# PARADISE TOWN ZONING ORDINANCE

Adopted 1975

*** Amended November 25, 1987**

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# Z O N I N G  O R D I N A N C E

An Ordinance to regulate by districts or zones the location, height and bulk of buildings and other structures; the percentage of lot which may be occupied; and the size of courts, lots and other open spaces; the density and distribution of population; the location and use of buildings and structures for trade, industry, residence, recreation, public activities or other purposes; and the uses of land for trade, industry, recreation or other purposes and repealing all ordinances or parts of ordinances in conflict herewith.

Be it ordained by the TOWN BOARD OF PARADISE, State of UTAH as follows:

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## Chapter 1. GENERAL PROVISIONS

1-1. Short Title

This ordinance shall be known as the Zoning Ordinance of PARADISE, UTAH may be so cited and pleaded.

1-2. Purpose

This ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of PARADISE, UTAH, including amongst other things the lessening of congestion in the streets of roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the city's commercial and industrial growth, and the protection of both residential and non-residential development.

1-3. Interpretation

In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

1-4. Conflict

This ordinance shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

1-5. Effect Upon Previous Ordinance and Map

Any existing zoning ordinance of PARADISE, UTAH, including maps, is hereby superseded and amended to read as set forth herein; provided, however, that this ordinance shall be deemed a continuation of the previous ordinance, and not a new enactment, insofar as the substance of revisions of the previous ordinance is included, whether in the same or in different language; and this ordinance shall be so interpreted upon all questions of construction, including but not limited to questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming and nonconforming uses, buildings, or structures, and to questions as to dates upon which such uses, buildings or structures became conforming or nonconforming.

1-6. Vested Rights

(1)(a) An applicant is entitled to approval of a land use application if the application conforms to the requirements of Paradise Town zoning map and applicable land use ordinance in effect when a completed application is submitted and all fees have been paid, unless:

(i) The governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

(ii) In the manner provided by ordinance and before the application is submitted, the



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Municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

(b) Paradise Town shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:

(i) 180 days have passed since the proceedings were initiated; and

(ii) The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.

(c) An application for a land use approval is considered submitted and complete when the application is provide in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

(d) The continuing validity of an approval of a land use application is conditional upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(e) Paradise Town shall not impose on a holder of an issued land use permit a requirement that is not expressed.

(i) In the building permit or in documents on which the building permit is based.

(ii) In the ordinances.

(f) Paradise Town will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed.

(i) In the building permit or in documents on which the building permit is based.

(ii) In the ordinances.

(2) Paradise Town is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.******

1-7. Definitions

For the purpose of this ordinance, certain words and terms are defined as follows: (Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; words not included herein but defined in the Building Code shall be construed as defined herein.)

1. Agriculture. The tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

2. Agriculture Business or Industry. A business or industry involving agriculture products in packaging, treatment, sales, intensive feeding or storage, including but not limited to animal feed yards (see definition), fur farms, commercial milk production, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the Planning Commission.

3. Alley. A public thoroughfare twenty-six (26) feet or less in width.

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4. Animal Unit. The number of animals equivalent to one mature beef cow, based on the daily output (in pounds) of manure. The number of animal's equivalent to one animal unit is listed below.

| ANIMAL TYPE | NUMBER OF ANIMALS PER ANIMAL UNIT |
|---|---|
| Mature Beef Cow | 1.0 |
| Mature Dairy Cow | 0.6 |
| Young Cow (avg 750 lbs.) | 1.3 |
| Calf (avg 400 lbs) | 2.5 |
| Horse | 1.2 |
| Sheep | 11.5 |
| Lamb | 17.2 |
| Feeder Swine | 9.0 |
| Breeder Swine | 4.0 |
| Goat | 17.2 |
| Kid | 34.4 |
| Chicken | 588.0 |
| Mink / Rabbit | 574.0 |

5. Apartment Court. Any building or group of buildings which are dwelling units; See Dwelling, Group.

6. Basement. A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (½) or more above grade.

7. Basement Apartment. The basement portion of a building which does not exceed the size or configuration of the structure above and which is designed and arranged for use as a dwelling unit independent of the main dwelling.

8. Boarding House. A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.

9. Building. Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

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

11. Building Height. *** The height of a building is measured from the grade to the highest point of the building.

12. 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 upon a lot.

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13. Building, Public. A building owned and operated or owned and intending to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivision.

14. Carport. A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.

15. Child Nursery. An establishment for the care and/or instruction, whether or not for compensation, of six (6) or more children other than the members of the family residing on the premises.

16. Conditional Use. A use of land for which a conditional use permit is required pursuant to provisions of this ordinance.

17. Dairy. * An operation certified to sell raw milk for pasteurization.

18. Dwelling. Any building or portion thereof, which is designed for use for residential purposes, except the following: hotels, apartment hotel, boarding houses, lodging houses; motels, apartment motels, fraternities, sororities, trailers, mobile homes or dormitories.

19. Dwelling, Single-family . A building arranged or designed to be occupied by one family, the structure having only one (1) dwelling unit.

20. Dwelling, Two-family. A building arranged or designed to be occupied by two families, the structure having only two (2) dwelling units.

21. Dwelling, Three-family. A building arranged or designed to be occupied by three families, the structure having only three (3) dwelling units.

22. Dwelling, Four-family. A building arranged or designed to be occupied by four families, the structure having only four (4) dwelling units.

23. Dwelling, Multiple-family. A building arranged or designed to be occupied by more than four (4) families.

24. Dwelling, Group. One or more dwelling structures arranged along two sides or two sides and one end of a court.

25. Dwelling Unit. One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having kitchen facilities for the use of not more than one family (other than hot plates or other portable cooking units.)



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26. Family. *** Any number of persons related by blood, up to and including the second degree of consanguinity, marriage, or adoption, or up to two, unrelated individuals, occupying a dwelling unit and living as a single house-keeping unit, as distinguished from renters, roomers or as a group occupying a boarding house, lodging house hotel, as herein defined, whether or not such renters, roomers or group pay any consideration for occupying the premises.

27. Feedyard.* The keeping of more than four (4) animal units per 1 1/4 acre lot and any additional animal units exceeding one animal unit for each 1/4 acre. Offspring of the above permitted cattle, horses, sheep and swine less than 12 months in age may be kept in addition to the permitted number of animal units.

28. Fowl and Animals for Recreation or for Family Food Production. * The keeping of not more than four (4) animal units per 1 1/4 acre lot. For lots greater than 1 1/4 acre, one additional animal unit may be allowed for each additional 1/4 acre over 1/ 1/4 acre. Offspring of the above permitted cattle, horses, sheep, and swine less than 12 months in age may be kept in addition to the permitted number of animal units.

29. Frontage. All property fronting on one side of the street intersecting or intercepting streets, or between a street and a right 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.

30. Garage, Private. An accessory building designed or used for the storage of not more than (4) automobiles owned and used by the occupants of the building to which it is an accessory, provided that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of two (2) times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common.

31. Garage, Public. A building or portion thereof, other than a private garage designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

32. Grade. *** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and a line five (5) feet from the building.

33. Home Occupation. Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is not display, nor stock in trade. Home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building, not normally associated with residential use. Home occupation shall include the



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use of the home by a beautician, physician, surgeon, dentist, lawyer, clergyman, engineer, or other professional person for consultation or emergency treatment, but not for the general practice of trade or profession. Home occupation shall include the care of not more than five (5) children other than members of the family residing in the dwelling, the teaching of not more than five (5) students in tennis, swimming or academic subjects (at one time). Home occupation in a multiple dwelling unit (two or more units) will be considered one of the units in determining the allowable number of units.

