

**ORDINANCE No. 2005-04**

**AN ORDINANCE OF THE VINEYARD TOWN COUNCIL  
AMENDING THE VINEYARD TOWN DEVELOPMENT CODE & CREATING  
THE "VINEYARD TOWN ZONING ORDINANCE," A LAND USE ORDINANCE  
OF VINEYARD TOWN, UTAH**

**WHEREAS**, Vineyard Town is expected to experience significant growth in all areas of the Town and such growth and related increase in development has created the need for preparatory planning and development controls to ensure appropriate land use and development decision-making and the provision of necessary infrastructure, facilities and services; and

**WHEREAS**, the Vineyard Town Council and Planning Commission have now completed the process to amend the Vineyard Town Development Code and restate and create a separate Vineyard Town Zoning Ordinance and including provisions and requirements related directly to residential uses and the requirements of new residential development for clarity in the residential use regulations; and

**WHEREAS**, the Vineyard Town Council hereby finds that amendments to the Vineyard Town Development Code and a separate Vineyard Town Zoning Ordinance will promote efficient land use decision-making for Vineyard Town and clarity and security for all owners of property located within Vineyard Town; and

**WHEREAS**, the Vineyard Town General Plan identifies a number of goals and policies guiding residential growth and specifically encourages the preservation of open space; and

**WHEREAS**, the Town Council has found that in order to effectively implement the goals of the General Plan a variety of residential zoning districts should be provided within the Vineyard Town Zoning Ordinance; and

**WHEREAS**, on May 2, 2005 Senate Bill 60 became effective which revised the State of Utah Land Use Development and Management Act, thereby requiring further amendment to the Vineyard Town Land Use Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF VINEYARD TOWN, STATE OF UTAH, AS FOLLOWS:**

**Section 1 – Enactment and Repealer.**

This Ordinance, including the attached Zoning Ordinance, Attachment A, and Zoning Districts Map, Attachment B, is hereby enacted and adopted, as an amendment to the Vineyard Town Development Code. The attached Zoning Ordinance, Attachment A, and Zoning Districts Map, Attachment B, shall repeal the Chapters of the Vineyard Town Development Code as follows:

1. Chapter 10-1 – Title, Intent and Purposes, Interpretation.
2. Chapter 10-2 – Municipal Planning, but excluding and continuing in full force and effect those Ordinances and provisions related to utilities, including water, sewer, telecommunications, mobile telephone service, and energy sales and use tax, and all other provisions not specifically provided for in Attachment A.
3. Chapter 10-3 – Zoning, General and Supplementary Requirements excluding Section 10-3-3.28.
4. Chapter 10-4 – Establishment of Zones.
5. Chapter 10-5 – Regulations within Zones, but excluding and continuing in full effect Section 10-5-8 – R&C-1 Residential and Commercial (Mixed Use) Zone, Section 10-5-10 – I-1 Industrial Zone, and Section 10-5-12 PF Public Facilities Zone.
6. Chapter 10-10 – Amendments.
7. Chapter 10-11 – Definitions, but excluding those definitions not specifically provided for in Attachment A.
8. Chapter 10-12 – Administration and Enforcement.
9. Chapter 10-13 – Adoption, Penalty, Effective Date.
10. Ordinance 2003-01 – Related to the Vineyard Town Planning Commission.

### **Section 2 – Effective Date and Reference.**

This Ordinance, including Attachment A and Attachment B attached hereto, shall take effect on January 1, 2006 without codification and following its passage and publication as required by law, and may be cited in its entirety as the “Vineyard Town Zoning Ordinance – A Land Use Ordinance of Vineyard Town” or “Vineyard Town Zoning Ordinance.”

### **Section 3 – Inclusion of Addendum Corrections and Necessary Final Formatting and Revisions Authorized.**

The Town Council hereby authorizes necessary revisions to include Addendums #1, #2, #3, and #4, as reviewed by the Town Council on December 8, 2005, other revisions as required by the Town Council, and other formatting, grammatical, referencing corrections, the inclusion of illustrations, and other corrections necessary to provide the “Vineyard Town Zoning Ordinance” in final version, and required to enhance usability and clarity.

### **Section 4 – Findings.**

In addition to the findings set forth and the purposes of the Vineyard Town Zoning Ordinance incorporated herein by reference, the Town Council makes the following additional findings:

1. The Vineyard Town Development Code, as previously adopted, lacked the necessary requirements and standards to any longer adequately carry out the goals

and objectives of the Vineyard Town General Plan and to otherwise protect the safety, health and general welfare of the public, property owners and individuals.

2. The Vineyard Town Council hereby finds that the safety, health and general welfare of the public, property owners and individuals of Vineyard Town will be promoted and enhanced by adopting this Ordinance providing provisions and regulations governing uses, development, approval procedures, and construction standards for all residential uses located on lands within Vineyard Town. The Town Council further finds that such provisions and regulations are necessary and desirable to promote proper land use and development decision-making within Vineyard Town.

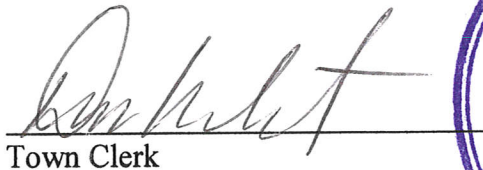
**Section 5 – Severability.**

If any section, part, or provision of this Ordinance is held invalid or unenforceable, by a court of competent jurisdiction such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**PASSED AND ADOPTED BY THE VINEYARD TOWN COUNCIL, STATE OF UTAH, ON THIS 8<sup>th</sup> DAY OF DECEMBER, 2005.**

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Town Clerk



**I**  
PASSAGE BY MUNICIPAL COUNCIL  
ROLL CALL VOTE

**ORDINANCE NO.** 2005-04  
**SHORT TITLE:** Vineyard Town Zoning Ordinance

*ROLL CALL VOTE:*

MAYOR RANDY FARNWORTH  
 COUNCILMEMBER SEAN FERNANDEZ  
 COUNCILMEMBER GRANT HOLDAWAY  
 COUNCILMEMBER NORM HOLDAWAY  
 COUNCILMEMBER NATHAN RILEY

**TOTALS**

MOTION	SECOND	AYES	NAYS	ABSENT
		✓		
		✓		
	✓	✓		
✓		✓		
		✓		
		5		

This Ordinance was passed by the Municipal Council of Vineyard Utah on the 8<sup>th</sup> day of December, 2005, on a roll call vote as described above.


**II**  
MAYOR'S ACTION

Mayor's Action:  Approved  Disapproved

**III**  
TOWN RECORDER'S CERTIFICATE AND ATTEST

This Ordinance was recorded in the office of the Vineyard Town Recorder on the 15<sup>th</sup> day of December, 2005.

I hereby certify and attest that the foregoing constitute a true and accurate record of proceedings with respect to Ordinance No. 2005-04.

ATTEST:  
  
 \_\_\_\_\_  
 Vineyard Town Recorder or Deputy Recorder





**VINEYARD TOWN ZONING ORDINANCE**

**A Land Use Ordinance of Vineyard Town**

Adopted by Ordinance 2005-04 – Effective 01.01.2006

Prepared by  
**PLANNING AND DEVELOPMENT SERVICES**  
Salt Lake City, Utah  
801.446.4435



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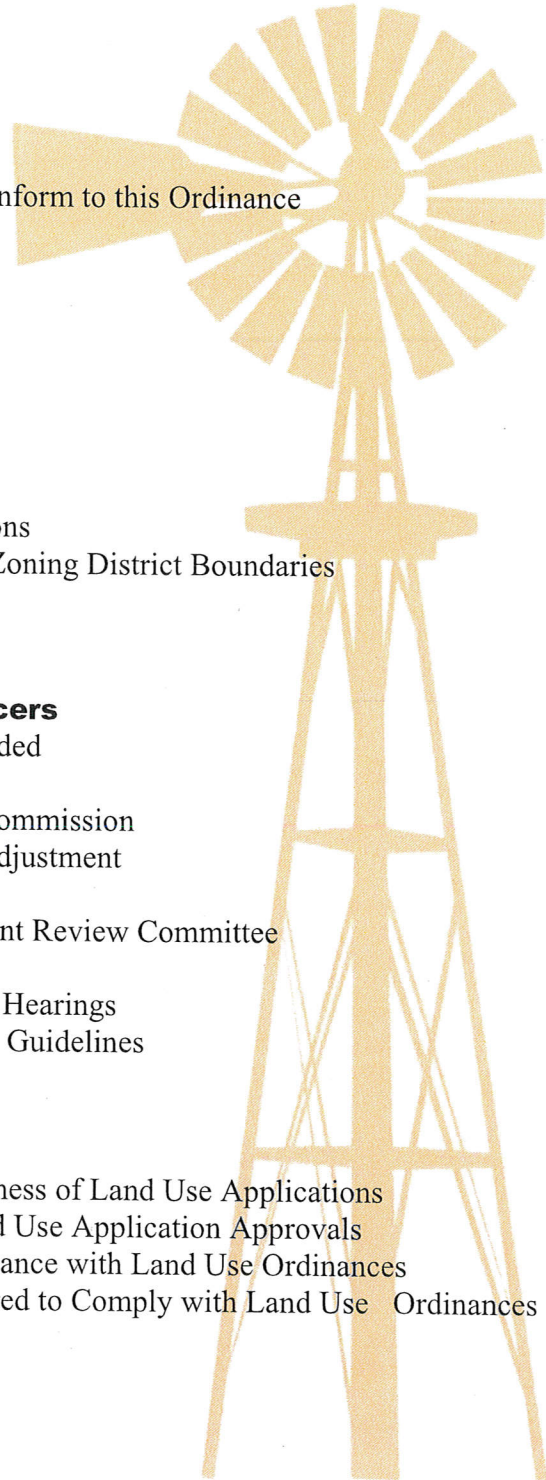
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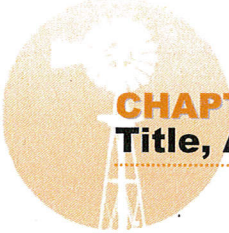
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## **CHAPTER 1**

### **Title, Authority, Purpose, Declaration of Intent and Effective Date**

#### **Section 101—Short Title:**

This Ordinance shall be known and may be referred to as the Town of Vineyard Zoning Ordinance. The Town of Vineyard Zoning Ordinance may, in subsequent Chapters and Sections, be referred to as the “vineyard Town Zoning Ordinance,” “Ordinance,” “the Ordinance,” “this Ordinance,” “Zoning Ordinance,” or “Land Use Ordinance.” This Ordinance is also codified as Chapter 10 of the Town of Vineyard Municipal Code.

#### **Section 102—Authority:**

The Town Council of the Town of Vineyard, Utah adopts this Ordinance pursuant to the Municipal Land Use Development and Management Act (hereinafter “LUDMA”), as provided at §10-9a et seq. Utah Code Annotated, 1953, as amended, and all other authorities and provisions of Utah and Federal statutory and common law as applicable. This Ordinance constitutes a Land Use Ordinance of Vineyard Town, Utah as authorized by LUDMA.

#### **Section 103—Declaration:**

This Ordinance provides for the establishment of Zoning Districts, with associated requirements and standards, for the guidance, management, and regulation of land uses, buildings and structures, and related activities, and other features occurring within the municipal boundaries of the Town of Vineyard (as may be referred to herein as “Vineyard”). This Ordinance is declared to be consistent with and to meet the requirements of LUDMA.

#### **Section 104—Purpose:**

This Ordinance is provided to implement the goals and policies of the Vineyard General Plan and the other purposes as provided for by LUDMA. This Ordinance contains standards, provisions and requirements intended to protect the health, safety, and welfare of the citizens and businesses of Vineyard, to guide and manage future growth and development, and to promote the orderly use of lands within the Vineyard Town. It is the intent of this Ordinance to provide a means of ensuring predictability and consistency in the use and development of lands located within Vineyard Town.

#### **Section 105—Applicability:**

1. Applications accepted by the Town as complete for any Approval, Permit or License required by the provisions of this Ordinance shall be processed, reviewed and approved or denied, subject to the provisions of this Ordinance, and other applicable Ordinances of the Town, in effect at the time the Application is determined to be complete by the Town

Planner (herein after as may be referred to as “Planner”), as required by Section 1206 of this Ordinance.

No building or structure shall be erected, and no existing building or structure shall be moved, altered or enlarged nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than as allowed by this Ordinance.

The provisions of this Ordinance shall apply to all lands located within the municipal boundaries of Vineyard, unless specifically exempted by the provisions of this Ordinance or other lawful exemption.

The provisions of this Ordinance shall be held to be the minimum requirements necessary to protect the public health, safety, and welfare of the citizens of Vineyard, and achieve the purposes of this Ordinance.

**Section 106—Conflict:**

This Ordinance shall not nullify any laws, Ordinances, or requirements that are more restrictive, but shall prevail notwithstanding such laws, Ordinances, or requirements that are less restrictive.

**Section 107—Permits and Licenses to Conform to this Ordinance:**

All Land Use Authorities, officials, employees, and agents of the Town with the duty or authority to issue Approvals, Permits, or Licenses required by this Ordinance shall require that such Approvals, Permits, or Licenses conform to the provisions of this Ordinance and shall not issue any Approvals, Permits, or Licenses for uses, buildings, or structures for any purpose in conflict with the provisions of this Ordinance. Any Approval, Permit, or License issued in violation of this Ordinance shall be invalid.

**Section 108—Effective Date:**

This Ordinance shall take effect on January 1, 2006 following its adoption by the Town Council, as provided for by Ordinance 2005-04.

**Section 109—Omissions not a Waiver:**

An omission to specify or enumerate in this Ordinance those provisions of general law applicable to all Utah municipalities shall not be construed to be a waiver of the benefits of any such provisions.

