TITLE 10

CHAPTER 12

ZONE REGULATIONS

SECTION:

10-12-1: Use Regulations
10-12-2: Area Regulations
10-12-3: Fence and Wall Regulations Within Setback

10-12-1: USE REGULATIONS

A. Land Use Chart: Land and buildings in each of the following zones may be used for any of the following listed uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered or converted which is arranged or designed or used for other than those uses specified for the zone in which it is located, as set forth by the following use chart and indicated by:

P	Permitted use
C	Conditional permitted use
" "	Not permitted (absence of any symbol/letter or listing)
H	Home occupation use permit required

Column Heading (Zone) Key:

A	Agricultural
R-1-8	Residential
C	Commercial
PR	Parks, Recreation and Open Space
SCPUD	Senior Citizen Planned Unit Development
CP	Commercial Parking

Table 1, Land Use Chart

Land Use Description	A	R	C	PR	SCPUD	CP
Residential						
1. Dwelling, single family detached	P	P			P	
2. Dwelling, single family attached					P	
3. Dwelling, two family					P	
4. Dwelling, Multi Family						
5. Residential Facility for Elderly Persons	C	C	P			
6. Residential Facility for Persons with a Disability	C	C	P			
7. Apartment (within owner occupied structures in A and R zones)	P	P	P			
8. Flag Lot		C				
9. Accessory Dwelling Unit (ADU) (8-2026, 9-1-26)		P				

Land Use Description	A	R	C	PR	SCPUD	CP
(Lines 10-14, intentionally left blank)						
Accessory and Incidental Uses						
15. Accessory Building	P	P	P		P	P
16. Accessory Agricultural Building	P					
17. Private Swimming Pool	C	C	C		C	
18. Solar Panels	P	P	P	P	P	
19. Livestock, Livestock Corral	P					
20. Off street Parking incidental to main use	P	P	P	P	P	P
21. Household Pets	P	P	C		P	
22. The keeping of three or more dogs or cats	C	C	C			
23. Exceptions to Height Requirements Allowed (see 10-13-10)	C	C	C	C		
24. Sports Court Fencing		C		P		
25. Beekeeping, 2 colonies	P	P				
26. Beekeeping, 3 or more colonies	C	C				
(Lines 27-29, intentionally left blank)						
Institutional and Special Service Uses						
30. Rest Home, Nursing Center	C	C	P			
31. Nursery, Day Care Center (4 or more persons)	C	C	C			
32. Home occupation	H	H			H	
33. Library, Archives, Cultural Center, Museum	C	C	P	C		
34. Public Building/Agency	C	C	P	C		
35. Utilities, public or private	C	C	C	C		
36. Utility Shops, Storage Yards	C		C	C		
37. Tennis, Swim Club, Private	P		P			
38. Water Well, Reservoir, Storage Tank	C	C	P	C		
39. Church	C	C	P	C		
40. School, public or private	C	C	C	C		
41. Home-based Microschool (7-2024, 11-19-24)	P	P	P	P		
42. Micro-Education Entity (7-2024, 11-19-24)	P	P	P	P		
43. Cemetery				P		
(Lines 44-49, intentionally left blank)						
Commercial and Retail Uses						
50. Hotel/Conference Center			P			
51. Motel			P			
52. Gasoline Sales, Car Wash			C			
53. Antique or Collectible Shop			P			
54. Book or Stationary Store			P			
55. Bank, Savings and Loan, Credit Union			P			
56. Barber or Beauty Shop	H	H	P			
57. Bakery or Confectionery Shop, Retail Sales			P			
58. Bed and Breakfast Inn	C	C	P			
59. Cafeteria, Restaurant, Fast Food			P			
60. Camera, Photography Studio		H	P			
61. Clinic, Medical, Dental			P			
62. Drug Store or Pharmacy			P			
63. Department or Retail Store			P			
64. Florist Shop	P		P			
65. Farmers Market				C		
66. Garden Shop, Plant Sales, Nursery	P		P			
67. Hobby Shop			P			
68. Kennel	C	C	C			
69. Laundry or Self-Service Laundry			P			
70. Movie Theater, Indoor Recreation			P			
71. Professional Office[1]		C	P			

