSORY BUILDING SETBACK REQUIREMENTS**

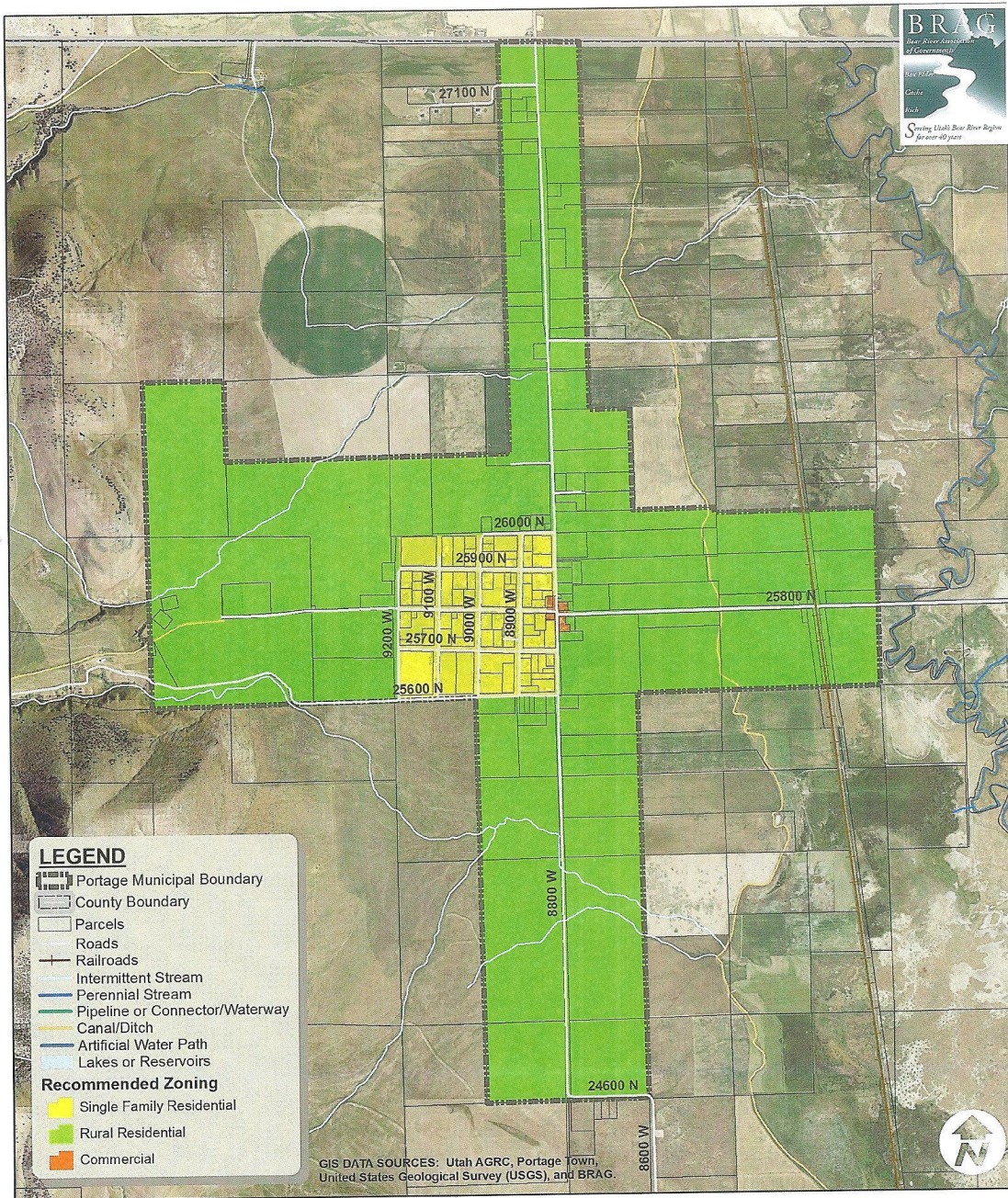
SEE ORDINANCES/CODES:
LAND USE AND SETBACK REGULATIONS 115
PARKING 105, SIGNS 104
ANIMAL/FOWL 107, FENCES 114.11
PRE-EXISTING USES 112, DEVELOPMENT STANDARDS 108

PROPERTY LINE 33' FROM CENTER OF ROAD
BUILDING SETBACK 30' FROM PROPERTY LINE



ALSO SEE KENNEL INFORMATION IN
TERM: 102.2 AND LAND USE CHARTS 115.3

116.0 Zoning Map (Adopted 1-9-2019)



PORTAGE TOWN
2018 General Plan Update

Current Zoning - 2018

Disclaimer: This map was created for the Town of Portage by BRAG GIS staff and is for informational purposes only. It is not intended to be used for legal, engineering, or surveying purposes. All information included is subject to change and users should consult with primary data sources for additional information or to obtain more accurate data, if available.