**Section 110—Repealer and Effect:**

Upon its adoption by the Town Council and upon its effective date of January 1, 2006, this Ordinance shall repeal the provisions of the Vineyard Town Zoning Ordinance specifically identified by Ordinance 2005-04 and existing on the effective date of this Ordinance and shall

govern and apply to the use of all lands lying within the municipal boundaries of the Town of Vineyard, Utah. The provisions of this Ordinance shall be construed to carry out the purposes of this Ordinance and the purposes of the State of Utah enabling laws, including LUDMA, and avoid conflict with the laws of the United States of America, the State of Utah, or any other limitations imposed by law. If any Chapter, Section, Subsection, Provision, Sentence or Clause of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this Ordinance, which shall remain in effect.



## **CHAPTER 2**

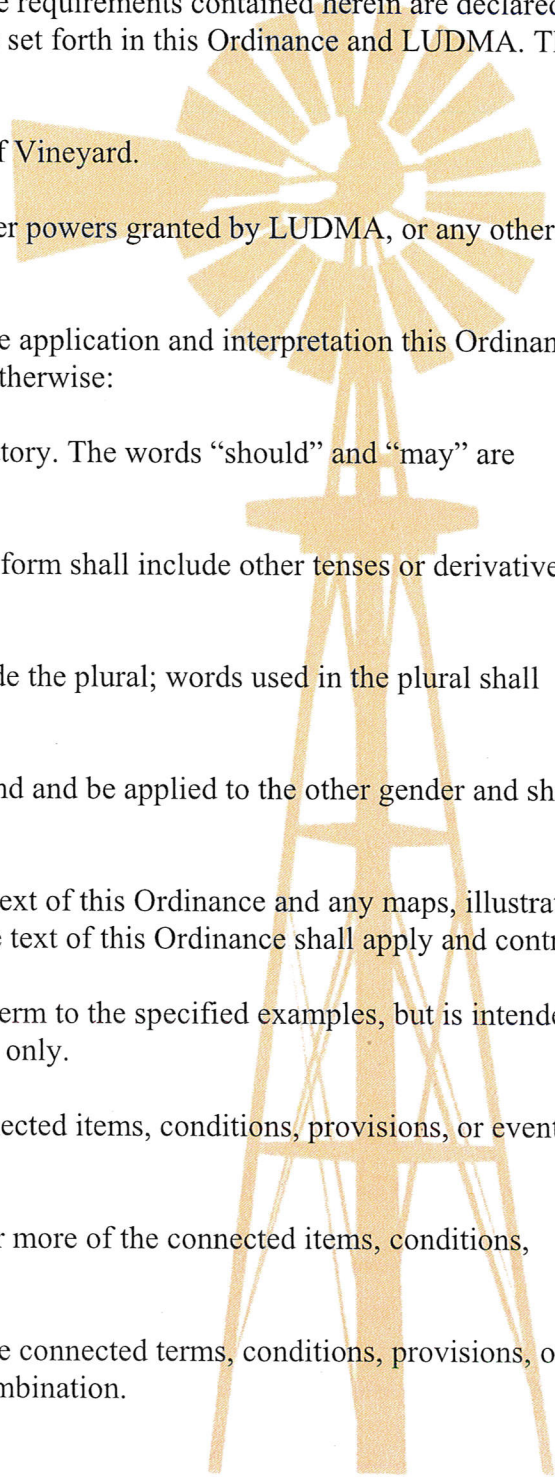
### **Interpretation of Requirements**

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#### **Section 201—Interpretation:**

In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth in this Ordinance and LUDMA. The provisions of this Ordinance shall be:

1. Liberally construed in favor of the Town of Vineyard.
2. Deemed neither to limit nor repeal any other powers granted by LUDMA, or any other State or Federal statutes.
3. The following rules shall be observed in the application and interpretation this Ordinance, except where the context clearly requires otherwise:
  - 3.1. The word “shall” or “must” are mandatory. The words “should” and “may” are permissive.
  - 3.2. Words used or defined in one tense or form shall include other tenses or derivative forms.
  - 3.3. Words used in the singular shall include the plural; words used in the plural shall include the singular.
  - 3.4. Words referencing a gender shall extend and be applied to the other gender and shall be considered gender neutral.
  - 3.5. In the event of a conflict between the text of this Ordinance and any maps, illustrations, captions, figures, or other material, the text of this Ordinance shall apply and control.
  - 3.6. The word “includes” shall not limit a term to the specified examples, but is intended to provide guidance and to be illustrative only.
  - 3.7. The word “and” indicates that all connected items, conditions, provisions, or events shall apply.
  - 3.8. The word “or” indicates that one (1) or more of the connected items, conditions, provisions, or events shall apply.
  - 3.9. The words “either or” indicates that the connected terms, conditions, provisions, or events shall apply singly but not in combination.



**Section 202—Administrative Interpretations:**

1. **Purpose.** To promote day-to-day efficiencies in the administration and implementation of this Ordinance, and where ambiguity, conflicting provisions or confusion may exist in any provision or requirement of this Ordinance, this Section is provided to allow the Planner to make interpretations of this Ordinance, on an as-required basis, guided by the purposes of this Ordinance, applied to a specific circumstance.
2. **Authority.** The Planner is authorized to render interpretations of this Ordinance.
3. **Initiation.** Any person may request an administrative interpretation by the Planner of any provision of this Ordinance by presenting an application for an administrative interpretation.
4. **Procedure.** An Application for an administrative interpretation shall be considered and processed as provided in this Section:
  - 4.1. A complete Administrative Interpretation Application shall be submitted to the Planner.
  - 4.2. After the Application is determined to be complete by the Planner, the Planner shall review the Application and make an interpretation in accordance with the standards set forth in herein.
  - 4.3. After making a decision, the Planner shall provide written notice of the administrative interpretation to the Applicant. A record of the administrative interpretation of the Planner shall be maintained in the office of the Town Recorder. Copies of the administrative interpretation may be provided to Town Council and Planning Commission members for informational purposes.
5. **Standards for Making an Administrative Interpretation.** The Planner shall apply the following standards in making an administrative interpretation:
  - 5.1. The administrative interpretation shall not have the effect of adding or removing any provision of this Ordinance.
  - 5.2. The Planner shall not make any interpretation on the location of any Zoning District boundary, such interpretations being provided by Section 203 below.
  - 5.3. An administrative interpretation shall be consistent with the purposes of this Ordinance and any previously rendered administrative interpretations, based on similar facts.
  - 5.4. An administrative interpretation concerning a use interpretation shall not allow the establishment of a use that is substantially different or a prohibited use in the Zoning District.

- 5.5. No use interpretation shall permit the establishment of any use that would be inconsistent with the purposes of the Zoning District in which it would be located.
6. **Effect of Approval.** An administrative interpretation shall apply only to the property for which an interpretation is given. A use interpretation finding a use to be a Temporary, Permitted or Conditional Use shall not authorize the establishment of such use, but merely authorize the filing of Land Use Applications necessary for any approvals or licenses as may be required and applicable.
7. **Appeal.** Any person adversely affected by an administrative interpretation rendered by the Planner may appeal that decision to the Planning Commission as provided in Chapter 26, herein.

**Section 203—Rules for Interpretation of Zoning District Boundaries:**

In the event of the need to determine the boundary of a Zoning District, the Vineyard Town Planning Commission shall have the authority and jurisdiction to render a written interpretation of the boundary of a Zoning District. The Commission shall take into consideration the following criteria in rendering such determination:

1. The policies and development standards pertaining to such Zoning District.
2. In areas divided into lots, a Zoning District boundary shall follow the boundary of a lot, unless clearly intended to divide a lot for reasons of topography, landform, or other physical constraints.
3. In areas not subdivided into lots, wherever a Zoning District is indicated as a strip adjacent to and paralleling a right-of-way, the depth of such strips shall be in accordance with dimensions measured at right angles from the center line of the right-of-way, and the length of frontage shall be in accordance with dimensions measured from Section, Quarter Section, or division lines, or center lines of rights-of-way, unless otherwise indicated.
4. Where a Zoning District boundary follows a creek, stream, water course, drainage channel, flood way, or other natural or man-made feature such boundary shall be deemed to be the center line of such creek, stream, water course, drainage channel, flood way, or other natural or man-made feature.
5. Where a Zoning District boundary follows the right-of-way of any road, street, trail, or other public or private right-of-way or easement such boundary shall be deemed to be the center line of such road, street, trail, or other public or private right-of-way or easement.



## **CHAPTER 3**

### **Land Use Authorities and Other Officers**

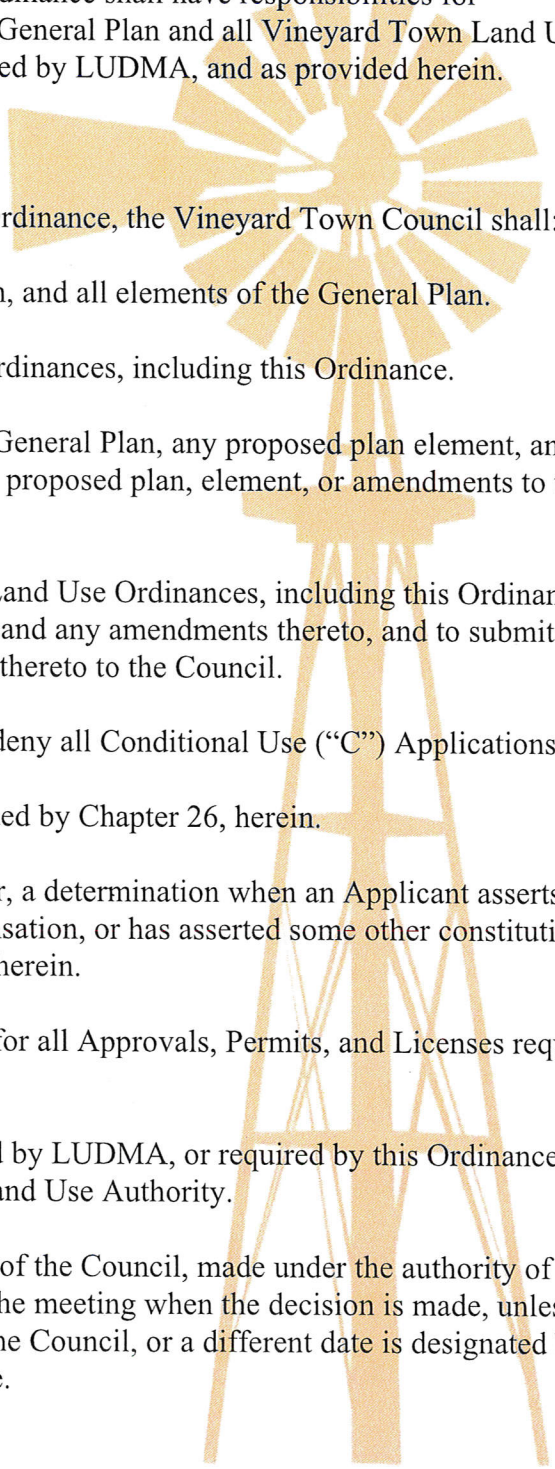
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#### **Section 301—Land Use Authorities Provided:**

The Land Use Authorities identified by this Ordinance shall have responsibilities for administering and implementing the Vineyard General Plan and all Vineyard Town Land Use Ordinances, including this Ordinance, as allowed by LUDMA, and as provided herein.

#### **Section 302—Vineyard Town Council:**

1. **Powers and Duties.** For purposes of this Ordinance, the Vineyard Town Council shall:
  - 1.1. Adopt amendments to the General Plan, and all elements of the General Plan.
  - 1.2. Adopt amendments to the Land Use Ordinances, including this Ordinance.
  - 1.3. Direct the Commission to prepare the General Plan, any proposed plan element, any amendments thereto, and to submit the proposed plan, element, or amendments to the Council.
  - 1.4. Direct the Commission to prepare all Land Use Ordinances, including this Ordinance, Zoning Districts Maps, Official Maps, and any amendments thereto, and to submit such Land Use Ordinances, or amendments thereto to the Council.
  - 1.5. Approve, approve with conditions, or deny all Conditional Use (“C”) Applications.
  - 1.6. Act as an Appeals Authority, as provided by Chapter 26, herein.
  - 1.7. Render, or appoint a designee to render, a determination when an Applicant asserts a taking of property without just compensation, or has asserted some other constitutional invalidity, as provided by Chapter 27, herein.
  - 1.8. Establish a fee schedule by resolution for all Approvals, Permits, and Licenses required by the Town’s Land Use Ordinances.
  - 1.9. Take such other action(s) as authorized by LUDMA, or required by this Ordinance, and not expressly delegated to any other Land Use Authority.
2. **Effective Date of Decisions.** All decisions of the Council, made under the authority of this Ordinance, shall take effect on the date of the meeting when the decision is made, unless a different date is designated in the rules of the Council, or a different date is designated by the Council at the time the decision is made.



3. **Council Meeting Minutes.** The approved minutes of Council meetings, attested to by a majority vote of the Council, shall constitute the official record of such meetings and shall be filed in the office of the Town Recorder. All such records shall be available for public review and access in accordance with the State of Utah Government Records and Access Management Act.

**Section 303—Vineyard Town Planning Commission:**

The Vineyard Planning Commission (hereinafter “Commission”) was heretofore created and established pursuant to LUDMA, or prior enactments of LUDMA.

1. **Powers and Duties.** The Commission shall be an advisory body to the Council on legislative matters pertaining to the Town’s General Plan and Land Use Ordinances. The Commission shall:
  - 1.1. Prepare, or cause to be prepared, the General Plan, any proposed plan element, any amendments thereto, and to submit the proposed plan, element, or amendments to the Council.
  - 1.2. Prepare or cause to be prepared all Land Use Ordinances, including this Ordinance, Zoning Districts Maps, Official Maps, and any amendments thereto, and to submit such Land Use Ordinances, or amendments thereto to the Council.
  - 1.3. Review and recommend approval or denial of all Applications for a General Plan Amendment and Land Use Ordinance Amendment to the Council.
  - 1.4. Review and approve, approve with requirements, or deny all Permitted Use (P-2) Applications.
  - 1.5. Review and recommend to the Council approval, approval with conditions, or denial of all Conditional Use (C) Applications.
  - 1.6. Review and recommend approval, approval with conditions, or denial of all Subdivision Applications to the Council, as authorized by the Vineyard Subdivision Ordinance.
  - 1.7. Determine and render a written interpretation of the boundary of a Zoning District, as provided by Section 203, herein.
  - 1.8. Act as an Appeals Authority, as provided by Chapter 26, herein.
  - 1.9. Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, for the consideration of Applications and for any other purposes deemed necessary by the Commission, provided that such bylaws, policies, and procedures are approved by the Council before taking effect.