34. Household Pets. Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this ordinance.

35. Junkyard. The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals, or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any use permitted in the zone.

36. Junk. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

37. Kennel. The keeping of three (3) or more dogs at least four (4) months old.

38. Local Jurisdiction. The legal government institution of PARADISE, UTAH.

39. Lodging House. A building where lodging only is provided for compensation to five (5) or more persons.

40. Lot. A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this ordinance and having frontage upon a street. Except for group dwellings, not more than one (1) dwelling structure shall occupy any one (1) lot.

41. Lot, Corner. A lot abutting on two intersections or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty five (135) degrees.

42. Lot, Interior. A lot other than a corner lot.

43. Motel. A group of attached or detached buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

44. Natural Waterways. Those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the Building Inspector, in



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which areas no buildings shall be constructed.

45. Nonconforming Building or Structure. A building or structure or portion thereof, lawfully existing at the time this ordinance became effective, which does not conform to the height, area and yard regulations herein prescribed in the zone in which it is located.

46. Nonconforming Use. A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

47. Parking Lot. An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

48. Parking Space. Space within a building, lot, or parking lot for the parking or storage of one (1) automobile.

49. Restricted Lot. * A parcel of land severed or placed in separate ownership after July 13, 1983, and which does not meet all area, width, yard, and other requirements of this ordinance for a lot; but the creation of which has caused any adjacent lot from which it was severed to be insufficient in area, width, setback, yard, or coverage requirements when such adjacent lot has a structure on it. (See 2-11)

50. Setback, Measurement. *** Setback is measured from the furthest protrusion of the foundation of the building.

51. Sign. Any device used for visual communication to the general public and displayed out-of-doors, including signs painted on exterior walls and interior illuminated signs to be viewed from out-of-doors, but not including any flag, badge or ensign of any governmental agency.

52. 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.

53. Sign, Business. A sign which directs attention to use conducted, product or commodity sold, or service performed upon the premises.

54. Sign, Property. A sign related to the property on which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer or developer or the project, or warning against trespassing.

55. Sign, Temporary. Temporary signs shall include any sign, banner, pennant or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light



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materials, with or without frames, intended to be displayed for a short period of time only.

56. Stable, Private. A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

57. Stable, Public. A stable other than a private stable.

58. Story. The space within a building included between the surface floor and the surface of the ceiling next above.

59. Story, Half. A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two thirds (2/3) or the floor immediately below it.

60. Street. A public thoroughfare which affords principal means of access to abutting property, and is more than twenty-six (26) feet wide.

61. Structure. Anything constructed or erected, which requires location on the ground or attached to something having location on the ground.

62. Structural Alterations. Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

63. Trailer, Mobile Home or Camper. A vehicle with or without motive power or wheels, designed to be used for human habitation.

64. Trailer or Mobile Home Park. Any area or tract of land used or designed to accommodate two (2) or more trailers, mobile homes or camping parties.

65. Use, Accessory. A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

66. Veterinary or Animal Hospital. A building and runs where both large and small animals are kept and/or treated by a licensed veterinarian.

67. Width of Lot. The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard

68. Yard. A space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings except as otherwise provided herein.

69. Yard, Front. A space on the same lot with a building, between the front line of the building, (exclusive of steps) and the front lot line, and extending across the full width of the lot.

70. Yard, Rear. A space on the same lot with a building, between the rear line of the building (exclusive of steps and chimneys) and the rear line of the lot and extending the full width of



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the lot.

71. Yard, Side. A space on the same lot with a building, between the side line of the building (exclusive of steps or open stairways) and the side line of the lot and extending from the front yard line to the rear yard line.

* Amended Nov. 25, 1987
*** Amended Jan. 3, 2001

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## Chapter 2. SUPPLEMENTARY AND QUALIFYING REGULATIONS

2-1. Effect of Chapter
The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this ordinance.

2-2. Lots in Separate Ownership
The requirements of this ordinance, as to minimum lot area or lot width, shall not be construed to prevent the use for a single family dwelling of any lot or parcel of land in the event that such lot or parcel of land was held in separate ownership at the time of the adoption of the zoning ordinance.

2-3. Yard Space for One Building Only
No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance, shall be considered as providing an open space or yard for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

2-4. Every Dwelling to be on a "lot".
Every dwelling shall be located and maintained on a "lot" as defined in this ordinance.

2-5. Separately Owned Lots - Reduced Yards
On any lot under a separate ownership from adjacent lots and recorded at the time of passage of the zoning ordinance and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width, provided that on interior lots, the smaller of the two yards shall be in no case less than five (5) feet, or the larger less than (8) feet, and for corner lots the side yard on the side street shall be in no case less than fifteen (15) feet or the other side yard be less than five (5) feet.

2-6. Private Garage with Side Yard - Reduced Yards
On any interior lot where a private garage, containing a sufficient number of parking spaces to meet the requirements of this ordinance, has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard.

2-7. Yards to be Unobstructed - Exceptions
Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, roof overhang, chimneys, flues and other ornamental features which project into a yard not more than four (4) feet and open or lattice enclosed fire escapes, fireproof outside stairways and balconies upon fire towers projecting into a yard not more than five (5) feet.

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2-8. Area of Accessory Buildings

No accessory building or group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard.

2-9. Minimum Height of Main Buildings

No dwelling shall be erected to a height less than one (1) story above grade.

2-10. Clear View of Intersecting Streets

In all zones which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (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 and pumps at gasoline service stations.

2-11. Restricted Lot *

No building permits will be issued for restricted lots. (Individuals owning restricted lots that were created between 1975 and July 13, 1983, and upon which buildings existed prior to July 13, 1983, may apply for building permits if it can be shown that the proposed construction will comply with the yard regulations described in sections 13-5 and 13-6 of the Zoning Ordinance.)
(See 1-6-49)

2-12. Coverage Regulations

In no zone shall be a building or group of buildings with their accessory buildings cover more than sixty (60) percent of the area of the lot.

2-13. Mobile Home Parks

Mobile home park developments shall comply with the following requirements:

1. Minimum area of two acres.
2. Individual mobile home spaces shall be a minimum of fifty (50) feet in width and one hundred (100) feet in length.
3. A fifteen (15) foot wide landscaped space shall be planted around the outside boundary of the mobile home park.
4. No trailer shall extend closer than fifteen (15) feet to any property line.
5. An area equal to ten (10) percent of the mobile home park shall be developed for recreational use.
6. Water supply, sewage disposal and common laundry and restroom facilities shall be approved by the Board of Health.
7. Driveways shall be a minimum of twenty-four (24) feet, curb to curb.
8. Automobile stalls shall be a minimum of ten (10) feet in width and there shall be area to park two automobiles for each trailer space.
9. The mobile home park site shall be enclosed with a six (6) foot masonry or solid board fence, except for driveways. Said wall shall be located at the front setback line in the front yard.

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10. The maximum allowable density shall not exceed seven (7) mobile home units per gross acre.
11. Site plan shall be approved by the Planning Commission.