Land Use Description	A	R	C	PR	SCPUD	CP
72. Optical Shop			P			
73. Pet Shop for small animals, birds			P			
74. Personal Custom Services, Tailor, Milliner, etc.		H	P			
75. Shoe and Shoe Repair		H	P			
76. Studio, Health, Exercise, Dance, Music, Drama		H	P			
77. New Car Sales			P			
78. Brew Pub			C			
79. Restaurant w/Liquor License			C			
80. Adult-Oriented Business			C			
81. Body Art		H	C			
82. Short Term Vacation Rental (STVR), Owner Occupied (2-2019, 5-28-19)	H	H	H			
83. Short Term Vacation Rental (STVR)[2]	C	C				
84. Auto Repair[3]	C	C	P			
(Lines 85-90, intentionally left blank)						
Agricultural and Related Uses						
91. Orchard for commercial use	P					
92. Crop production for sale	P					

[1]Only a structure that is residential in appearance and maintains the character of the existing neighborhood in style and heights can be used for a professional office in a residential zone. An office building that is commercial in appearance cannot be constructed in a residential zone. (4-2010, 7-13-10) (1-2015, 6-23-15) (1-2016, 3-22-16) (4-2018, 10-9-18) (3-2020, 5-19-20)

[2]Maximum occupancy for an STVR shall be no more than two (2) people per bedroom and up to two (2) residents in one (1) non-bedroom space. An updated contact list of the owners must be submitted to the city office. Sufficient paved off-street parking must be available for all quest vehicles. All parking will be reviewed before a CUP is granted. (All winter parking must comply with city ordinances). The STVR owner is responsible for regulating noise generated by visitor stays. No STVR can be within 300 feet of another STVR. Landscape must be maintained and comply with River Heights City landscaping ordinances. Property owners may contract with third parties, including tenant agreements, to provide management and maintenance services required under this section, however property owners shall remain liable for any deficiencies or violations of this section. STVR owners must have primary residency in River Heights City. (1-2024, 2-20-2024)

[3]A maximum of two (2) vehicles to be repaired may be on the premises at any given time and must be repaired within an enclosed building. A vehicle being transported to or from the premises may be outside of the building for no more than fourteen (14) consecutive calendar days. Proper containment and disposal of all hazardous materials must be in accordance with state regulations. (11-2021, 12-7-21)

B. Zone Regulation Requirements

1. A Zoning Clearance Permit is required when constructing or adding a structure to the property. Structures include, but are not limited to: house, house addition, garage, carport, shed, deck, ground mounted solar panels, swimming pool, commercial building, covering for a deck, patio or porch (see 10-3-4).

2. One application is required per structure and per person.

3. The public works director and zoning administrator will sign permit or respond to applicant within 10 working days.

4. Failure to comply with restrictive covenants (including any limiting conditions contained on a recorded plat map) and/or situational safety concerns shall be grounds for denial of a Zoning Clearance Permit.

5. Applicant should consult Cache County Building Department to determine if a building permit is required.

(2-2019, 5-28-19)

C. Classification of New and Unlisted Uses; Procedure: Should the zoning administrator and the building inspector determine that a type or form of land use which an applicant is seeking to locate in the city does not appear as a permitted or conditional use, he or she shall refer the request to the planning commission which shall determine the appropriate classification as follows:

1. Should the commission determine that the new or unlisted use for all intents and purposes, is listed under another name or category, they shall so inform the zoning administrator to proceed accordingly; or (5-2025, 11-18-25)

2. The planning commission shall gather facts concerning the nature of the use, types of activities, impacts, etc., and shall transmit its findings and recommendations to the city council, who shall amend the land use chart. (Ord., 1-22-2002) (2-2021, 6-1-21)