1.10. Advise the Council on other matters, as the Council may direct.

**2. Commission Membership, Appointment, Terms, Removal, and Vacancies.**

2.1. The Commission shall consist of five (5) members.

2.2. Commission members shall be appointed by the Mayor, with the advice and consent of the Council.

2.3. Members of the Commission shall be residents of the Town of Vineyard. No member of the Commission shall be an elected official or employee of Vineyard

2.4. All members of the Commission shall serve at the discretion of the Mayor and Council for a term of four (4) years. No member shall serve more than two (2) consecutive terms. Terms shall begin on January 1 of each calendar year. Members' terms are to be staggered to so that no more than one (1) term shall expire each year on January 1. A Commission member shall not be automatically reappointed to a second term.

2.5. Commission members may be removed by the Mayor, with the advice and consent of the Council.

2.6. A Commission member may be removed by the Mayor, with the advice and consent of the Council, if three (3) consecutive or twenty-five (25) percent of the Commission meetings in a calendar year are missed. If the absence of a Commission member is due to an extended illness or vacation, the Commission member is responsible to provide written notice to the Mayor prior to the time the absence will occur. If such notice is given, these removal requirements do not apply.

2.7. Commission vacancies occurring for any reason shall be filled by the Mayor, with the advice and consent of the Council. Vacancies on the Commission occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.

**3. Quorum and Necessary Vote.**

3.1. No meeting of the Commission shall be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the Commission being present. The chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the Commission. All actions of the Commission shall require the vote of a majority of the total members of the Commission. The Commission shall transmit reports of its decisions and recommendations to the Council. Any member of the Commission may also make a concurring or dissenting report or recommendation to the Council.

**4. Effective Date of Decisions.**

- 4.1. All decisions of the Commission shall become effective on the date of the meeting when the decision is made unless a different date is designated in the rules of the Commission, or the Commission designates a different date when the decision is made.

**5. Meetings, Hearings, and Procedure.**

- 5.1. The Commission shall establish a regular meeting schedule.
- 5.2. Special meetings may be requested by a majority vote of the Commission, or by the chair of the Commission.
- 5.3. When a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify all interested parties and all members of the Commission of the date when the Commission will hear the rescheduled matter.

**6. Commission Organization.**

- 6.1. At an annual organizational meeting to be held the first regular meeting in April, and at other times as required, the members of the Commission shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair and vice-chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.
- 6.2. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.

**7. Commission Compensation.**

- 7.1. Members of the Commission shall serve without compensation, except that the Council may fix per diem compensation for members of the Commission, based on necessary and reasonable expenses and on meetings actually attended. The Council shall provide for reimbursement to Commission members for actual expenses incurred, upon presentation of proper receipts and vouchers.

**8. Commission Members Volunteers.**

- 8.1. Members of the Commission shall be deemed "volunteers" for the purposes of Town Ordinances, rules, regulations, and policies concerning personnel, provided however, Commission members shall be included in the definition of "employee" for the purposes of the Utah Governmental Immunity Act.

**9. Commission Recording Secretary.**

9.1. The Mayor shall assign the Town Recorder, or designee, to act as the Recording Secretary to serve the Commission. The Recording Secretary shall keep the minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The minutes of all meetings of the Commission shall be filed in the office of the Town Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act.

9.2. The Recording Secretary shall be compensated as approved by the Council.

**Section 304—Vineyard Town Board of Adjustment:**

The Vineyard Board of Adjustment (hereinafter the "BOA") was heretofore created and established pursuant to LUDMA, or prior enactments of LUDMA.

**1. Powers and Duties.** The BOA shall:

- 1.1. Provide suggestions to the Council and Commission amendments to the General Plan, as the BOA considers necessary.
- 1.2. Provide suggestions to the Council and Commission amendments to any Land Use Ordinances, including amendments to any Zoning Districts Maps and Official Maps, as the BOA considers necessary.
- 1.3. Review and approve, approve with requirements, or deny Applications for a Variance from the terms of this Ordinance, with a finding of an unreasonable hardship, as required by LUDMA, and as provided by Chapter 23, herein.
- 1.4. Render a decision on a determination of a legal nonconforming use, as provided by Chapter 21, herein.
- 1.5. Render a decision on a determination of a legal noncomplying structure, as provided by Chapter 21, herein.
- 1.6. Render a decision on any other legal nonconformity, as provided by Chapter 21, herein.
- 1.7. Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the BOA, for the consideration of Applications and for any other purposes deemed necessary by the BOA provided, that such bylaws, policies, and procedures shall first be approved by the Council before taking effect.

2. **No Authority.** The BOA shall have no power, jurisdiction or authority to consider any of the following:
  - 2.1. To hear any waivers or modifications to any of the standards governing the approval of a General Plan Amendment Application or any Land Use Ordinance Amendment Application.
  - 2.2. To hear any amendments, waivers or modifications to the General Plan, any element or map thereof, or any provision or requirement of any Land Use Ordinance, including any Zoning Districts Maps and Official Maps.
  - 2.3. To make any decisions or determinations that would have the effect of authorizing a use, which is not identified in the Tables of Uses, Chapter 32 herein.
  - 2.4. To hear or decide any matter or Application not expressly identified herein.
  
3. **BOA Membership, Appointment, Terms, Removal, and Vacancies.**
  - 3.1. The BOA shall consist of five (5) members.
  - 3.2. BOA members shall be appointed by the Mayor, with the advice and consent of the Council.
  - 3.3. Members of the BOA shall be residents of Vineyard. No member of the BOA shall be an elected official or employee of Vineyard
  - 3.4. All members of the BOA shall serve at the discretion of the Mayor and Council for a term of four (4) years. No member shall serve more than two (2) consecutive terms. Terms shall begin on January 1 of each calendar year. Members' terms are to be staggered to so that no more than one (1) term shall expire each year on January 1. A BOA member shall not be automatically reappointed to a second term.
  - 3.5. BOA members may be removed by the Mayor, with the advice and consent of the Council.
  - 3.6. A BOA member may be removed by the Mayor, with the advice and consent of the Council, if three (3) consecutive or twenty-five (25) percent of the BOA meetings in a calendar year are missed. If the absence of a BOA member is due to an extended illness or vacation, the BOA member is responsible to provide written notice to the Mayor prior to the time the absence will occur. If such notice is given, these removal requirements do not apply.
  - 3.7. BOA vacancies occurring for any reason shall be filled by the Mayor, with the advice and consent of the Council. Vacancies on the BOA occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.

**4. Quorum and Necessary Vote.**

4.1. No meeting of the BOA shall be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the BOA. All actions of the BOA shall require the vote of a majority of the total members of the BOA. The BOA shall transmit reports of its decisions and recommendations to the Council. Any member of the BOA may also make a concurring or dissenting report or recommendation to the BOA.

**5. Effective Date of Decisions.**

5.1. All decisions of the BOA shall become effective on the date of the meeting when the decision is made unless a different date is designated in the rules of the BOA, or the BOA designates a different date when the decision is made.

**6. Meetings, Hearings, and Procedure.**

6.1. The BOA shall establish a regular meeting schedule.

6.2. Special meetings may be requested by a majority vote of the BOA, or by the chair of the BOA.

6.3. When a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available BOA meeting. The Recording Secretary shall notify all interested parties and all members of the BOA of the date when the BOA will hear the rescheduled matter.

**7. BOA Organization.**

7.1. At an annual organizational meeting to be held the first regular meeting in April, and at other times as required, the members of the BOA shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair and vice-chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.

7.2. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.

**8. BOA Compensation.**

8.1. Members of the BOA shall serve without compensation, except that the Council may fix per diem compensation for members of the BOA, based on necessary and reasonable expenses and on meetings actually attended. The Council shall provide for

reimbursement to BOA members for actual expenses incurred, upon presentation of proper receipts and vouchers.

**9. BOA Members Volunteers.**

9.1. Members of the BOA shall be deemed "volunteers" for the purposes of Town Ordinances, rules, regulations, and policies concerning personnel, provided however, BOA members shall be included in the definition of "employee" for the purposes of the Utah Governmental Immunity Act.

**10. BOA Recording Secretary.**

10.1. The Mayor shall assign the Town Recorder, or designee, act as the Recording Secretary to serve the BOA. The Recording Secretary shall keep the minutes of all proceedings of the BOA, which minutes shall be the official record of all proceedings before the BOA, attested to by a majority vote of the members of the BOA. The minutes of all meetings of the BOA shall be filed in the office of the Town Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act.

10.2. The Recording Secretary shall be compensated as approved by the Council.

**Section 305—Vineyard Town Planner:**

The Mayor, with the advice and consent of the Mayor and Council, shall designate a person to carry out the administrative responsibilities of the Town's Land Use Ordinances, including this Ordinance. The person so designated shall be known as the Town Planner, and may be referred to herein as the "Planner."

**1. Powers and Duties.** The Planner shall:

1.1. Ensure all procedures and provisions of the Town's Land Use Ordinances are consistently and equitably applied.

1.2. Approve, approve with requirements, or deny the following Applications:

1.2.1. All Temporary Use (T) Applications.

1.2.2. All Permitted Use (P-1) Applications.

1.3. Render interpretations of the text of this Ordinance, as provided by Section 202, herein.

1.4. Carry out and complete Determinations of Application Completeness, as provided by Section 1206, herein.

1.5. Carry out all other functions, duties, tasks, and actions, as identified herein.

**Section 306—Vineyard Town Development Review Committee:**

1. **Establishment.** A Development Review Committee (hereinafter identified as the “DRC”) may be established and created by the Mayor, with the advice and consent of the Council.
2. **Purpose.** The purpose of the DRC is to assure that any proposed use, activity, building or structure is consistent with the General Plan and complies with all requirements of the Town’s Land Use Ordinances, including this Ordinance, and all other applicable Ordinances and requirements.
3. **Membership.** The DRC shall consist of persons representing Town Departments, and other persons, as may be designated by the Mayor, responsible for reviewing and coordinating Applications for any Land Use Application Approval, Permit, or License.
4. **Powers and Duties.** The DRC shall act under the direction of the Mayor and shall have the following duties and responsibilities:
  - 4.1. Before a Land Use Authority considers any Permitted Use (P-2) or Conditional Use (C) Applications, the DRC shall review the Application to determine compliance of the Application with the General Plan and all applicable Ordinances.
  - 4.2. The DRC shall provide a report to the Land Use Authority identifying compliance of any Permitted Use (P-2) or Conditional Use (C) Application with the General Plan and all applicable Ordinances prior to review and decision by a Land Use Authority.
  - 4.3. The DRC may provide a report to the Planner for any Temporary Use (T) or Permitted Use (P-1) Application identifying compliance with the General Plan and all applicable Ordinances prior to review and decision by the Planner.
  - 4.4. The DRC may present findings for consideration by the Land Use Authority in the review and decision of any Application for any Approval, Permit, or License.
5. **Conduct of Meetings.** The DRC shall establish procedures for the conduct of DRC meetings, the scheduling of meetings, field trips, and any other DRC matters, such procedures being reviewed and approved by the Mayor before taking effect.

**Section 307—Support:**

The officers and staff of the Town shall provide support and assistance to the Town’s Land Use Authorities, as may be required from time to time.

**Section 308—Public Meetings and Public Hearings:**

All meetings and hearings of all Land Use Authorities, identified herein, shall comply with the provisions of this Ordinance, and all other applicable Ordinances for such meetings and hearings, and the requirements of LUDMA and the Utah Code Annotated, as amended, for open and public meetings.

**Section 309—Provision of Administrative Guidelines:**

The Council may provide guidelines, standards, reference materials, forms, or other documents to assist the Land Use Authorities and Planner in the administration, implementation and interpretation of this Ordinance, and all other Land Use Ordinances.

**Section 310—Computation of Time:**

All times, identified herein, shall be computed using calendar days, except that if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded and time computed to the next regular business day following the Saturday, Sunday or legal holiday. The time within which an act is to be done shall be computed by excluding the first day and including the last day.

**Section 311—Fractional Numbers:**

In determining compliance with the numerical requirements of this Ordinance any computation or measurement resulting in a fractional number, except density calculations shall be rounded to the nearest whole number. Density calculations shall be rounded down to the nearest whole number.

**Section 312—Procedural Irregularities:**

1. **Validity of Action.** Notwithstanding any provision of this Ordinance which sets forth a procedure for any matter herein, no decision, action, inaction or recommendation regarding the matter which is the subject of the procedure shall be void or invalid or set aside by a court due to any error (including, but not limited to, any irregularity, informality, neglect or omission) which pertains to an Application, notice, decision, finding, record, hearing, report, recommendation or any other procedural matter whatsoever unless:
  - 1.1. The procedure is required by State or Federal law; and
  - 1.2. In an examination of the entire circumstances, including the evidence on record, the court is of the opinion that the procedural error complained of was prejudicial to a substantial right of the complainant as shown by the following:
    - 1.2.1. Had the error not occurred the decision made pursuant to the procedure would have been different; and
    - 1.2.2. Because of the error, the complainant suffered an injury for which relief must be given.
2. **Presumption of Validity.** The court shall presume that a decision or action taken pursuant to a procedure was done in good faith and shall not presume that an error is prejudicial, or that an injury occurred. The complainant shall have the burden of proof by a preponderance of the evidence to show that an error is prejudicial or that an injury occurred.