2-14. Nuisance and Abatement

Any building or structure erected, constructed, altered, enlarged, converted or maintained contrary to the provisions of this Ordinance, and any use of land or premise including any portion thereof established, conducted or limited to a premise used as a junkyard as defined herein, shall be, and the same hereby is declared to be unlawful and a public nuisance; and the local attorney shall, upon request of the governing body, at once commence action or proceedings for abatement and removal or enjoinment thereof in a manner provided by law, and take such other steps as will abate and remove such building or structure or use, and restrain or enjoin any person, firm or corporation from erecting, building, maintaining or using said building or structure or property contrary to the provisions of this Ordinance.

* Amended Nov. 25, 1987

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## Chapter 3. NONCONFORMING BUILDINGS AND USES

3-1. Maintenance Permitted
A nonconforming building or structure may be maintained.

3-2. Repairs and Alterations
Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

3-3. Additions, Enlargements and Moving

1. A building or structure nonconforming as to use regulations shall not be added to or enlarged in any manner, unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located, except as permitted by the Board of Adjustment.

2. A building or structure nonconforming as to height, area or yard regulations shall not be enlarged in any manner unless such enlargement conforms to all the regulations of the zone in which it is located except as permitted by the Board of Adjustment.******

3-4. 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.

3-5. Restoration of Damaged Buildings
A nonconforming building or structure or a building or structure occupied by a nonconforming use 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 damage or destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

3-6. Five 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 five (5) years, except for dwellings, shall not thereafter be occupied by a use except one which conforms to the use regulations of the zone in which it is located.

3-7. Continuation of a Use
The occupancy of a building or structure by a nonconforming use, existing at the time this ordinance became effective, may be continued.

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3-8. 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 (1) year after the use became nonconforming.

3-9. 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.

3-10. 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 extended or expanded either on the same or adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this ordinance.

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## Chapter 4. BOARD OF ADJUSTMENT

4-1. Organization

A Board of Adjustment is hereby established and shall consist of five (5) members appointed by the TOWN BOARD OF PARADISE, UTAH, for a term of five (5) 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 vacancy occurring on the Board by reason of death, resignation, removal or disqualification shall be promptly filled by the TOWN BOARD for the unexpired term of such member. One member shall be a member of the PARADISE, UTAH Planning Commission.

4-2. Duties and Powers of Board

1. It shall be the duty of such Board to hear all appeals taken by any person aggrieved or by any officer, department, board or bureau of the Local Jurisdiction affected by any decision of the officer in charge of the administration of this ordinance. Said Board shall adopt rules for the regulation of its procedure and conduct of its duties not inconsistent with the provisions of this ordinance or of the state law.

2. In addition to any other powers given by state law or local ordinance, the Board, after proper notice and public hearing shall have the following powers:

   a. **Variances**. When by reason of exceptional Narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of this provisions of this ordinance would result in peculiar and exceptional and undue hardships upon the owner of the property, the Board may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

   b. **Special Exceptions**. The Board may permit a temporary building for commerce or industry or residential use, which building is incidental to a permitted use, such permit to be issued for a period of not more than one (1) year.

   c. **Interpretation.**

      (1) The Board may interpret the zoning map.

      (2) The Board may hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, decision or refusal made in the enforcement of this ordinance.

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d. **Special Questions.**

(1) Where a zone boundary line divides a lot in single ownership at the time of the passage of this ordinance, the Board may permit a use authorized on either portion of such lot to extend not more than fifty (50) feet into the portion of the lot.

(2) The Board may permit the building of a dwelling upon a lot which does not have a frontage upon a street.

(3) The Board may permit the enlargement of or addition to a nonconforming building or structure or a building or structure housing a nonconforming use.

(4) The Board may permit the relocation on a lot of a nonconforming building or structure or a building or structure housing a nonconforming use.

(5) The Board may reduce the amount of off-street parking required, where acquisition of land for such use would cause exceptional hardship

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## Chapter 5. PARKING AND LOADING SPACE

5-1. Off-street Parking Required

There shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions of ingress and egress by standard-sized automobiles as hereinafter provided.

5-2. Parking Space for Dwellings

In all zones there shall be provided in a private garage, or in an area properly located for a future garage, a hard surfaced space for the parking of one (1) automobile for the first 600 six hundred square feet or fraction thereof of gross floor area in a new dwelling, plus one extra parking stall for each additional eight hundred (800) square feet or fraction thereof, plus one (1) additional parking space for each six hundred (600) additional square feet of such space added in the case of the enlargement of an existing building. In no case shall there be less than one (1) such parking space for each dwelling unit. There shall be no change of use without the attendant space to accommodate the increased off-street parking needs. A minimum parking space shall be at least nine (9) feet by twenty (20) feet.

5-3. Parking Space for Buildings or Uses other than Dwellings

For a new building, or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building, there shall be at least one (1) permanently maintained parking space of not less than one hundred eighty (180) square feet net area as follows:

1. For church, school, college and university auditoriums and theaters, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said buildings or structures.

2. For hospitals, at least one (1) parking space for each two (2) beds, including infants cribs and children's beds. For medical and dental clinics, at least fifteen (15) parking spaces, provided that three (34) additional parking spaces shall be provided for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.

3. For tourist courts and apartment hotels, at least one (1) parking space for each individual sleeping or living unit; for hotels and apartment hotels, at least one (1) parking space for each two (2) sleeping rooms up to and including the first twenty (20) sleeping rooms, and one parking space for each three (3) sleeping rooms over twenty (20) sleeping rooms.

4. For boarding houses, lodging houses, dormitories, fraternities or sororities, at least one (1) parking space for every one and one-half (1-1/2) persons of whose accommodation the building is designed or used.



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5. For restaurants or establishments that serve meals, lunches or drinks to patrons either in their cars or in the building, for retail stores selling directly to the public, and recreational places of assembly, at least one (1) parking space for each one hundred (100) square feet of floor space in the building, and one (1) parking space for each two (2) employees working on the highest employment shift, or five (5) parking spaces, whichever requirement is the greater.

6. For mortuaries, at least thirty (30) parking spaces; for liquor stores, at least twenty (20) parking spaces.

7. For all business or industrial uses not listed above, not providing customer services on the premises, one (1) parking space for each two (2) employees working on the highest employment shift.

8. In no case shall a building be constructed, altered or increased where, if the foregoing parking provisions are inadequate to provide sufficient spaces for all employees and customers combined, the provision of adequate parking spaces shall supersede any and all foregoing formulas.

5-4. Location of Parking Spaces

Parking space, as required above, shall be on the same lot with the main building, or, in the case of buildings other than dwellings, may be located not farther than five hundred (500) feet there from.

5-5. Parking Lot Regulations

Every parcel of land hereafter used as a parking lot shall be paved with a surfacing material of oil, asphalt or concrete composition and shall have appropriate bumper guards where needed as determined by the Building Inspector. Any light used to illuminate the lot shall be so arranged as to reflect the light away from adjoining premises in any residential zone.

5-6. Off-street Truck Loading Space

On the same premises with every building, structure or part thereof, erected and occupied or increased in capacity after the effective date of this ordinance, for manufacturing, storage, warehouse, goods display, department store, grocery, hotel, hospital, mortuary, laundry, dry-cleaning or other use similarly involving the receipt or distribution by vehicle of materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets, or alleys. (Such space, unless otherwise adequately provided for, shall include a minimum fourteen (14) feet height clearance for every twenty-thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of land use for above-mentioned purposes.)