117.0 Resolutions (addition of section 1-9-2019)

Purpose of the resolutions section is solely to provide easy access to newly passed resolutions. The individual resolutions section is a growing list; resolutions will be add to the list as they are passed. No code/ordinances changes are required for additions to this list.

117.1 INDIVIDUAL RESOLUTIONS

1.2013-1 Rules for Recreational Vehicles
(THIS IS ONLY ONE SO FAR) WILL ADD MORE

TOWN OF PORTAGE

RESOLUTION 2020 – 01: Recreational Vehicles

Resolution 2020-01 establishes rules and regulations governing the placement of and requirements for occupying Recreational vehicles placed on lots located in the Town of Portage.

Key elements of this resolution include:

• **Length of stay:**

1. One hundred twenty (120) days total for the year occupied, consisting of a single visitor or a combination of multiple visitors. There are no restrictions for unoccupied RVs except parking.
2. Recreational vehicle/vehicles are allowed for part-time occupancy only and are not intended for permanent or semi-permanent residency.
3. The following exception shall apply: a recreational vehicle may be used as temporary living quarters while building a home. Provided proper utility connections are installed on the same lot as the new home that is being constructed. See utility connections.

• **Utility connections:**

1. **Power:** A dedicated circuit sufficient for the RVs electrical requirements must be used.
2. **Sewage:** All sewage must be carried out or disposed of in a proper sanitary sewer system.
3. **Water:** Section 17 in the Town of Portage water ordinance.

Individual's visiting the premises of an authorized user in a recreational vehicle (this does not include mobile homes) and continues to live therein during the period of visitation, may receive water service from the service pipes or facilities of the host during the visitation period. The visitation period shall not exceed one hundred twenty (120) days total for the year, consisting of a single visitor or a combination of multiple visitors.

Continued use thereafter shall be deemed unauthorized use and will therefore be deemed a violation of the provisions of this part relating to separate connections and unauthorized use. Also see sections 14 & 15 of the Town of Portage water ordinance.

• **Parking:** All recreational vehicles shall be parked on personal property and may not be parked on Town property whether they are occupied or not in use.

• **Lots** occupied by recreational vehicles will be required to meet the same standards for cleanliness and fire safety as all other lots in the Town of Portage, both as presently stated and when future modifications are made.

With this resolution **2020-01**, the Town Council adopts these revised Planning and Zoning requirements governing Recreational Vehicles.

Approve at the Portage Town Council meeting held on August 12, 2020

Mayor Pro tem Tyson Nelson _____ Date: August 12, 2020

Attested: Clerk Katherine Munns _____ Date: August 12, 2020

Town of Portage

Resolution 2023-01

Water Rates 2023

Whereas the Town of Portage is required by ordinance to adopt a resolution amending, fixing, or changing water rates, and

Whereas the Town Council is currently charging a rate of:

\$45.00 per month for allotted base 30,000 gallons.

Base Rate and Overages

Usage	0 to 30,000 gal.	30,001 to 60,000 gal.	60,001 to 90,000 gal.	90,001 plus gal.
Base Rate	\$ 45.00			
Per 1,000 gal overage 30,000 base amt(rounded)	-	\$ 1.40	\$ 1.65	\$ 2.00

Cemetery will be billed \$1,000.00 per year, based upon previous years usage.

Pressurized Irrigation

Water can be purchased in 30,000 gallon increments, up to 240,000 gal max.

Cost is \$50 per 30,000 gallons.

Water must be used between the dates of June 1, 2023 and October 1, 2023.

Residents must be 100% current on all water bills to participate.

Please pay with separate check and state the desired amount in the note section. This must match the pay amount on the check as well.

Payment must be received by June 1, 2023. No late payments accepted.

No reimbursement for unused or unavailable water.

Town Council Votes:	Aye	Nay	Absent
Max Huggins	_____	_____	_____
Mariah Huggins	_____	_____	_____
Sam Patterson	_____	_____	_____
Terra Bell	_____	_____	_____
Tyson Nelson	_____	_____	_____

Passed and approved at Town Council Meeting April 12, 2023.

Max Huggins, Portage Mayor

Gina Marble, Portage Clerk