**Section 313—Determination of Completeness of Land Use Applications:**

A Land Use Application is considered submitted and complete on the date the Planner determines the Application Complete, as provided by Section 1206, herein, and determines that the Application complies with the requirements of the applicable Land Use Ordinances and all applicable fees have been paid.

**Section 314—Continuing Validity of Land Use Application Approvals:**

1. The validity of an approval of a Land Use Application shall terminate one hundred eighty (180) days from the date of the approval by the Land Use Authority, unless an alternative date is specifically provided by the applicable Land Use Ordinance, or the Applicant has proceeded within one hundred eighty (180) days from the date of approval with reasonable diligence to implement the approval.
2. The validity of an approval of a Land Use Application shall expire and shall be invalid and null and void within one hundred eighty (180) days from the date of approval by the Land Use Authority or after the expiration of the time provided by the alternative date, as provided by the applicable Land Use Ordinance.
3. An approval by a Land Use Authority shall be invalid and null and void if a use is conducted, or a building or structure is established in violation of any requirements of all Land Use Ordinances, requirements, or conditions of approval.

**Section 315—Land Use Authority Compliance with Land Use Ordinances:**

Each Land Use Authority of the Town, as identified herein, shall comply with the terms and standards of all applicable Land Use Ordinances, including this Ordinance, and shall comply with the mandatory provisions of such Land Use Ordinances.

**Section 316—Land Use Approvals Required to Comply with Land Use Ordinances:**

The approval of any Land Use Application shall continue to comply with all requirements, conditions, terms and standards of approval, as required by the Land Use Authority, and shall continue to comply with the requirements of all Land Use Ordinances.

**Section 317—Acquiring Property:**

1. The Town may acquire property through purchase, gift, voluntary dedication, or eminent domain.
2. The Town may require the dedication and improvement of a street or other facility if the street or other facility is found necessary by the Town because of a proposed development.

**Section 318—Exactions:**

A Land Use Authority may impose an exaction, or exactions, on a Land Use Application if:

1. An essential link exists between a legitimate governmental interest and each exaction; and
2. Each exaction is roughly proportionate, both in nature and in extent, to the impact of the proposed development.



## **CHAPTER 4**

### **Applications and Decision Making Standards**

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#### **Section 401—Various Applications Provided:**

This Ordinance provides for a number of Land Use Applications, required and provided to achieve the purposes of this Ordinance.

#### **Section 402—Decision Making Standards:**

The decision-making standards set forth in this Chapter are provided based on the fundamental distinction between legislative and administrative proceedings. Legislative proceedings establish public law and policy that is applicable throughout the Town, while administrative proceedings apply such law and policy to factually distinct, individual properties and/or circumstances.

#### **Section 403—Legislative and Administrative Proceedings:**

1. **Legislative Proceedings.** The Council is identified hereby to be the only Land Use Authority of the Town authorized to render a decision on any matter determined to be legislative in nature and subject to a legislative proceeding. The following types of Applications are hereby declared legislative matters and subject to legislative proceedings:
  - 1.1. General Plan Amendment Applications.
  - 1.2. Land Use Ordinance Amendment Applications, including Zoning Ordinance and Subdivision Ordinance Text Amendment Applications.
  - 1.3. Zoning Districts Map (Rezoning) and other Official Map Amendment Applications.
  - 1.4. Temporary Land Use Regulations as provided by LUDMA.
2. **Legislative Proceedings—Decision Standards.** A decision regarding a legislative proceeding shall be based on the “reasonably debatable” standard, as follows:
  - 2.1. The Council shall determine what action, if any, in its judgment is necessary, to achieve the purposes of the Vineyard General Plan, the Town’s Land Use Ordinances, other Ordinances, and the purposes of LUDMA.
  - 2.2. In rendering a decision for a legislative proceeding the Council may consider the following:
    - 2.2.1. Reports, information and testimony presented at the public hearing(s) or meeting(s) when the legislative matter was considered; and

- 2.2.2. The personal knowledge of Council members regarding the various conditions and activities bearing on the issue, including, but not limited to, the effect of guiding growth and development in an orderly manner, providing for the implementation of the General Plan, preserving the natural beauty and resources, including open space, wildlife habitat, and clean water, providing opportunities for the establishment of appropriate business activities to meet the needs of residents and others, preventing the overcrowding of land, preventing damage and injury from disasters such as fire, flood, geologic and seismic hazards, and other dangers, directing and managing the type, distribution, and intensity of uses and activity, ensuring the adequacy and sufficiency of required public services, facilities, and amenities, protecting landowners from potential adverse impacts from adjoining uses, and securing economy and efficiency in the allocation and expenditure of public funds.
  - 2.3. The Council shall identify and include the basis, and any findings of fact, for the decision in the public record of the Council meeting when the legislative matter is considered.
3. **Administrative Proceedings.** The following types of Applications are hereby declared to be administrative matters and subject to administrative proceedings:
  - 3.1. Temporary Use (T) Applications.
  - 3.2. Permitted Use (P-1) Applications.
  - 3.3. Permitted Use (P-2) Applications.
  - 3.4. Conditional Use (C) Applications.
  - 3.5. Applications for Determinations of Legal Nonconforming Uses, Noncomplying Structure(s), and other Nonconformities.
  - 3.6. Sign Permit Applications.
  - 3.7. Variance Applications.
  - 3.8. Building Permit Applications.
  - 3.9. All other Applications for any necessary Approval, Permit, or License required by the provisions of this Ordinance, and all other Land Use Ordinances, not identified to be a legislative proceeding, as identified by this Chapter.
4. **Administrative Proceedings—Decision Standards.** All decisions regarding an administrative proceeding shall be based on the “substantial evidence” standard including, as a minimum the following:

- 4.1. A Statement of the standards for approval applicable to the Application;
- 4.2. A summary of evidence presented to the Land Use Authority;
- 4.3. A Statement of findings of fact or other factors considered, including the basis upon which such facts were determined and specific references to applicable standards, as set forth in this Ordinance, other Land Use Ordinances, and other provisions and requirements of Federal, State, and Local Law.
- 4.4. A Statement of approval, approval with requirements or conditions, or denial, as applicable.
- 4.5. The Land Use Authority, as applicable, shall identify and include any findings of fact for the decision of administrative matters.



## **CHAPTER 5**

# **Amendments to the General Plan and Land Use Ordinances**

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The Vineyard Town General Plan, with its accompanying maps, shall be considered an advisory guide for all land use decisions, the guidance of growth and development occurring within the Town, and the provision of required infrastructure and services provided by the Town.

No amendment to any Land Use Ordinances, Zoning Districts Maps, or other Official Maps may be recommended by the Commission, or approved by the Council, unless such amendment is found to be consistent with the General Plan.

### **Section 501—Public Uses to Conform:**

After the Council has adopted the General Plan, with its accompanying maps, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless:

1. The use is found to be consistent with the General Plan, including all maps, all Land Use Ordinances, with their accompanying maps, or any other Official Map, or;
2. An amendment to the General Plan, including all maps, all Land Use Ordinances, with their accompanying maps, or any other Official Map, has been considered by the Commission and, after receiving the recommendation of the Commission, has been approved by the Council as an amendment to the General Plan, Land Use Ordinances, or any other Official Map.

### **Section 502—Amendments to Vineyard Town General Plan:**

A proposed amendment to the General Plan, including any accompanying maps, may be initiated by any property owner, any resident, any business owner, the Council, Commission, BOA, or Planner by filing a General Plan Amendment Application. An Application for an amendment to the General Plan shall be filed with the Town by presenting a General Plan Amendment Application to the Planner.

### **Section 503—Procedures for Amending the General Plan:**

1. The procedures for the review and consideration of a General Plan Amendment Application are identified by Figure 5-1, herein.
2. **Determination of Application Completeness.** A General Plan Amendment Application shall be reviewed and considered by the Planner for Application Completeness, as provided by Section 1206, herein.

3. **Commission Public Hearing Required.** Prior to recommending the adoption, rejection or revision of any General Plan Amendment Application, the Commission shall hold a public hearing in accordance with the procedures of this Ordinance, and LUDMA, and shall provide a minimum of ten (10) days notice of such hearing, as required by LUDMA and Chapter 9, herein.
4. **Commission Recommendation.** Following the close of the public hearing, and at a subsequent meeting(s), the Commission shall formulate a recommendation on the General Plan Amendment Application to the Council.
5. **Commission Recommendation Transmitted to Council.** After the Commission has considered the Application and made its recommendation, the Commission shall transmit to the Council a copy of the Commission's recommendation and the meeting minutes, and all other relevant materials of the proceedings before the Commission. Following receipt of a copy of the General Plan Amendment recommendation from the Commission, and all other materials, the Town Recorder, or Designee shall schedule a public hearing with the Council to consider the Commission's recommendation of the General Plan Amendment Application.
6. **Council Public Hearing Required.** The Council shall consider the General Plan Amendment Application recommendation of the Commission at a public hearing by providing a minimum of ten (10) days notice for the required Council public hearing, as required by Chapter 9, herein.
7. **Council Action.** At a subsequent meeting(s) following the meeting at which the public hearing was held, the Council may approve the General Plan Amendment Application, as presented, revise the proposed amendment and approve the proposed amendment as revised, or reject the proposed General Plan Amendment. If the Council approves the proposed amendment as submitted, or as revised, the Council shall adopt the General Plan Amendment by Ordinance.

**Section 504—Criteria for Approval of General Plan Amendments:**

In considering a General Plan Amendment Application, the Commission and Council shall consider the following:

1. The effect of the proposed amendment to advance the public health, welfare, and safety of residents of the Town.
2. The effect of the proposed amendment on the interests of Vineyard and its residents.
3. The location of the proposed amendment as suitable for the uses and activities allowed by the proposed amendment, and the Town, and all other service providers, as applicable, and all services required by the proposed uses and activities can be provided in a cost effective and efficient way.

4. The compatibility of the proposed uses with nearby and adjoining properties.
5. The suitability of the properties for the uses requested.
6. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to this Ordinance, the Subdivision Ordinance, and any other Ordinances required to implement the amendment.
7. The community benefit of the proposed amendment.

**Section 505—Effect of General Plan Amendment:**

The approval of a General Plan Amendment Application shall not authorize the development of land. After a General Plan Amendment Application has been approved by the Council, no development shall occur until the required Approvals, Permits and Licenses have been issued by the Town consistent with the applicable Land Use Ordinances, adopted Building Codes, and all other applicable Ordinances and requirements.

**Section 506—Amendments to Land Use Ordinances, Zoning Districts Map, and Official Maps:**

A proposed amendment to any Land Use Ordinance, Zoning Districts Map or other Official Maps, may be initiated by any property owner, any resident, any business owner, the Council, Commission, BOA, Planner, or other Town Staff by filing a Land Use Ordinance, Zoning Districts Map Amendment, or other Official Maps Amendment Application with the Planner.

**Section 507—Procedures for Amending Land Use Ordinances, Zoning Districts Maps, and other Official Maps Amendments:**

1. The procedures for the review and consideration of a Zoning Ordinance Amendment Application, Zoning Districts Map Amendment, or Official Map Amendment Application are identified by Figure 5-2, herein.
2. **Determination of Application Completeness.** An Application for a Zoning Ordinance Amendment, Zoning Districts Map Amendment, or Official Map Amendment Application shall be considered by the Planner for Application completeness, as provided by Section 1206, herein.
3. **Commission Public Hearing Required.** Prior to recommending a Land Use Ordinance, Zoning Districts Map, or Official Map Amendment Application to the Council, the Commission shall consider the Application at a public hearing by providing a minimum of ten (10) days notice of the Commission public hearing, as required by LUDMA, and Chapter 9, herein.

4. **Commission Recommendation.** At a subsequent meeting(s) following the meeting at which the public hearing was held, the Commission shall formulate a recommendation on the Land Use Ordinance Amendment, Zoning Districts Map, or Official Map Amendment Application to the Council.
5. **Commission Recommendation Transmitted to Council.** After the Commission has conducted a public hearing, reviewed the Application, and made its recommendation, the Commission shall transmit to the Council a copy of the Commission's recommendation and the meeting minutes, and all other relevant materials of the proceedings before the Commission. Following receipt of a copy of the Land Use Ordinance, Zoning Districts Map, or Official Map Amendment recommendation from the Commission, and all other materials, the Town Recorder, or Designee shall schedule a public hearing with the Council to consider the Commission recommendation of the Land Use Ordinance, Zoning Districts Map, or Official Map Amendment Application.
6. **Council Public Hearing Required.** The Council shall consider a Land Use Ordinance, Zoning District Map, or Official Map Amendment recommendation of the Commission at a public hearing by providing a minimum of ten (10) days notice of the required Council public hearing, as required by Chapter 9, herein.
7. **Council Action.** At a subsequent meeting(s) following the meeting at which the public hearing was held, the Council may approve the Land Use Ordinance, Zoning Districts Map, or Official Map Amendment Application, as presented to the Town, revise the proposed Amendment and approve the proposed amendment as revised, or deny the proposed Application. If the Council approves the proposed amendment as submitted or as revised, the Council shall adopt the Land Use Ordinance, Zoning Districts Map, or Official Map Amendment by Ordinance.

**Section 508—Criteria for Approval of a Land Use Ordinance, Zoning Districts Map, or Official Map Amendment:**

In considering the amendment Application, the Commission and Council shall consider the following approval requirements:

1. The effect of the proposed amendment to advance the public health, welfare, and safety of Vineyard Town residents.
2. The effect of the proposed amendment on the interests of Vineyard and its residents.
3. The compatibility of the proposed uses with nearby and adjoining properties.
4. The suitability of the properties for the uses requested.
5. The location of the proposed amendment as suitable for the uses and activities allowed by the proposed amendment, and the Town, and all other service providers, as applicable, and

all services required by the proposed uses and activities can be provided in a cost effective and efficient way.