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## Chapter 6. MOTOR VEHICLE ACCESS

6-1. Business Requiring Access

Service stations, roadside stands, public parking lots and all other business requiring motor vehicle access shall meet the requirements as hereinafter provided or as prescribed in the Utah State Department of Highways manual entitled "Regulations for the Control and Protection of State Highway Rights-of-way," (whichever requirements are the greater.)

6-2. Roadways and Curbs

Access to the station or other structure of parking lot shall be controlled as follows:

1. Shall be by not more than three (3) roadways for each one hundred (100) feet of fraction thereof of frontage on any street, and in no event shall such roadways exceed in width seventy (70) percent of the entire street frontage.

2. No two (2) of said roadways shall be closer to each other than twelve (12) feet and no roadway shall be closer to a side property line than one and one-half (1-1/2) feet.

3. Each roadway shall be not more than thirty-six (36) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.

4. No roadway shall be closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.

5. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the town engineer. Maximum and minimum curb return radii permitted and minimum roadway approach angles to the center line of the street are required as shown in the manual and made by this reference as much a part of this ordinance as if fully described and detailed herein.

6. Where there is no existing curb and gutter or sidewalk, the applicant may, at his option, install such safety island and curb or, in place thereof, shall construct along the entire length of the property line, except in front of the permitted roadways, a curb, fence, or pipe rail not exceeding two (2) feet or less than eight (8) inches in height.

6-3. Location of Gasoline Pumps

Gasoline pumps shall be set back not less than eighteen (18) feet from any street line to which the pump island is vertical and twelve (12) feet from any street line to which the



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pump island is parallel, and not less than ten (10) feet from any residential or zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

## Chapter 7. CONDITIONAL USES

7-1. Purpose

To provide for the regulation of uses to insure their compatible integration in the land use pattern of PARADISE, UTAH.

7-2. Conditional Use Permit

An approved conditional use permit shall be required for each conditional use listed in this ordinance. No building permit or license shall be issued for a conditional use by any officer, agent or employee of the Local Jurisdiction unless a conditional use permit shall have been approved.

1. **Application.** Application for a conditional use permit shall be made at the office of the PARADISE, UTAH Planning Commission on forms provided for that purpose.

2. **Development Plan.** The applicant for a conditional use permit shall prepare a site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Planning Commission may deem necessary.

3. **Fee.** The conditional use permit fee shall be a $500.00 deposit to cover all expenses. If expenses are less, the balance will be refunded to applicant, any additional expenses need to be paid in full prior to approval.******

4. **Hearing.** A hearing need not be held; however, a hearing may be held when the Planning Commission shall deem a hearing to be necessary to serve the public interest.

5. **Planning Commission Action.** The Planning Commission may approve, modify and approve, or deny the conditional use application. In approving any conditional use, the Planning Commission shall impose regulations and conditions as are necessary to protect the public welfare.

6. **Conditional Use.** In approving a conditional use, the Planning Commission shall find:

   a. That the proposed use is necessary or desirable and will contribute to the general well-being of the community.

   b. That the use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.



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c. That the proposed use will comply with the regulations of this ordinance.

d. That the proposed use is in harmony with an overall development plan.

7. **Appeals.** Appeal of any decision of the Planning Commission shall be to the TOWN BOARD. Appeals shall be in writing and shall be filed at the office of the TOWN BOARD not more than (10) working days after the decision by the Planning Commission. The TOWN BOARD may affirm, modify or reverse the decision of the Planning Commission. However, the TOWN BOARD shall present, in writing, the reasons for its actions.

8. **Inspection.** The Building Inspector shall inspect the conditional use during the course of construction to insure that it complies with the conditions of the use permit.

9. **Time Limit.** A conditional use permit shall be null and void one year after approval unless substantial work shall have been accomplished toward its completion.

10. **Revocation.** A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit.

11. **Review.** All conditional use permits will be reviewed a minimum of every 5 years for compliance with original permit.******

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## Chapter 8. SIGNS

8-1. Signs Allowed

The following described signs shall be allowed as indicated in the accompanying table.

| **Type of Sign (see definitions)** | **Maximum Size in Feet** | **Maximum Height in Feet[@]** | **Permitted Use Zone** | **Type of Illumination** |
|---|---|---|---|---|
| Business | 8x20 | 35 | CN | Indirect Flood |
| Name Plate | 1x2 | 8 | All Zones | Indirect |
| Property | 2x3 | 8 | All Zones | None |
| Temporary | 8x12 | 16 | All Zones | None |

[@] The distance from the top of the sign to the ground supporting it.

8-2. Animated, Flashing, Intermittent Signs

Animated, flashing or intermittent signs are not allowed in any of the zones in this ordinance.

8-3. Illumination

All signs, except business signs shall be illuminated by indirect lighting, the source of which shall not be visible from the street. In no case shall direct rays of light be permitted to penetrate a property in a residential zone or used for residential purposes.

8-4. Location of Signs

All signs shall maintain a clear view of intersecting streets as provided in this ordinance. In any zone requiring a front yard, all ground signs in that zone shall adhere to the front yard requirements.

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## Chapter 9. BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

9-1. Building Permit Required

The construction, alteration, repair, removal or occupancy of any structure or any part thereof, as provided or as restricted in this ordinance, shall not be commenced or proceeded with, except after compliance with the provisions for a building permit as enforced by the Local Jurisdiction.

9-2. Certificate of Occupancy Required

No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use, until a certificate of occupancy shall have been issued by the Building Inspector, stating that the building or the proposed use thereof, or the use of the land, complies with the provisions of this ordinance or for the renewing, changing, or extending of a nonconforming use. A certificate of occupancy either for the whole or a part of a building or structure shall be applied for coincidentally with the application for a building permit, and shall be issued within the ten (10) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed in conformity with the provisions of this ordinance.

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## Chapter 10. ADMINISTRATION

10-1. Building Inspector to Enforce
The Building Inspector, appointed under the provisions of the Building Code is hereby designated and authorized as the officer charged with the enforcement of this ordinance, but by resolution or ordinance the TOWN BOARD may from time to time entrust such administration, in whole or in part, to any other office of PARADISE, UTAH without amendment to this ordinance.

10-2. Permits to Comply with Ordinance
From the time of the effective date of this ordinance, the Building Inspector shall not grant a permit for the construction or alteration of any building or structure or the moving of a building or structure onto a lot, if such building or structure would be in violation of any of the provisions of the ordinance nor shall any officer of the Local Jurisdiction grant any permit or license for the use of any building or land if such use would be in violation of this ordinance.

10-3. Powers and Duties of Building Inspector
It shall be the duty of the Building Inspector to inspect or cause to be inspected all buildings in the course of construction or repair. He shall enforce all of the provisions of this ordinance, entering actions in the court when necessary, and his failure to do so shall not legalize any violation of such provisions. The Building Inspector shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration and use fully conform to all zoning regulations then in effect.

10-4. Changes and Amendments
This zoning ordinance, including the maps, may be amended from time to time by the TOWN BOARD after fifteen (15) days notice and public hearing, but all proposed amendments shall be first proposed by the Planning Commission or shall be submitted to the Planning Commission for its recommendation which shall be returned to the TOWN BOARD for its consideration within thirty (30) days. Failure of the Planning Commission to submit its recommendation within the prescribed time shall be deemed approval by such Commission of the proposed change or amendment. The TOWN BOARD may overrule the Planning Commission's recommendations by a majority vote of its members.