D. Uses Prohibited in Zones Unless Expressly Permitted: This title prohibits uses of land other than those expressly permitted within this title, excepting uses permitted by action of the planning commission and pursuant to express authority under the terms of this title. The planning commission and appeal authority shall not permit a use within a zone, which is not expressly permitted by the terms of this title, unless it can be shown that the use is similar to other uses permitted in the zone. (Ord., 1-22-2002; amd. Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002; Ord. 04-12-14, 1-11-2005, eff. retroactive to 12-14-2004)

10-12-2: AREA REGULATIONS

A. Residential Space Requirement Chart: The minimum lot sizes and setback distances for residential uses are listed in the following table 2:

Table 2, Residential Space Requirement Chart

Residential Uses	A	R-1-8	R-1-10	R-1-12	SCPUD
Lot Size					
Minimum lot size	5 acres	8,000 sq.ft.	10,000 sq.ft	12,000 sq.ft.	*
Minimum lot width (measured at setback line)	200 feet	80 feet[1]	80 feet	95 feet	*
Lot Setbacks					
Principal and Fence Uses (in ft)					
Front Yard	50	20	20	25	*
Attached Garage, door facing street	50	25	25	25	

Residential Uses (cont.)	A	R-1-8	R-1-10	R-1-12	SCPUD
Side yard (interior lot)	20	10[2]	10[2]	10[2]	*
Side Yard (on street)	30	20	20	25	*
Rear Yard	30	15	15	20	*
Accessory Uses (in ft)					
Front Yard	50	30	30	35	*
Side Yard	20	3	3	3	*
Side Yard on a Street	30	25	25	30	*
Rear Yard	20	3	3	3	*
Detached Accessory Dwelling Uses (in ft)					
Front Yard		20	20	25	*
Side Yard[4]		5	5	5	*
Side Yard on a Street		20	20	20	*
Rear Yard[5]		5	5	5	*
Height (Ref. 10-13-28:F.2.)					
Height (in feet)					
Principal uses (max.)	35	35	35	35	35
Accessory uses (max.)	**	**	**	**	**
Principal uses (min.)	10	10	10	10	10

*Some requirements may be altered in the SCPUD zone and are subject to discretionary approval by the Planning Commission on a per application basis (see 10-10-3:D.Lot Regulations). (8-2026, 9-1-26)

**Accessory uses shall be no greater in height than the height of the principal use on the same lot, and in no case shall the height of the accessory use exceed 25 feet.

Superscript 1: The minimum lot width (as measured at the setback line) in the R-1-8 zone may be reduced subject to the following conditions:

A. The lot being considered for an exception shall be created or subdivided from a legally existing lot that measures less than the minimum width required by this Zoning Ordinance but no less than seventy (70) feet, as measured at the setback line.

B. The width of the lot created, as measured at the setback line shall not be less than seventy (70) feet.

C. The front yard of the lot created shall front on a public or private street.

The City may deny any request to reduce the minimum lot-width in the R-1-8 zone upon finding:

A. That the lot being considered is owned by the same entity as at least one adjacent lot, and in which the combination of the lots could allow for all lot widths to meet the requirements of this Zoning Ordinance, provided that no structure exists that would preclude such lot combination from taking place.

B. That granting an exception in lot width would adversely impact the character of the existing neighborhood and urban design of the City.

Superscript 2: Properties with residential homes built prior to 1940, or legal at the time of Zoning Clearance Permit approval in a residential zone are exempt from the ten-foot (10') side yard (interior lot) setback with the following conditions: Additions or remodels made to said homes may extend the same non-conforming line of such an existing home, but in no case, shall any addition or remodel (including structural overhang and cantilevers) be closer to the adjacent property line than five (5) feet, i.e., a five (5) foot setback shall be maintained in all cases. The eaves shall not extend beyond 16" of the existing roof line or eave. (3-2023, 5-2-23)

Superscript 3: Residential properties that have a zero-lot line, such as single-family attached dwelling units where one unit is joined to another unit at one or more sides and the units are on separate lots of record, shall

have a one (1) foot or greater side yard setback for accessory uses. The side yard must be unobstructed from the ground upward including all walls, posts, columns, overhangs and other projections. The setback is to help ensure that all storm water, including snow and water runoff, remains on the property of the accessory use and does not encroach on neighboring properties. (3-2023, 5-2-23)

Superscript 4: DADU must be located at least ten (10) feet from primary building.