6. The consistency of the proposed amendment with the Vineyard General Plan, including all associated maps.
7. The effect of the proposed amendment to implement the goals, objectives, and policies of the Vineyard General Plan, and listing any revisions necessary to all Land Use Ordinances, including this Ordinance, and any other Ordinances required to fully implement the proposed amendment.

**Section 509—Effect of an Amendment to a Land Use Ordinance, Zoning Districts Map, or Official Map:**

The approval of a Land Use Ordinance, Zoning Districts Map, or Official Map Amendment Application shall not authorize the development of land. After an amendment has been approved by the Council, no development shall occur until the required Approvals, Permits, and Licenses have been issued by the Town consistent with the applicable Land Use Ordinances, adopted Building Codes, and all other applicable Ordinances and requirements.

**Section 510—Temporary Land Use Regulations:**

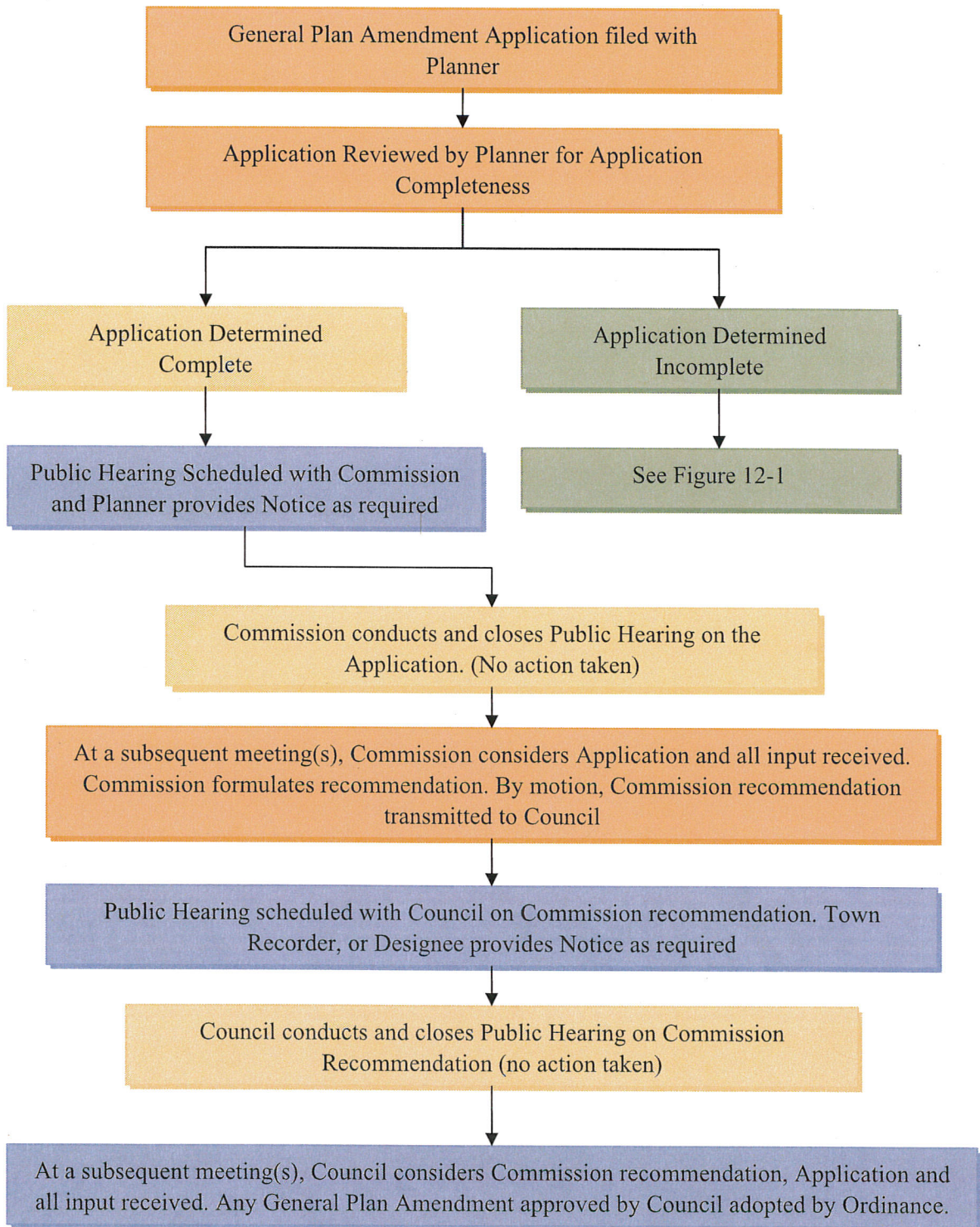
As provided by LUDMA, and consistent with all requirements and procedures, as contained therein, the Council may, with or without a public hearing, enact a temporary land use regulation for any part, or all of the area within the Town if the Council makes a finding of compelling, countervailing public interest; or the area is unregulated.

**Section 511—When Land Use Applicant is entitled to Action, Effect of a Pending Land Use Ordinance, Zoning Districts Map, Official Map Amendment, or Temporary Land Use Regulation:**

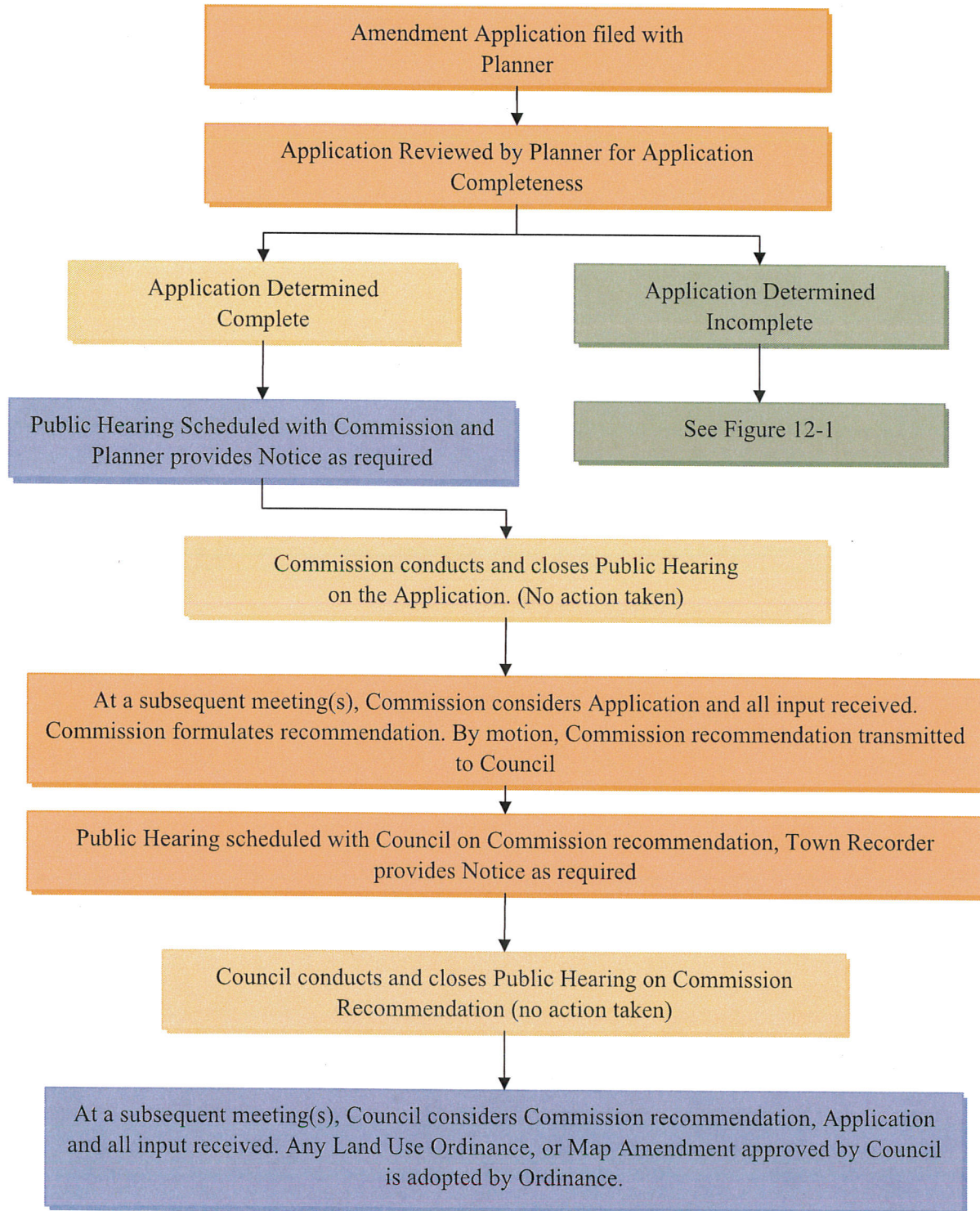
1. An Applicant is entitled to action on a Land Use Application by the applicable Land Use Authority, consistent with the provisions and requirements of all applicable Land Use Ordinances, including this Ordinance, and all other Ordinances in effect on the date the Planner determines the Land Use Application to be complete and all fees have been paid unless:
  - 1.1. The Land Use Authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the Application; or
  - 1.2. In the manner provided by Section 507, and before the Application is submitted, the Town has formally initiated proceedings to amend its Land Use Ordinances, Zoning Districts Map, or Official Maps in a manner that would prohibit approval of the Application as submitted; or

- 1.3. A temporary land use regulation, affecting the Land Use Application, has been enacted by the Council, as provided by Section 510, herein.
2. A Land Use Authority shall process a Land Use Application without regard to proceedings initiated to amend the Land Use Ordinances, Zoning Districts Map, or Official Maps if:
  - 2.1. One hundred eighty (180) days have passed since the proceedings were initiated; and
  - 2.2. The proceedings have not resulted in an enactment that prohibits action on the Land Use Application, as submitted.

**FIGURE 5-1**  
**General Plan Amendment Application Procedures**



**FIGURE 5-2  
Land Use Ordinance, Zoning Map, or Official Map  
Amendment Application Procedures**





## **CHAPTER 6**

### **Establishment of Zoning Districts**

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#### **Section 601—Zoning by Districts:**

In accordance with the provisions of LUDMA that allows the Council to divide the area of the Town into Zoning Districts, as shown on the Vineyard Town Zoning Districts Map, the various Zoning Districts regulate and restrict the erection, construction, reconstruction, alteration, repair and use of buildings and structures and the use of land. All uses, activities, buildings and structures, and all required Approvals, Permits, and Licenses shall comply with the provisions, standards, and requirements of the applicable Zoning District. As provided by LUDMA, neither the size of a Zoning District nor the number of landowners within the Zoning District may be used as evidence of the illegality of a Zoning District or the invalidity of any decision of a Land Use Authority.

To achieve the purposes of this Ordinance, the following Zoning Districts are provided:

1. Agricultural District
  - 1.1. Agriculture (A-1)
2. Residential Agriculture District
  - 2.1. Residential Agriculture (R&A-5)
3. Residential Estates Districts
  - 3.1. Residential Estates (RE-40)
  - 3.2. Residential Estates (RE-30)
  - 3.3. Residential Estates (RE-20)
4. Single-Family Residential Districts
  - 4.1. Single-Family (R-1-15)
  - 4.2. Single-Family (R-1-10)
  - 4.3. Single-Family (R-1-8)
5. Multiple Residential Districts
  - 5.1. Residential (R-2-15,000)
  - 5.2. High Density Residential District (HDR-1)
  - 5.3. High Density Residential District (HDR-2)
6. Commercial Districts *(This Section is a place-holder for the existing Commercial Districts and possible future Sections)*
7. Industrial District *(This Section is a place-holder for existing Industrial Districts and possible future Sections)*
  - 7.1. Industrial (I-1)

8. Special Purpose Districts
  - 8.1. Planned Development Overlay District (PD)

**Section 602—Zoning Districts Purpose:**

The Zoning Districts of the Town are provided to achieve the purposes of the General Plan, the purposes of all Land Use Ordinances, including this Ordinance, and the purposes of LUDMA.

1. **Agricultural District.** The Agriculture District (A-1) is provided to allow locations within the Town devoted primarily to the raising of livestock and/or the growing of crops, and to preserve and protect the continued use of the property for agricultural purposes by excluding the location of residential and other incompatible development to preserve areas for agricultural use. Additionally, this District is provided to allow very low-density residential uses compatible with and recognizing the environmental values and qualities of the property. The Agriculture (A-1) District recognizes and allows existing agricultural and farming activities to continue, consistent with the provisions and requirements of the Agriculture (A-1) District.
2. **Residential Agriculture Districts.** The Residential Agriculture (R&A-5) District is provided to allow low-density residential uses with the opportunity for the keeping of domestic livestock and the operation and maintenance of small farms and hobby farms. The primary land uses allowed are small farms, single-family dwellings, and associated and compatible accessory uses. The R&A-5 District is to provide a location within the Town for a residential and agricultural environment where the residents may engage in agricultural pursuits, including the keeping of livestock.
3. **Residential Estates Districts.** The Residential Estates Districts (RE-40, RE-30, and RE-20) are provided for low-density residential estates neighborhoods with a quality of openness. These Districts are intended to promote, preserve, and protect single-family residential development. The principal land use allowed is single-family dwellings and accessory uses in recognition and sensitivity to the physical environment of the District.
4. **Single-Family Residential Districts.** The Single-Family Residential Districts (R-1-15, R-1-10 and R-1-8) are provided to maintain and allow opportunities for medium-density single-family residential areas for single-family residential dwellings.
5. **Multiple Residential Districts.** The Multiple Residential Districts (R-2-15,000 and HDR-1 and HDR-2) are provided to allow medium and high-density multiple family residential areas. These Districts allow the development of single-family, duplex units, townhouses, condominiums and apartments to provide a full range of housing choices for Town residents and provided with amenities and conveniences in a pleasing and attractive residential environment with adequate light, air, open space, and landscaped areas.
6. **Commercial Districts.** *(This Section is a place-holder for existing Commercial Districts and possible future Sections).*

7. **Industrial District.** *(This Section is a place-holder for existing Industrial Districts and possible future Sections).*
8. **Special Purpose Zoning Districts.** The Special Purpose District of Planned Development Overlay (PD) is provided as an overlay Zoning District to meet specific needs and goals of the Town as follows:
  - 8.1. **Planned Development Overlay (PD).** The Planned Development District is provided as an overlay-Zoning District to allow residential development opportunities with a greater degree of flexibility than may be allowed by the underlying Zoning District(s). The PD District requires creativity and uniqueness in the proposed development with recognition of the environmental and community values existing on the development site. The PD District also promotes the efficient use of all land resources and requires the provision of development and community amenities, with the preservation of the natural and scenic qualities of the development site.