10-5. Areas Annexed ****
Areas Annexed: New areas annexed to PARADISE, UTAH, shall conform to the current annexation plan. One (1) block to the north, west, and south, around current corporate limits shall automatically be classified as R-1.25. All other areas shall automatically be classified as RA-5, until such classification shall have been changed by amendment to the zoning ordinance as provided by law.

10-6. Licensing
All departments, officials and public employees of PARADISE, UTAH which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this



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ordinance and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this ordinance and any such permit or license, if used in conflict with the provisions of the ordinance shall be null and void.

10-7. Penalties

Any person, firm or corporation whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this ordinance shall be guilty of a misdemeanor, such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continues or is permitted by such person, firm or corporation.

10-8. Validity

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 to be invalid.

**** Amended May 7, 2003

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## Chapter 11. ZONES

11-1. Establishment of Zones

For the purpose of this ordinance, the following three (3) zones are created to be applied as necessary to regulate the development of land in PARADISE, UTAH.

| | |
|---|---|
| RESIDENTIAL AGRICULTURAL | RA |
| SINGLE FAMILY RESIDENTIAL | R |
| NEIGHBORHOOD COMMERCIAL | CN |

11-2. Boundaries of Zones

The boundaries of each of the said zones are hereby established as described herein or shown on the map entitled "ZONING MAP OF PARADISE, UTAH," which map is attached to this ordinance and all boundaries, notations and other data shown thereon are made by this reference as much a part of this ordinance as if fully described and detailed herein.

11-3. Filing of Ordinance and Map

This ordinance and map shall be filed in the custody of the TOWN RECORDER of PARADISE, UTAH, and may be examined by the public, subject to any reasonable regulations established by the TOWN RECORDER.

11-4. Rules for Locating Boundaries

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

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 such zone.

2. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway, or railroad right-of-way, or public park or other public land or any section line, then in such case, the center of such stream, canal or waterway, or of such railroad right-of-way or the boundary lines of such public land or such section line shall be deemed to be the boundary of such zone.

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

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## Chapter 12. RA - RESIDENTIAL AGRICULTURAL ZONE

12-1. Purpose

To provide areas for large lot residential estate neighborhoods of a rural character together with limited number of livestock for the benefit and enjoyment of the residents of the neighborhood.

12-2. Permitted Uses

1. Agriculture as defined herein
2. Animals and fowl for recreation or family food production
3. Household pets
4. Home occupation
5. Name plates
6. Single-family dwelling
7. Accessory buildings and uses
8. Sale of home demonstration products
9. Mobile homes

12-3. Conditional Uses

1. Church
2. Public School
3. Public park and playground
4. Public buildings
5. Agricultural Business or Industry*
   Individuals wishing to construct or expand an agricultural business or industry must submit an application showing that storage facilities contain adequate cubic feet for:

   A. Wastes based on number and average weight of animal type for 50 days.

   B. Runoff based on 12" of precipitation calculated for the surface area of all buildings and land which drains into and throughout the corral and waste

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storage facilities.

C. Liquid wastes flushed from milk parlors based on 5 gallons per dairy cow per day.

12-4. Height Regulations

No building shall exceed two and one-half stories or 35 feet in height.

12-5. Area, Width and Yard Regulations

| District | Area | Width In Feet | Yards in Feet Front | Side | Rear |
|---|---|---|---|---|---|
| RA-5 | 5 Acres | 300 | 30 | 12 x 12 | 30 |

12-6. Modifying Regulations ***

**Side Yards** ***- main dwelling and accessory buildings shall have a minimum side yard of twenty (20) feet and the total of the two side yards shall be forty (40) feet. Accessory buildings located at least ten (10) feet behind the main dwelling and under ten (10) feet at the highest point from grade must have at least a five (5) foot setback. Building height between ten (10) feet and twenty (20) feet at the highest point from grade must have at least a ten (10) foot setback. Building height between twenty (20) feet and thirty-five (35) feet at the highest point from grade must have at least a fifteen (15) foot setback.

All structures will have a setback of thirty (30) feet on all adjacent streets.

**Rear Yards** ***- Accessory buildings located at least ten (10) feet behind the main dwelling and under ten (10) feet at the highest point from grade must have at least a five (5) foot setback. Building height between ten (10) feet and twenty (20) feet at the highest point from grade must have at least a ten (10) foot setback. Building height between twenty (20) feet and thirty-five (35) feet at the highest point from grade must have at least a fifteen (15) foot setback.

12-7. Mobile Home Regulations

Mobile homes shall be permitted on standard lots of five (5) acres or larger. To insure their compatibility with the general neighborhood, mobile homes shall be set on a permanent foundation of reinforced concrete or a combination of reinforced concrete and reinforced masonry block around the perimeter of the mobile home conforming to the latest building codes as adopted by PARADISE TOWN. Mobile homes shall have a minimum floor area of 720 square feet (single unit 12' x 60'). Mobile homes shall also conform to the latest edition of the American National Standards Institute NFPA 501B Standards for Mobile Home Body and Frame Design of Construction Requirements, Installation of Plumbing and Heating and Electrical Systems. (Sponsored by: Mobile Home Manufacturer's Association, National Fire Protection Association, Trailer Coach Association.)***

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12-8. Trash and Waste Storage ****

No trash, used materials, or wrecked or non-operational or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located within the residential agriculture zones with an opaque fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and/or hidden from the public or adjoining area view by appropriate fencing and/or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior the issuance of a building permit.

* Amended Nov. 25, 1987
*** Amended Jan. 3, 2001
**** Amended May 7, 2003

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## Chapter 13. SINGLE FAMILY RESIDENTIAL ZONE

13-1. Purpose

1. To provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment of, with proper controls, the public and semi-public uses such as churches, schools, libraries, parks and playgrounds, which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

2. It shall be unlawful for any person or groups of persons to occupy a home or residence in a residential single family zone in violation of this ordinance, said violation being contrary to the definition of family hereinbefore established. Any person or persons found violating the ordinances described herein shall be subject to an action by the Town of Paradise for eviction from the premises under the terms and conditions otherwise required.**

13-2. Permitted Uses

1. Agriculture, as defined herein

2. Single-family dwellings

3. Household pets

4. Accessory uses and buildings

5. Home occupation

6. Animals and fowl for recreation and family food production

7. Name plates

8. Sale of home demonstration products

9. Mobile homes

13-3. Conditional Uses

1. Church

2. Library, public

3. Parking lot for permitted use

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4. Public building

5. Park or playground, public

6. Public utility

7. Public school

8. Mobile home park

9. Basement apartment with the full facilities of a two-family dwelling

10. Agricultural business or industry*
Individuals wishing to construct or expand an agricultural business or industry must submit an application showing that storage facilities contain adequate cubic feet for:

a Wastes based on number and average weight of animal type for 150 days.

b Runoff based on 12" of precipitation calculated for the surface area of all buildings and land which drains into and throughout the corral and waste storage facilities.

c Liquid wastes flushed from milk parlors based on 5 gallons per dairy cow per day.

13-4. Height Regulations ***
No main or accessory building shall exceed thirty-five (35) feet at the highest point from grade.

13-5. Area, Width and Yard Regulations

| District | Area(min.) | Lot in Feet(min.) | | Yards in Feet(min.) | | |
|---|---|---|---|---|---|---|
| | | Width | Depth | Front | Side | Rear |
| R - 1.25 | 1 - 1/4 Acres | 165 | 330 | 30 | 20 x 25 | 35 |

13-5a ***** Conforming lots are 1.25 acre minimum and 165 x 330. However if there is a pre-existing obstacle, then a reduction of eight feet (8) in either direction, but not both directions can apply. There may be no reduction of the 1.25 acre area requirement.