Superscript 5: Corner parcel rearing side of another parcel, minimum rear yard shall be 10 feet.

B. Nonresidential Space Requirement Chart: The minimum lot sizes and setback distances for nonresidential uses are listed in the following table 3:

Table 3, Nonresidential Space Requirement Chart

Nonresidential Uses	C1
Lot Setbacks	
Principal uses (in feet):	
Front yard	30
Side yard	0
Side yard adjacent to residential zone or street	30*
Rear yard	0
Rear yard adjacent to residential zone or street	30*
Accessory uses (in feet):	
Front yard	30
Side yard	0
Side yard adjacent to residential zone or street	30*
Rear yard	0
Rear yard adjacent to residential zone or street	30*
Height	
Principal uses (maximum height in feet)	45
Accessory uses (maximum height in feet)	20

*Must be landscaped to provide a buffer zone between commercial and residential zones.

(Ord., 1-22-2002, 6-2014) (3-2022, 5-3-22)

10-12-3: FENCE AND WALL REGULATIONS WITHIN SETBACKS

A. Residential Maximum Height (from sidewalk or road grade)

1. Front Yard: 4 feet

2. Side Yard, Interior Lot: 6 feet

3. Rear Yard: 6 feet

4. Side Yard and Rear Yard on a Street

   a. If a fence is installed on the property line, a four (4) foot solid fence is permitted. If a greater than four (4) foot fence is desired, the entire fence must be 70% transparent and may not be taller than six (6) feet.

b. In areas where the conditions listed below are present, an up to six (6) foot solid fence is allowed. Measure the actual condition(s) present and use the following formulas to determine the fence set back from the edge of the asphalt road pavement if pavement exists, and if pavement does not exist,

c. Then from the edge of the unpaved roadway. **Use a value of zero (0.0) if a condition does exist.**

Required Fence Setback (RSB)
Sidewalk (S)
Curb (C)
Rolled Curb (RC)
Curb/Gutter (CG)
Park Strip (P)
Present Required Set Back (SB)

Standard River Heights Widths	Feet
Sidewalk	4.0
Curb	0.5
Rolled Curb/gutter	2.0
Standard Curb/Gutter	2.5
Park Strip	4.0
Present Required Set Back	14.5
Property line from sidewalk	1.0

If there is a curb/gutter present: RSB = SB – S – CG - P

If there is curb only use: RSB = SB – S – RC- P

Examples:

1. If only sidewalk is present: RSB = 14.5 – 0.0 – 2.5 – 4.0 = 8.0 ft from edge of paved asphalt (using standard widths).
2. If only curb/gutter and sidewalk: RSB = 14.5 - 0.0 – 0.0 – 4.0 = 10.5 ft from edge of paved asphalt (using standard widths).

d. Minimum distance allowed: A six foot (6) solid fence is allowed if it is eight feet (8) from the edge of the paved asphalt road or four feet (4) from the existing sidewalk or property line, whichever is greater.

(4-2019, 8-13-19)

B. Nonresidential Maximum Height (from sidewalk or road grade)

1. Front yard: 8 feet

2. Side yard: 8 feet

3. Rear yard: 8 feet

C. No Permit Required: The City does not issue permits for fences, HOWEVER, fences built outside city code regulations will be brought into compliance at the owners' expense. Property lines need to be verified by the owner of record. (3-2023, 5-2-23)

D. Fire hydrants and water meters shall not have access blocked by fences or walls for a radius of four (4) feet. Access shall be totally open and unrestricted. (7-2024, 11-19-24)

On a drainage or irrigation easement, an owner may fence their property, but the water flow cannot be interrupted and must allow full access to the holder of the easement for the purpose of the easement. This may require gates to access the property with both foot traffic and equipment required to maintain

the ditch or pipe. It is the responsibility of the property owner to contact those who own the easements to get approval of the fence, gate, etc.