**Section 603—Zoning Districts Map(s):**

As provided by the provisions of LUDMA that allows the Council to divide the area of the Town into Zoning Districts, the Vineyard Town Zoning Districts Map, attached hereto, is incorporated herein by reference and identifies the number, shape, location, and area of each Zoning District provided by the Town.



## **CHAPTER 7** **Special Purpose Districts**

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The following Special Purpose Zoning Districts are provided by Vineyard Town to achieve the purposes of the General Plan, the purposes of this Ordinance, and all other Land Use Ordinances.

### **1. PLANNED DEVELOPMENT OVERLAY DISTRICT (PD)**

#### **Section 701—Purpose:**

The Planned Development Overlay District (PD) is provided by the Town as an “Overlay District” to provide an alternative development and subdivision option that allows some flexibility in the development requirements of the underlying District. The Planned Development Overlay District (PD) is also provided to encourage the development of desirable and attractive residential subdivision areas that provide subdivision and community features not typically required by the Land Use Ordinances of the Town, including the Subdivision Ordinance. The District also allows flexibility in the development requirements of the underlying District. The Planned Development Overlay District (PD) is also provided to promote efficiencies in the delivery of required infrastructure, facilities, and services, and reductions in initial subdivision development costs and long-term maintenance costs. The Planned Development Overlay District (PD) does not establish any allowed uses or density for the subject property. Rather, the identification of the allowed uses and allowed density (or base density) is provided by the underlying Zoning District.

All subdivisions located within a Planned Development Overlay District (PD) shall require a subdivision layout that achieves the following objectives:

1. Protection of scenic, historic, and sensitive lands, including areas containing features such as wildlife habitat, floodplains, wetlands, high-ground water, or unique or other natural features.
2. The provision of useable park and linked open space areas and associated improvements including the preservation of natural features located on the development site and other open space and park areas with associated improvements including public access features, pedestrian trails, children’s play equipment, benches, drinking fountains, and landscaping improvements for the benefit of subdivision and community residents.
3. The provision of streetscape enhancements and improvements including, but not limited to, street landscaping, street tree plantings, street medians, pedestrian and biking facilities, and other streetscape enhancements, buffering and screening treatments.

4. Provides subdivision design and enhancement features including unique and visually attractive entryways, subdivision and community landscape treatments, public art pieces, and consistent architectural features and building design themes.
5. Provides a subdivision design that respects the topography of the site and encourages efficiencies in the delivery of infrastructure, facilities, and services, including reductions in the length of streets and roads, subdivision site disturbance, utility runs, and the amount of required paving and hard surfacing.
6. Provides reductions in the areas of land disturbance by the retention of existing vegetation areas.
7. Creates neighborhood areas with direct visual or recreational access to open space.
8. Provides convenience in layout and a variety of lot sizes.

**Section 702—Application Requirements:**

In addition to the requirements for a Zoning Districts Map Amendment Application, an Application for a Zoning Districts Map Amendment to establish a Planned Development Overlay District (PD) shall provide:

1. Identification of all Sensitive Lands Areas. A Sensitive Lands Determination and Inventory shall be provided, if applicable, which identifies all sensitive lands areas that may be located within the property boundaries proposed for the establishment of a Planned Development Overlay District (PD).

**Section 703—Approval and Designation:**

As an overlay District, the identification of the allowed uses, development requirements and standards, and all other applicable requirements are determined and controlled by the underlying Zoning District, or “base zone,” unless such standards are modified to the extent provided by the Planned Development Overlay District (PD).

The Application of the Planned Development Overlay District (PD) to any lands within Vineyard Town shall require the approval of a Zoning Districts Map Amendment Application, as provided by Chapter 5 herein, concurrent with the approval of a Subdivision Application. If approved, and as an example only, a Zoning Districts Map Amendment Application to allow a Planned Development Overlay District (PD) for an area located within an existing Residential Estates, RE-20 District, would be identified on the Zoning Districts Map as RE-20 (PD), identifying the Residential Estates RE-20.0 District as the underlying District with a Planned Development Overlay District (PD) as the “overlay” District.

**Section 704—Zoning Districts Allowed:**

A Planned Development Overlay District (PD) may be applied to property located within any Zoning District upon approval of a Zoning Districts Map Amendment Application by the Council, as provided by Chapter 5, herein and the requirements of this Chapter.

**Section 705—Approval Criteria:**

A Zoning Districts Map Amendment Application to establish a Planned Development Overlay District (PD) may be approved by the Council, following the receipt of a Commission recommendation, concurrent with the approval of a Subdivision Project Plan and/or Subdivision Application, and following the completion of all requirements for a Zoning Districts Map Amendment Application, as required by Chapter 5 herein. The Council in approving a Zoning Districts Map Amendment Application, and the Commission in formulating a recommendation, shall find that the Planned Development Overlay District (PD):

1. Is consistent, and does not conflict, with any policy of the General Plan.
2. Meets the purposes of this Chapter and all other Land Use Ordinances.
3. Provides a better land use pattern and subdivision design with increased amenities than would be likely if the property were developed without the establishment of a Planned Development Overlay District.
4. Proposes the provision of desirable community and subdivision design feature, enhancements, or improvements including, park and publicly accessible open space areas and associated improvements, landscaping, street tree plantings, street medians, pedestrian and biking facilities, and, buffering and screening treatments.
5. Provides convenience in layout and a variety of lot sizes.
6. Promotes economies in the provision of infrastructure, facilities, and services and promotes efficiencies in the long-term maintenance of open space areas and amenities.
7. Meets all requirements of Chapter 5 herein, for the approval of a Zoning Districts Map Amendment Application.

**Section 706—Approval of Subdivision Applications and Other Applications Located in a Planned Development Overlay District:**

Applications for subdivision approval or any other Application for any Approval, Permit, or License required by all Land Use Ordinances for lands located in a Planned Development Overlay District (PD) shall be submitted and reviewed in accordance with the requirements and procedures of all Land Use Ordinances, as applicable.

**Section 707—Base Density:**

The allowed base density for any proposed subdivision located in a Planned Development Overlay District (PD) shall comply with the requirements for “Maximum Base Density Allowed by a PD Overlay District,” as provided by Table 32-2 herein, for the Zoning District in which the property is located. Any areas proposed to be used for schools, churches, public facilities, or any other similar uses proposed to be located in the subdivision area shall be excluded from the total area used to determine the maximum allowed base density.

**Section 708—Planned Development Layout Plan and/or Development Agreement may be Required:**

A Planned Development Project Plan (“Project Plan”) shall be presented to the Commission for recommendation, and approval by the Council, concurrent with and as part of the Application for a Zoning Districts Map Amendment Application to establish a Planned Development Overlay District (PD). The Project Plan must identify the subdivision features being provided for the benefit of the subdivision and community residents and the techniques to provide uniform and compatible site and building standards when the project area is completely built out. The Planned Development Project Plan must demonstrate compliance with the requirements of this Chapter, Chapter 18, herein, and all other requirements of all Land Use Ordinances, as applicable.

The Planned Development Project Plan may be required to be accompanied by, or included within, the provisions of a Development Agreement, when deemed necessary by the Council. The Planned Development Project Plan shall include all property proposed for a Planned Development Overlay District (PD) and shall show all phases of the development (including any phasing plans). Once approved by the Council, the Project Plan shall be controlling for all required future Approvals, Permits, and Licenses, including but not limited to, Subdivision and Use Applications, and any other requirements of all Land Use Ordinances, as applicable.

**Section 709—Required Minimum Open Space:**

Any subdivision development located within an area identified as a Planned Development Overlay District (PD) shall provide a minimum of ten percent (10%) of the total area of the development site as publicly accessible open space, provided in accordance with the open space standards, maintenance, and dedication requirements set forth in Section 719 to Section 721 herein. Such required public open space may include areas such as streams, stream corridors, watercourses, floodplains, wetlands, geological hazards, wildlife habitat areas, and historic and cultural features, areas of natural beauty or amenity, active park areas, and areas being provided for streetscape treatments and enhancements for the community benefit. Open space areas shall not include areas within any lot, road, street, or right-of-way areas typically required by the Town. For purposes of all Land Use Ordinances, open space areas shall not include any lands used for schools, churches, or any other similar uses.

**Section 710—Density Incentives:**

Density incentives may be granted by the Council, with the receipt of a Commission recommendation, for a subdivision located within a Planned Development Overlay District (PD) for the provision of additional publicly accessible natural or improved open space areas or for the provision of additional subdivision features as more particularly set forth by Sections 711 and 712 herein. Such density incentives shall be calculated from the base density as determined in accordance with the provisions of this Chapter. In no event shall the maximum density incentives for any subdivision located in a Planned Development Overlay District exceed twenty five percent (25%) of the base density, as provided by Sections 707 herein.

**Section 711—Provision of Additional Public Open Space:**

A density incentive for the provision of public open space areas, in addition to the required minimum ten percent (10%) of the development site, shall be provided as follows:

Publicly Accessible Open Space Area being provided as a Percentage of Total Development Site	Maximum Density Incentive (Percentage of Allowed Base Density)
10	0
11	1
12	2
13	3
14	4
15	5
16	6
17	7
18	8
19	9
20	10
21	11
22	12
23	13
24	14
25	15

Publicly Accessible Open Space Area being provided as a Percentage of Total Development Site	Maximum Density Incentive (Percentage of Allowed Base Density)
26	16
27	17
28	18
29	19
30 or greater	20

**Section 712—Improvements and Enhancements to Public Open Space Areas:**

A subdivision located within a Planned Development Overlay District (PD) and providing techniques and actions for the long-term protection and enjoyment of public open space areas, improvements to facilitate public access and use, areas voluntarily provided for streetscape treatments and enhancements for the community benefit and wider than typically required, trails and walkways, or other improvements or enhancements, may receive up to a five percent (5%) density incentive, as recommended by the Commission, and approved by the Council.

**Section 713—Consistency in Design Elements:**

Subdivisions located within a Planned Development Overlay District (PD) that provide and incorporate a consistent and overall subdivision design theme, such as unified architectural building styles, consistency in building materials, colors, height, type and quality, or provide other subdivision design features and amenities, designed to add long-term attractiveness and quality to the subdivision, and required by the Commission, and required and approved by the Council, may receive up to a five percent (5%) density incentive. To receive a density incentive for design elements, the subdivision drawings and covenants, conditions, and restrictions (CC&R's) shall be reviewed and accepted by the Commission and Council as including sufficient guarantees to provide the subdivision features and building design elements.

**Section 714—Convenience in Layout, Variety of Lot Sizes, and Unique Subdivision Features:**

Subdivisions located within a Planned Development Overlay District (PD) that provides creative, or extraordinary design layout, including variations in lot sizes, and incorporate unique features and amenities for the benefit of subdivision and community residents, not typically required or provided in other subdivisions, and recommended by the Commission, and approved by the Council, may receive up to a five percent (5%) density incentive. To receive a density incentive for creative or extraordinary subdivision design,

unique features and amenities, the subdivision drawings and covenants, conditions, and restrictions (CC&R's) shall be reviewed and accepted by the Commission and Council as including sufficient guarantees to provide the variety of lot sizes and unique subdivision features.

**Section 715—Lot Standards:**

1. **Lot Area.** In order to provide for creativity and flexibility in subdivision design and to meet the purposes of this Chapter, lots within a Planned Development Overlay District (PD) may be smaller than the minimum size required by the underlying Zoning District, as recommended by the Commission, and approved by the Council.
2. **Lot Width and Frontage.** The minimum lot width and lot frontage of lots located in a Planned Development Overlay District (PD) may be less than required by the underlying Zoning District, as recommended by the Commission, and approved by the Council.
3. **Other Lot Standards.** All other lot standards, except lot area, width, and frontage, shall be met, as required by the underlying Zoning District.

**Section 716—Building Standards:**

All requirements for primary and accessory buildings, as provided by the underlying Zoning District, shall be met, including building height.

**Section 717—Yard Regulations:**

The design of subdivisions located in a Planned Development Overlay District (PD) may consider variations in the siting and orientation of buildings and structures, but shall comply with the requirements of the base, or underlying Zoning District except unless expressly modified by the approved Project Plan and accompanying Development Agreement as recommended by the Commission, and approved by the Council, during the Project approval processes when determined appropriate.

**Section 718—Open Space Use Regulations:**

1. **Open Space-Allowed Uses.** The following uses are allowed in publicly accessible open space areas approved as part of a Planned Development Overlay District (PD):
  - 1.1. Conservation of land in its natural state.
  - 1.2. Passive open space uses such as sensitive area protection, wildlife habitat, and view protection.
  - 1.3. Active non-commercial recreation uses, such as playing fields, playgrounds, and trails.