13-6. Modifying Regulations ***
**Side yards** ***- main buildings other than dwellings shall have a minimum side yard of twenty (20) feet and the total of the two side yards shall be fifty-five (55) feet. Accessory



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buildings located at least ten (10) feet behind the main dwelling and under ten (10) feet at the highest point from grade must have at least a five (5) foot setback. Building height between ten (10) feet and twenty (20) feet at the highest point from grade must have at least a ten (10) foot setback. Building height between twenty (20) feet and thirty-five (35) feet at the highest point from grade must have at least a fifteen (15) foot setback.

All structures will have a setback of thirty (30) feet on all adjacent streets.

**Rear Yards** ***- Accessory buildings located at least ten (10) feet behind the main dwelling and under ten (10) feet at the highest point from grade must have at least a five (5) foot setback. Building height between ten (10) feet and twenty (20) feet at the highest point from grade must have at least a ten (10) foot setback. Building height between twenty (20) feet and thirty-five (35) feet at the highest point from grade must have at least a fifteen (15) foot setback.

13-7. Mobile Home Regulations

Mobile homes shall be permitted on standard lots of 1.25 acres or larger. To insure their compatibility with the general neighborhood, mobile homes shall be set on a permanent foundation of reinforced concrete or a combination of reinforced concrete and reinforced masonry block around the perimeter of the mobile home, conforming to the latest building codes as adopted by PARADISE TOWN. Mobile homes shall have a minimum floor area of 720 square feet (single unit 12' x 60'). Mobile homes shall also conform to the latest edition of the American National Standards Institute NFPA 501B Standards for Mobile Home Body and Frame Design of Construction Requirements, Installation of Plumbing and Heating and Electrical Systems. (Sponsored by: Mobile Home Manufacturer's Association, National Fire Protection Association, Trailer Coach Association.).***

13-8. Trash and Waste Storage ****

No trash, used materials, or wrecked or non-operational or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located within the single family residential zones with an opaque fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and/or hidden from the public or adjoining area view by appropriate fencing and/or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior the issuance of a building permit.

* Amended Nov. 25, 1987
** Amended Sept. 29, 1994
*** Amended Jan. 3, 2001
**** Amended May 7, 2003
***** Amended July 5, 2006

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## Chapter 14. CN - NEIGHBORHOOD COMMERCIAL ZONE

14-1. Purpose
To provide areas of convenience shopping for the residents of the neighborhood.

14-2. Permitted Uses
All uses, subject to conditional use permit.

14-3. Conditional Uses

1. Grocery store
2. Drug store
3. Automobile service station
4. Bakery
5. Dry cleaning and laundry pickup
6. Beauty shop
7. Barber shop
8. Ice cream store
9. Variety store
10. Medical and dental offices
11. Professional office
12. Business sign
13. Single-family dwelling that meets all requirements of chapter 13 single family residential zone.******
14. Public utilities
15. Other uses approved by the Planning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses.

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16. Accessory buildings and uses
17. Wireless telecommunication facilities. ******

14-4. Height Regulations

No buildings shall be erected to a height greater than two and one-half stories or 35 feet.

14-5. Area, Width and Yard Regulations

| District | Area | Width | Yards in Feet | | |
|---|---|---|---|---|---|
| | | | Front | Side | Rear |
| CN | 10,000 Square feet | No Requirement | 20 | None except 10 feet where Side yard abuts an Agricultural or Residential Zone and 20 feet where side yard is adjacent to a street | None except 10 feet where rear yard abuts an Agricultural or Residential Zone |

14-6. Trash and Waste Storage****

No trash, used materials, or wrecked or non-operational or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located within the neighborhood commercial zones with an opaque fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and/or hidden from the public or adjoining area view by appropriate fencing and/or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials or chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior the issuance of a building permit.

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## Chapter 15. OUTDOOR LIGHTING

15-1. Purpose

The residents of Paradise value the town's rural qualities, including the ability to view the stars against a dark sky. They recognize that inappropriate and poorly designed or installed outdoor lighting causes unsafe and unpleasant conditions, limits their ability enjoy the nighttime sky, and results in unnecessary use of electric power. On the other hand, it is also recognized that some outdoor lighting is appropriate. To ensure appropriate lighting while minimizing its undesirable side effects, the following regulations are established.

15-2. Permit Required:

On all properties the installation or replacement of any outdoor lighting fixtures shall require a zoning permit. Said permit may not be issued unless the proposed installation is found by the Planning Commission or the Zoning Administrator to conform to all applicable provisions of this section.

15-3. Creation of Lighting Districts:

For the purposes of this section, the zoning districts established elsewhere in these regulations are consolidated into lighting districts, as follows:

i. Lighting District 1 shall consist of the industrial districts and the high-density commercial districts.

ii. Lighting District 2 shall consist of the low-density commercial districts.

iii. Lighting District 3 shall consist of the single family residential districts.

iv. Lighting District 4 shall consist of the residential agricultural districts, the rural and agricultural districts, and the forestry or conservation districts.

15-4. General Requirements:

i. When the outdoor lighting installation or replacement is part of a development proposal for which site plan approval is required under these regulations, the Planning Commission shall review and approve the lighting installation as part of its site plan approval.

ii. Outdoor lighting installations involving the installation or replacement of two or fewer lighting fixtures (free standing or facade mounted) may be approved by the Zoning Administrator, provided that no single lamp (bulb) exceeds 150 watts, and that the total wattage of all bulbs in all fixtures does not exceed 300. All other installations must be approved by the Planning Commission.

iii. The applicant shall submit to the Town sufficient information, in the form of an



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overall exterior lighting plan, to enable the Town to determine that the applicable provisions will be satisfied. The lighting plan shall include at least the following:

A. A site plan, drawn to a scale of one inch equaling no more than twenty (20) feet, showing buildings, landscaping, parking areas, and all proposed exterior lighting fixtures;

B. Specifications for all proposed lighting fixtures including photometric data, designation as IESNA "cut-off" fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures;

C. Proposed mounting height of all exterior lighting fixtures;

D. Analyses and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this section;

E. Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.

iv. Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.

v. When an outdoor lighting installation is being modified, extended, expanded, or added to, the entire outdoor lighting installation shall be subject to the requirements of this section.

vi. Expansions, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrasts in color and/or lighting levels.

vii. Electrical service to outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles.

viii. Proposed lighting installations that are not covered by the special provisions in this section may be approved only if the Commission finds that they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels.

ix. For the purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture (i.e. luminaire).

x. Holiday lighting during the months of November, December, and January shall be



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exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.

xi. The Planning Commission may modify the requirements of this section if it determines that in so doing, it will not jeopardize achievement of the intent of these regulations.

15-5. Parking Lot Lighting:

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.

i. All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

ii. Alternatives: The design for an area may suggest the use of parking lot lighting fixtures of a particular "period" or architectural style, as either alternatives or supplements to the lighting described above.

A. If such fixtures are not “cut-off” fixtures as defined by ISENA, the maximum initial lumens generated by each fixture shall not exceed 2000 (equivalent to 150-watt incandescent bulb).