E. Replacement of a Fence or Wall: When replacing an existing fence/wall, the new fence/wall must be brought into compliance with the current city code.

F. No Chain Link: Chain link is not allowed in the front yard, side yards on a street, and rear yards on a street.

G. Corner Lots: When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, a six foot (6'), 70% transparent fence is allowed in the part of the corner lot's rear and side yard that is adjacent to the neighboring lot's front-yard setback area (see Figure 10-12-3). All fences on corner lots shall comply with 10-13-15: Clear View of Intersecting Streets, shown in the following figure.

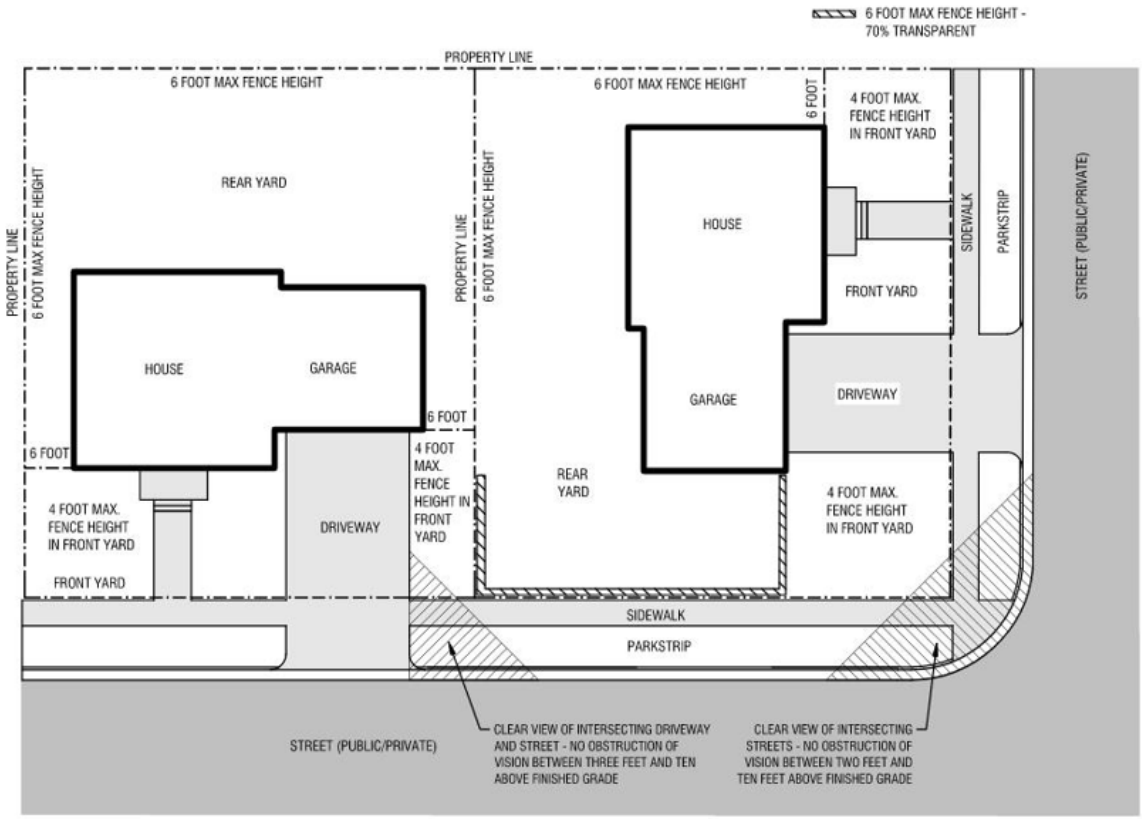

Figure 10-12-3 Corner Lot Fencing Requirements

(1-2019, 4-11-2019) (4-2019, 8-13-19) (1-2023, 3-21-23)