- 1.4. Storm water detention areas designed, landscaped, and available as an open space use.
  - 1.5. Underground utility easements, facilities, and rights-of-way for drainage, access, sewer or waterlines, or other public purposes.
  - 1.6. Aboveground utility and street rights-of-way may traverse open space land if approved as part of the subdivision approval.
  - 1.7. Fencing, when deemed necessary and appropriate for the particular use, purpose, and/or location of the open space area.
2. **Open Space-Prohibited Uses.** The following uses are determined to be prohibited uses in all Planned Development Overlay District (PD) open space areas:
- 2.1. Any residential, commercial, or industrial activity.
  - 2.2. Any development, construction or location of any man-made modification or improvements such as buildings, structures, roads, parking lots, or other improvements, except as approved by the Town in conjunction with an allowed use.
  - 2.3. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals, or other resources from the property.
  - 2.4. Any dumping or storing of trash, garbage, or junk.
  - 2.5. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes.
  - 2.6. The use of motor vehicles, including all-terrain vehicles, motorcycles and other recreational vehicles, except as may be necessary to maintain and operate the property and/or utility facilities within the property or to conduct allowed uses on the property such as agricultural uses.
  - 2.7. Hunting or trapping for any purpose other than predatory or problem animal control.
  - 2.8. Advertising of any kind or nature and or any signs; provided, directory signs may be displayed describing the easement and prohibited or allowed uses.
  - 2.9. Removal of any vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, restoration of native species, maintenance of landscaped areas, and similar protective measures, or those activities relating to allowed agricultural uses.
  - 2.10. The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property.

2.11. Changing the topography of the property by excavation, cutting, filling, dumping, dredging spoils, landfill, or other materials, except as necessary to conduct allowed uses.

2.12. All other uses and practices not identified as an allowed use.

**Section 719—Open Space Standards:**

All public open space areas located in a Planned Development Overlay District (PD) shall meet the following standards:

1. **Contiguous Land.** Open space areas shall be contiguous to provide for large and integrated publicly accessible open spaces within the subdivision. Non-contiguous parcels of open space may be recommended by the Commission, and approved by the Council upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the open space area(s), the types of features and resources included within the open spaces, and other relevant considerations. Long thin strips of open space (less than one hundred (100) feet wide) are prohibited, unless recommended by the Commission, and approved by the Council.
2. **Open Space Connections.** Public open space areas shall be designed as a part of a larger continuous and integrated open space system to ensure that an interconnected network of open space areas will be provided.
3. **Maintenance and Emergency Access.** Sufficient access shall be provided to insure necessary maintenance and emergency access to all open space areas in a Planned Development Overlay District (PD).

**Section 720—Permanent Protection of Open Space:**

**Conservation Easement.** All open space areas shall be permanently restricted from future development by a conservation easement, or other method of protection and preservation as recommended by the Commission, and approved by the Council. All conservation easements, or other acceptable method of protection and preservation of open space shall be recommended by the Commission, and approved by the Council prior to, or concurrent with the recording of the final plat for the subdivision located in a Planned Development Overlay District (PD).

**Terms and Conditions.** All conservation easements, or other acceptable method of protection and preservation of the open space areas shall comply with the Utah Conservation Easement Act as set forth in §57-18-1, et seq. Utah Code Annotated, 1953, as amended, and shall be in substantially the same form as the standard conservation easement form provided by the Town, including, at a minimum, the following terms and/or conditions:

1. Legal description of the easement.

2. Description of the current use and condition of the property.
3. Permanent duration of the easement.
4. Allowed uses.
5. Prohibited uses.
6. Maintenance responsibilities and duties.
7. Enforcement rights and procedures.
8. Grantee. Unless otherwise recommended by the Commission, and approved by the Council, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization, or governmental entity. The Town may, but shall not be required to, accept, as grantee, a conservation easement, provided there is no cost of acquisition to the Town for the easement and sufficient access to and maintenance responsibilities regarding the open space lands are provided.

**Section 721—Ownership of Open Space:**

Unless otherwise recommended by the Commission, and approved by the Council, and subject to the provisions set forth in this Chapter, the underlying fee ownership of all publicly accessible open space land shall remain in single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.

**Section 722—Maintenance of Open Space:**

**Costs.** Unless otherwise agreed to by the Town, the cost and responsibility of maintaining open space areas shall be borne by the owner of the underlying fee of the open space land.

**Plan.** The proposed owner of the open space area shall submit an Open Space Maintenance Plan providing for, and addressing the means for permanent maintenance of the open space area at the time of Subdivision Application. The Open Space Maintenance Plan shall provide the following:

1. Proposed open space ownership.
2. Establish regular and periodic operation and maintenance responsibilities for the various kinds of open space, as necessary.
3. Estimate staffing needs, insurance requirements, associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an on-going basis.

4. At the Town's sole discretion, and as recommended by the Commission, and approved by the Council, the Applicant may be required to escrow sufficient funds for the costs associated with the maintenance of open space areas.
5. **Approval.** The Open Space Maintenance Plan shall be recommended by the Commission, and approved by the Council prior to, or concurrent with Subdivision Application approval. The Open Space Maintenance Plan shall be recorded against the property and shall include provisions for the Town's corrective action rights. Any changes or amendments to the Open Space Maintenance Plan shall be recommended by the Commission, and approved by the Council.
6. **Failure to Maintain.** In the event the owner of open space land or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Town may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any Approvals, Permits, or Licenses may be revoked or suspended.
7. **Corrective Action.** The Town may enter the property and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Town Attorney in the Office of the Utah County Recorder. The Open Space Maintenance Plan and all other documents creating or establishing any association or conservation organization for the property shall reference the Town's corrective action authority as set forth herein and shall be recorded against the property.



## **CHAPTER 8** **Development Agreements**

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### **Section 801—Purpose:**

The purpose of this Chapter is to more fully implement the Town's General Plan and the purposes of all Land Use Ordinances. A Development Agreement may be considered by the Council as a method of providing the Town with additional control and flexibility in the approval of development projects by tailoring development standards and requirements to the unique features of a particular development site.

### **Section 802—Eligibility:**

Persons entering into a Development Agreement with the Council must have a legal or equitable interest in the property that is the subject of the Development Agreement.

### **Section 803—Contents:**

All Development Agreements entered into by the Council shall specify and contain, as a minimum, the following Sections:

1. Duration of agreement.
2. Description of the subject property.
3. Allowed uses.
4. Maximum density or intensity of the allowed uses and construction requirements, including, but not limited to, minimum and maximum building heights and building size.
5. A Project Plan or Subdivision Layout Plan identifying, but not limited to, the location and arrangement of all allowed uses, circulation patterns, and all required dedications and improvements.
6. A Phasing Schedule for all project phases and the timing for the provision of all features, dedications, and improvements.
7. A listing of all project features and facilities being voluntarily provided to the Town, in addition to those typically required by all Land Use Ordinances.
8. Other conditions, terms, restrictions, and requirements for subsequent actions and approvals.

**Section 804—Public Hearing Required and Required Notice:**

A public hearing to consider a Development Agreement Application shall be held by the Commission prior to the recommendation to the Council the minimum requirements and other items to be included in a Development Agreement. The procedures for the consideration of an Application for a Development Agreement shall be those procedures for the consideration of a General Plan Amendment Application, as provided by Chapter 5, herein.

The required notice shall be the notice required for the consideration of a General Plan Amendment Application, as provided by Chapter 9, herein. At the discretion of the Commission, and the Council, the required public hearings for the consideration a Development Agreement Application may be held concurrently with any other required public hearing.

**Section 805—Form and Consistency:**

A Development Agreement shall be approved by the Council by Ordinance, following the receipt of a Commission recommendation, with a finding that the Development Agreement is consistent with the General Plan.

**Section 806—Applicable Provisions, Regulations, and Policies:**

Unless otherwise modified by a Development Agreement, all provisions, regulations, and policies governing the uses of the land, density, design, and improvement and construction standards and specifications and all other requirements and regulations of all Land Use Ordinances in effect at the time of the execution of the Agreement shall apply. A Development Agreement shall not prevent the Town from subsequent actions applicable to the property that is the subject of a Development Agreement from applying any new provisions or regulations that do not conflict with those contained within the Development Agreement.

**Section 807—Periodic Review and Modification or Termination:**

The Council shall review a Development Agreement every twelve (12) months, at which time the Applicant, or the Applicant's successor, shall be required to demonstrate good faith compliance with the terms of the Development Agreement. If the Council finds, based on the evidence, that the Applicant has not complied in good faith with all terms or conditions of the Agreement, the Council may modify or terminated the Agreement. All proceedings before the Council to consider modification or termination of an Agreement shall include a noticed public hearing complying with the notice requirements for a General Plan Amendment Application, as provided by Chapter 9 herein.

**Section 808—Amendment or Cancellation:**

In addition to provisions of Section 907, a Development Agreement may be amended or canceled in whole, or in part, by mutual consent of the parties to the Agreement, or their successors.

**Section 809—Recording of a Development Agreement:**

No later than ten (10) days after the Council approves a Development Agreement Application, the Town Clerk shall record the Development Agreement, as approved, in the Office of the Utah County Recorder. The recorded copy of the Development Agreement shall be considered the official copy of said Agreement. The benefits, rights, and obligations of a Development Agreement shall be binding upon, and shall inure to all successors to the original parties to the Agreement.

**Section 810—Modification or Suspension to Comply with State or Federal Laws:**

In the event that Federal or State laws or regulations, enacted after the adoption of a Development Agreement, prevent or preclude compliance with one (1) or more provisions of the Agreement, such provisions of the Agreement shall be modified, or suspended, as may be necessary to comply with such Federal or State laws or regulations.

**Section 811—Reversion of Zoning in the Event of Noncompliance:**

In the event a Development Agreement is terminated, as provided by Section 807 herein, the Land Use Ordinance and Zoning Districts Map requirements for the subject property shall revert to those that existed prior to the enactment of the Development Agreement.



## **CHAPTER 9**

### **Noticing Requirements**

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#### **Section 901—Purpose:**

As provided by LUDMA, the Town is required to provide notice of all public hearings and public meetings to consider both legislative and administrative matters. The notice requirements of the Town of Vineyard for all public hearings and public meetings regarding land use matters and Land Use Applications are provided, herein. The notice requirements of this Chapter are hereby found to require greater notice than required by Section 200 of LUDMA.

#### **Section 902—Required Notice of Public Hearings and Public Meetings to Consider General Plan or General Plan Amendment Applications:**

1. **Public Hearings.** The Planner for public hearings before the Commission, and the Town Recorder, or Designee for public hearings before the Council, shall provide notice of the public hearing to consider the General Plan or General Plan Amendment Application, as follows:
  - 1.1. Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:
    - 1.1.1. Published in a newspaper of general circulation in the area.
    - 1.1.2. Mailed to each “affected entity” identified as defined by LUDMA;
      - 1.1.1. Posted in at least three (3) public locations within the Town; or on the Town’s official website.
  - 1.2. Notice of the date, time, and place of each public hearing shall be mailed at least ten (10) days before the public hearing to each Applicant for a General Plan Amendment Application, as required by Section 503, herein, and LUDMA.
2. **Public Meetings.** The Planner for public meetings by the Commission, and the Town Recorder, or Designee for public meetings by the Council, shall provide notice of the public meeting to consider the General Plan or General Plan Amendment Application, as follows:
  - 2.1. Notice of the date, time, and place of the public meeting, at least 24 hours before the meeting, which notice shall be:
    - 2.1.1. Published in a newspaper of general circulation in the area, and

- 2.1.2. Posted in at least three (3) public locations within the Town; or on the Town's official website.
- 2.2. Notice of the date, time, and place of each public meeting shall be provided at least 24 hours before the meeting to each Applicant for a General Plan Amendment Application, as required by Section 503, herein, and LUDMA.

**Section 903—Required Notice of Public Hearings and Public Meetings on Adoption or Amendments of Land Use Ordinances, including this Ordinance and Zoning Districts Map:**

1. **Public Hearings.** The Planner for public hearings before the Commission, and the Town Recorder, or Designee for public hearings before the Council, shall provide notice of the public hearing to consider the adoption or amendments of the Land Use Ordinances, including this Ordinance, and Zoning Districts Map, as follows:
  - 1.1. Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:
    - 1.1.1. Published in a newspaper of general circulation in the area.
    - 1.1.2. Mailed to each "affected entity" identified as defined by LUDMA;
    - 1.1.3. Posted in at least three (3) public locations within the Town; or on the Town's official website.
  - 1.2. Notice of the date, time, and place of each public hearing mailed at least three (3) days prior to the public hearing to each property owner whose land is directly affected by the Land Use Ordinance, or Zoning Districts Map change.
2. **Public Meetings.** The Planner for public meetings by the Commission, and the Town Recorder, or Designee for public meetings by the Council, shall provide notice of the public meeting to consider the adoption or amendments of the Land Use Ordinances, including this Ordinance and Zoning Districts Map, as follows:
  - 2.1. Notice of the date, time, and place of the public meeting, at least 24 hours before the meeting, which notice shall be:
    - 2.1.1. Published in a newspaper of general circulation in the area, and
    - 2.1.2. Posted in at least three (3) public locations within the Town; or on the Town's official website.
  - 2.2. Notice of the date, time, and place of each public meeting shall be provided at least 24 hours before the meeting to each Applicant for a Land Use Ordinance, or Zoning Districts Map change, as required by Section 507, herein, and LUDMA.

**Section 904—Required Notice for Other Public Hearings:**

When required by the provisions of this Ordinance, the Planner for public hearings before the Commission, and the Town Recorder, or Designee for public hearings before the Council, shall provide notice of the public hearing as follows:

1. Notice of the date, time, and place of each public hearing shall be at least ten (10) calendar days before the public hearing provided by the following means:
  - 1.1. Published in a newspaper of general circulation in the area.
  - 1.2. Posted in at least three (3) public locations within the Town; or on the Town’s official website.
2. Notice of the date, time, and place of each public hearing mailed at least ten (10) days prior to the public hearing to each Applicant for a Land Use Application that is the subject of the public hearing, as required by Section 507, herein, and LUDMA.