B. Mounting heights of such alternative fixtures shall not exceed fifteen (I5) feet.

iii. Parking area lighting standards in the various lighting district are as shown in Table 10.

iv. Parking area lighting in the low-density rural district: Parking areas in the low-density rural district shall not be illuminated unless there exist specific hazardous conditions which make illumination necessary. In such cases, the lighting shall meet the standards for the next higher lighting district.

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PARKING LOT LIGHTING STANDARDS

| | District 1 | District 2 | District 3 | District 4 |
|---|---|---|---|---|
| Mounting Height (Maximum)@ | 25 ft | 20 ft | 20 ft | Discouraged |
| Minimum Illumination Level (at darkest spot on the parking area) | No less than 0.3 fc no more than 0.5 fc | No less than 0.2 fc no more than 0.3 fc | No less than 0.2 fc no more than 0.3 fc | Discouraged |
| Uniformity Ratio @@ | 4:1 | 4:1 | 4:1 | Discouraged |
| Minimum CRI @@@ | 20 | 65 | 70 | Discouraged |

@ Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

@@ Uniformity ratio is the ratio of average illumination to minimum illumination.

@@@ CRI is the Color Rendering Index.

15-6. General Street Lighting Standards

A. General levels of illumination shall be consistent with guidelines published by the Illuminating Engineering Society of North America (ISENA), provided that the average illumination level may not exceed that specified in those guidelines by more than 0.2 foot-candles.

B. The uniformity ratio shall not exceed that suggested by the IESNA guidelines.

C. Lamps shall have a Color Rendering Index (CRI) of no less than 20.

D. Mounting heights shall not exceed thirty (30) feet.

E. Fixtures-All street lighting fixtures shall be "cut-off" fixtures as defined by IESNA. If necessary, fixtures shall include "house side shields" to minimize light directed to the rear of the fixtures.

15-7. Lighting of Gasoline Station/Convenience Store Aprons and Canopies:

1. Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose.

i. Areas on the apron away from the gasoline pump islands used for parking or vehicle



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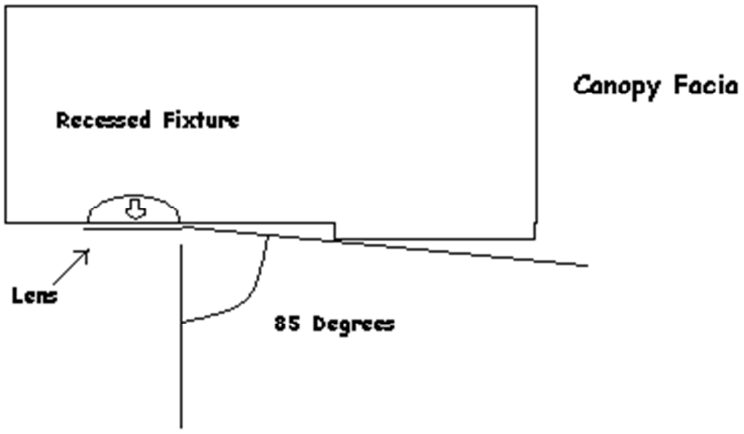
storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this chapter. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.

ii. Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 foot-candle and no more than 5.5 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1, which yields an average illumination level of no more than 22.0 foot-candles.

iii. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical, as shown in the following sketch.




Gas Pump Canopy

iv. As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

v. Lights shall not be mounted on the top or sides (fascias) of the canopy and the sides (fascias) of the canopy shall not be illuminated.

15-8. <u>Lighting of Exterior Display/Sales Areas:</u>

1. Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not e used to

attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. This designation must be approved by the Planning Commission.

i. Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas suggested elsewhere in this chapter.

ii. Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.

iii. Light fixtures shall meet the IESNA definition of cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

iv. Fixtures shall be mounted no more than twenty-five (25) feet above grade and mounting poles shall be located either inside the illuminated area or no more than ten (10) feet away from the outside edge of the illuminated area.

15-9. Lighting of Outdoor Performance Facilities:

1. Outdoor nighttime performance events (concerts, athletic contests, etc.) have unique lighting needs. Illuminates levels vary, depending on the nature of the event. The regulations in this section are intended to allow adequate lighting for such events while minimizing skyglow, reducing glare and unwanted illumination of surrounding streets and properties, and reducing energy consumption.

i. Design Plan: A lighting design plan shall be submitted which shows in detail the proposed lighting installation. The design plan shall include a discussion of the lighting requirements of various areas and how those requirements will be met.

ii. Dual System: The main lighting of the event (spotlighting or floodlighting, etc.) shall be turned off no more than forty-five (45) minutes after the end of the event. A low level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc. The low level lighting system shall provide an average horizon illumination level, at grade level, of no more than 3.0 foot-candles with a uniformity ratio (average to minimum) not exceeding 4:1.

iii. Primary Playing Areas: Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that

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no direct illumination is directed off the site.

iv. Parking Areas: Lighting for parking areas shall meet the requirements suggested elsewhere in this chapter.

v. Pedestrian Areas: Areas intended solely for pedestrian circulation shall be provided with a minimum level of illumination of no less than 0.1 foot-candles and no more than 0.2 foot-candles. A uniformity ratio of average illumination to minimum illumination shall not exceed 4:1.

vi. Security Lighting: Security lighting shall meet the requirements suggested elsewhere in this chapter.

15-10. Security Lighting:

1. The purpose of and need for security lighting (i.e. lighting for safety of persons and property) must be demonstrated as part of an overall security plan which includes at least illumination, surveillance, and response, and which delineates the area to be illuminated for security purposes. To the extent that the designated area is illuminated for other purposes, independent security lighting installations will be discouraged.

i. In addition to the application materials set forth in the general provisions of this section, applications for security lighting installations shall include a written description of the need for and purposes of the security lighting, a site plan showing the area to be secured and the location if all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross-sections showing how light will be directed only onto the area to be secured.

ii. All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general flood-lighting fixtures shall be discouraged.

iii. Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level eight (8) feet above grade or eight (8) feet above the bottoms of doorways or entries, whichever is greater.

iv. Security lighting fixtures may be mounted on poles located no more than ten (10) feet from the perimeter of the designated secure area.

v. Security lights intended to illuminate a perimeter (such as a fence line) shall include



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motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter.

vi. Security lighting standards in the various lighting districts are as shown in the table below.

vii. Security lighting in low-density residential and rural areas: Security lighting shall be allowed in low-density residential and rural areas only if unusual hazardous conditions make it necessary. In such cases, indirect and reflected lighting techniques shall be used to provide soft lighting under canopies, entry porches, or soffits. Lighting levels shall not exceed the standards established for the next higher density residential area.

**SECURITY LIGHTING STANDARDS**

| | District 1 | District 2 | District 3 | District 4 |
|---|---|---|---|---|
| Mounting Height (Maximum)@ | 25 ft | 20 ft | 20 ft | Discouraged |
| Average Illumination Level on Ground | No more than 1.5 fc | No more than 1.0 fc | No more than 0.5 fc | Discouraged |
| Average illumination Level on Vertical Surface | No more than 1.5 fc | No more than 1.0 fc | No more than 0.5 fc | Discouraged |
| Minimum CRI @@ | 20 | 70 | 70 | Discouraged |

@ Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

@@ CRI is the Color Rendering Index.

15-11. <u>Lighting of Building Facades and Landscaping:</u>

1. With the exception of structures having exceptional symbolic (i.e. churches and/or public buildings) or historic significance in the community, exterior building facades shall not be illuminated. When buildings having symbolic or historic significance are to be illuminated, a design for the illumination shall be approved by the Planning Commission and the following provisions shall be met:

   i. The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 foot-candles.

   ii. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.



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iii. Lighting fixtures mounted on the building and designed to "wash" the facade with light are preferred.

iv. To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.

v. When landscaping is to be illuminated, the Commission shall first approve a landscape lighting plan that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

15-12. Illuminated Signs:

1. Signs may be illuminated only during those hours that the business being advertised is open for business. It is the intent of this section to allow illuminated signs but to ensure that they do not create glare or unduly illuminate the surrounding area. The applicant shall provide the Planning Commission with sufficient technical and design information to demonstrate that the following provisions are met.

A. Externally Illuminated Signs:

i. The average level of illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles, and the uniformity ratio (the ratio of average to minimum illumination) shall not exceed 2:1.

ii. Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties.

iii. Light fixtures illuminating signs shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads, or properties.

iv. To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed downward (i.e. below the horizontal).

B. Internally Illuminated Signs:
Internally illuminated signs are allowed only in (specify zoning districts or lighting districts). In order to prevent internally illuminated signs from becoming light fixtures in their own right, it is the intent of this section that such signs consist of light lettering or symbols on a dark background. The lightness or darkness is a function of the luminous transmittance of the translucent surface material, and the light source. The higher the luminous transmittance, the lighter the color.

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i. The lettering or symbols shall constitute no more than forty (40) percent of the surface area of the sign.

ii. The luminous transmittance for the lettering or symbols shall not exceed thirty-five (35) percent.

iii. The luminous transmittance for the background portion of the sign shall not exceed fifteen (15) percent.

iv. Light sources shall be fluorescent tubes, spaced at least twelve (12) inches on center, mounted at least 3.5 inches from the translucent surface material.

15-13. Lighting of Walkways/Bikeways and Parks:

1. Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply.

i. The walkway, pathway, or ground area shall be illuminated to a level of at least 0.3 foot-candles and no more than 0.5 foot-candles.

ii. The vertical illumination levels at a height of five (5) feet above grade shall be at least 0.3 and no more than 0.5 foot-candles.

iii. Lighting fixtures shall be designed to direct light downward, and light sources shall have an initial output of no more than 1000 lumens.

iv. In general, lighting shall be consistent with the guidelines presented in the IESNA Lighting Handbook, 8th Edition.

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## Chapter 16. WIRELESS TELECOMMUNICATIONS FACILITIES

16-1. Purpose and Scope

The purpose of this chapter is to protect Paradise Town's aesthetic resources and community character by establishing development regulations for wireless telecommunication facilities, to assure their compatibility with Paradise Town master plan. The location and design of telecommunication facilities have the potential to have long-term negative effect on surrounding properties.

The intent of the following regulation is to reduce those effects by locating wireless telecommunication facilities where they are least visible from public streets and public areas, and to the best extent possible provide screening from adjacent property owners. Antennas mounted on existing structures are preferred over new monopoles because they are more easily hidden or are less conspicuous. Require joint use and co-location as a primary option rather than construction of additional facilities.

This chapter applies to both commercial and private wireless telecommunication facilities, such as but not limited to cellular, paging facilities or personal communication systems. This chapter does not apply to public safety or amateur radio.

16-2. Definitions

Antenna: A transmitting or receiving device used in telecommunications that radiates or captures radio, television, or similar communication signals.

Antenna roof mounted: An antenna or series of individual antennas mounted on the roof of a building.

Flat roof: A roof with a total slope no more than 1 ½" inches of rise in 12" inches of run.

Monopole: A single cylindrical steel or wood pole that acts as support structure for antennas.

Stealth telecommunication facility: A telecommunication facility, which is disguised as another object or otherwise concealed from public view.

Telecommunications: The transmission, between or among points specified by a user, of

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information of the user's choosing, without change in the form or content of the information as sent or received.

Telecommunication facility: A telecommunication facility consisting of antenna, equipment shelters, and related structures used for transmitting and/or receiving commercial telecommunications and/or radio stations.

16-3. Applications

All telecommunication facilities require a conditional use permit granted by Paradise Town planning commission. The site location plan shall be submitted and accepted by the planning commission prior to any application for a conditional use permit, at this time the planning commission shall determine the permit fee. In addition to the standard items to be included with this application, the applicant shall also submit a visual analysis. Which will include coverage maps, photo simulations, field mock up, computer enhanced graphics or any other techniques, which can be used to identify the negative visual effects of the proposed facility on the surrounding properties.

The analysis shall include:

A. Show views of the facility from public areas.

B. Show views from private residences.

C. Show the appearance of the facility at least three locations within a three block radius.

One view shall be from a point on the nearest public right-of-way from which the facility is most visible. Other views shall be from locations where the facility would be most visible. The planning commission may require additional simulations if it feels that they are necessary to better understand the proposed facility effect on the surrounding neighborhood. All costs associated with this requirement are the responsibility of the applicant. The applicant shall submit a development plan, and all applicable fees, with any other information the planning commission may deem necessary.

16-4. Facility Types and Standards

Wireless telecommunication facilities are characterized by the type and location of the antenna structures. There are two general types of antenna structures: roof mounted and monopoles. Both standards are permitted in the neighborhood commercial zone and public property.

A. Roof-mounted antennas. The following provision applies to roof mounted antennas:

(i) Roof mounted antennas shall be allowed on the top of existing flat roof structures and shall not exceed 40' (forty) feet in total height antenna and building combined.

(ii) Roof mounted antennas on a pitched roof shall be allowed provided the antennas and antenna support structures do not extend higher than the peak of the roof measured by a horizontal line from the peak extending over the roof.

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(iii) The antennas shall be mounted at least 5' (five) feet from the exterior wall of a building or structure.

(iv) Stealth roof mounted antennas are required, and should be constructed and/or colored to match the surroundings in which they are located.

B. Monopoles with antennas. The following provisions apply with antennas:

(i) The height limit for monopoles including antenna and antenna support structure is 40' (forty) feet.

(ii) A monopole requires an area, width and yard regulation as follows:

| Area | Lot width min. | Lot depth min. | Front yard min. | Side yard min. | Rear yard min. |
|---|---|---|---|---|---|
| 1 ¼ acres | 165 feet | 330 feet | 82 feet | 40 feet | 40 feet |

No other structures are allowed on this lot except for those required to operate and maintain the telecommunication facility or public buildings.

(iii) Antennas and antenna support structure mounted to a monopole shall be as slim in profile as possible. In no case shall the antennas and supporting structures exceed the width of the pole at its highest point.

(iv) Stealth monopole facilities are required, and should be constructed and/or colored to match the surroundings in which they are located, so as to minimize the impact.

(v) Any associated mechanical or electrical equipment shall be completely screened from view from public rights-of-way and adjacent properties, with solid screen and landscaping.

16-5. Abandonment

The applicant, or the applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused wireless telecommunications facilities within 90 (ninety)days of abandonment of use. If such facility is not removed by the property owner, then the Town may employ all legal measures to remove the facility. In the event of co-location on a monopole, if the secondary facility is abandoned the owner of the primary facility shall have 30 (thirty) days, from the date the owner of the secondary facility files with the FCC the required "notice to abandon" it's facility to remove its antenna and/or antenna structure from the monopole. Paradise Town shall receive a copy of the "notice to abandon" filed with the FCC.
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**ZONING MAP**

**See Map on File with Recorder**

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