**Section 905—Required Notice for Other Public Meetings:**

When required by the provisions of this Ordinance, the Town Planner for public meetings by the Commission or BOA, and the Town Recorder, or Designee for public meetings by the Council, shall provide notice of the public meeting as follows:

1. Notice of the date, time, and place of each public meeting, at least 24 hours before the public meeting, which notice shall be:
  - 1.1. Published in a newspaper of general circulation in the area, and
  - 1.2. Posted in at least three (3) public locations within the Town; or on the Town’s official website.
2. Notice of the date, time, and place of each public meeting shall be provided at least 24 hours before the meeting to each Applicant for a Land Use Application that is the subject of the public meeting, as required by Section 507, herein, and LUDMA.

**Section 906—Required Applicant Notice – Hearings and Meetings:**

As required by LUDMA, the Planner for the Commission and BOA, and the Town Recorder, or Designee for the Council, shall notify the Applicant for a Land Use Application of the date, time, and place of each public hearing and public meeting to consider the Application.

**Section 907—Required Applicant Notice – Final Action:**

In addition to the Applicant notice required by Section 906, the Planner for the Commission and BOA, and the Town Recorder, or Designee for the Council, shall notify the Applicant for a Land Use Application of any action on the Application, as required by LUDMA.

**Section 908—Notice Challenge:**

If notice given under authority of this Chapter, and authority of LUDMA, is not challenged under the provisions of LUDMA, within thirty (30) days after the meeting(s), or action for which notice is given, the notice is considered adequate and proper.

**Section 909—Courtesy Notice:**

In addition to the public hearing notice required by this Chapter, and in the interests of favoring an awareness of all public hearings and participation in the public processes, the Town may also provide courtesy notice, in addition to the mandatory public hearing notice required by Sections 902 and Section 903 of this Chapter. Public Hearing courtesy notice may be provided as follows:

1. **Public Hearings.** The Planner for public hearings before the Commission, and the Town Recorder, or Designee for public hearings before the Council, may provide notice of the public hearing, as follows:
  - 1.1. Notice of the date, time, and place of each public hearing mailed at least ten (10) days before the public hearing to each property owner whose property is located within three hundred (300) feet of the property that is the subject of the public hearing. Notice provided under this part shall include the properties located within the boundaries of Vineyard and located within the boundaries of an adjacent jurisdiction, including the unincorporated areas of Utah County.
  - 1.2. Post notice on the property that is the subject of the public hearing with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
2. **Notice Challenge.** Courtesy notice given under authority of this Section shall not be a basis for a challenge of notice, provided by Section 200 of LUDMA.

**Section 908—Notice Challenge:**

If notice given under authority of this Chapter, and authority of LUDMA, is not challenged under the provisions of LUDMA, within thirty (30) days after the meeting(s), or action for which notice is given, the notice is considered adequate and proper.

**Section 909—Courtesy Notice:**

In addition to the public hearing notice required by this Chapter, and in the interests of favoring an awareness of all public hearings and participation in the public processes, the Town may also provide courtesy notice, in addition to the mandatory public hearing notice required by Sections 902 and Section 903 of this Chapter. Public Hearing courtesy notice may be provided as follows:

1. **Public Hearings.** The Planner for public hearings before the Commission, and the Town Recorder, or Designee for public hearings before the Council, may provide notice of the public hearing, as follows:
  - 1.1. Notice of the date, time, and place of each public hearing mailed at least ten (10) days before the public hearing to each property owner whose property is located within three hundred (300) feet of the property that is the subject of the public hearing. Notice provided under this part shall include the properties located within the boundaries of Vineyard and located within the boundaries of an adjacent jurisdiction, including the unincorporated areas of Utah County.
  - 1.2. Post notice on the property that is the subject of the public hearing with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
2. **Notice Challenge.** Courtesy notice given under authority of this Section shall not be a basis for a challenge of notice, provided by Section 200 of LUDMA.



**CHAPTER 10**  
**Reserved**

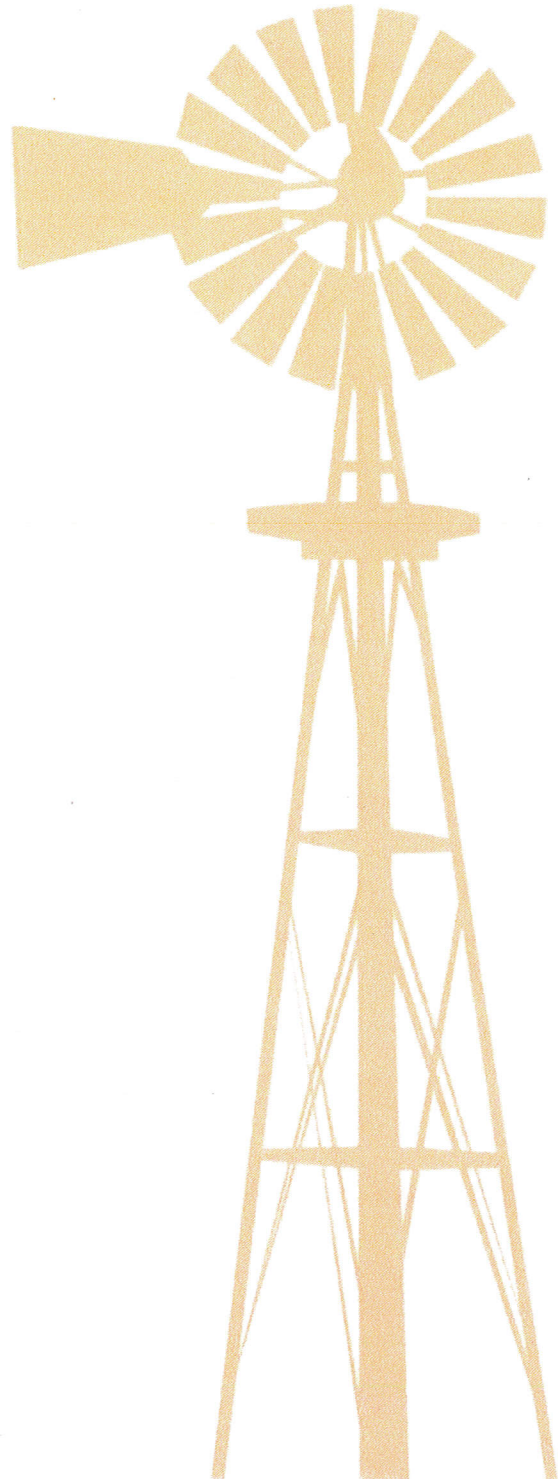
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**CHAPTER 11**  
**Reserved**

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## **CHAPTER 12**

### **Land Use Application Procedures**

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#### **Section 1201—Purpose:**

Land Use Applications and Application review procedures are provided to achieve the purposes of the General Plan and the Town's Land Use Ordinances, including this Ordinance.

#### **Section 1202—Applicability:**

A Land Use Application and/or Building Permit Application, as applicable, shall be required for the establishment of all uses, expansion of uses, and construction or modifications for all buildings and structures located within the Town, unless exempt, as provided by the Land Use Ordinances or adopted Building Codes. All Land Use and Building Permit Applications shall be presented to the Town on the applicable Application(s), provided by the Town. The type of Application presented is at the sole discretion of the Applicant.

#### **Section 1203—Application Forms and Procedures:**

The Council and/or Planner shall provide Application Forms and may identify submittal requirements and processing procedures for the acceptance and filing of all Applications required by the Land Use Ordinances and adopted Building Codes.

#### **Section 1204—Permits Required:**

1. All requirements of the Town's Land Use Ordinances and Building Codes, as applicable, shall apply to all uses, buildings or structures located, or proposed, within the Town.
2. No use, building, or structure shall be commenced or occupied unless and until all necessary Approvals, Permits, and Licenses have been issued in accordance with all requirements of the Land Use Ordinances and/or Building Codes, as applicable.

#### **Section 1205—Development Application-Initiation:**

The procedures for any required Approval, Permit, or License shall be initiated by submitting the appropriate Land Use Application to the Planner.

#### **Section 1206—Determination of Application Completeness:**

After the receipt of a Land Use Application, the Planner shall determine if the Application is complete (Figure 12-1). If the Planner determines the Application complete, the Application review procedures may be commenced. If the Planner determines that the Application is incomplete, the Planner shall notify the Applicant in writing, identifying the Application deficiencies, and advising the Applicant that no action will be taken by the Land Use Authority, as applicable, until all Application deficiencies have been corrected (Figure 12-1).

**Section 1207—Remedying Application Deficiencies:**

If the Applicant fails to correct any and all Land Use Application deficiencies within thirty (30) days from the date of written notification by the Planner, the Application shall be deemed withdrawn and shall be returned to the Applicant by the Planner. Any Application Fees paid shall also be returned to the Applicant.

**Section 1208—Payment of Taxes and Charges Required:**

All Approvals, Permits, or Licenses may be conditioned by the Land Use Authority, as applicable, so that no Approval, Permit, or License is issued, or becomes effective, until all delinquent taxes and charges have been paid to the date of approval.

**Section 1209—Withdrawal of Application:**

An Applicant may withdraw a Land Use Application at any time prior to a Land Use Authority decision on the Application. Application fees shall not be refundable if prior to withdrawal:

1. A review of the Application by the Planner or DRC has commenced; or
2. Required notice of a public hearing or public meeting to consider the Application with the Land Use Authority has been provided.

**Section 1210—Amendment of an Existing Approval:**

Amendments to any existing Approval, Permit, or License issued under the authority of the Town's Land Use Ordinances and Building Codes shall be reviewed in accordance with the procedures established for the review of the Approval, Permit, or License in the first instance.

**Section 1211—Reapplication Following Application Denial:**

If a Land Use Application is denied for failure to meet the requirements of the Land Use Ordinances and Building Codes, a Land Use Application for all or any part of the same property shall not be considered by a Land Use Authority for a period of at least one (1) year from the date of denial, unless the subsequent Land Use Application is substantially different from the previously denied Application, the prior denial was based upon a mistake of fact, or on a motion duly passed by the Council to act immediately and identifying a valid public purpose.

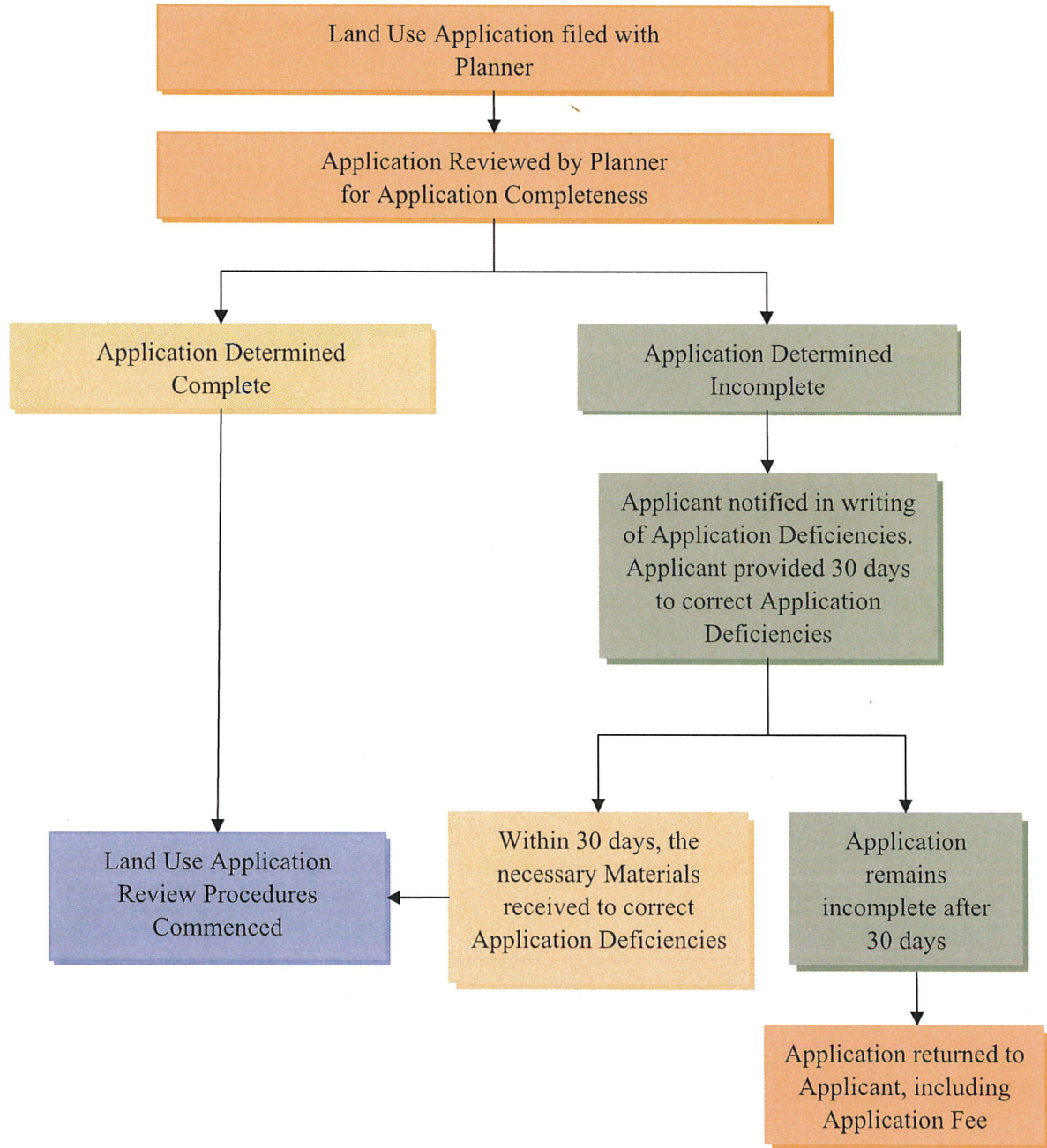
**Section 1212—Inspections:**

In order to review information relevant to an Application, a Land Use Authority, the Planner, and/or other Town Staff may enter upon any land at reasonable times to make examinations and surveys related to the Application.

**Section 1213—Fee Schedule:**

The Council shall establish, by resolution, a fee schedule for the processing and review of all Land Use Applications required by the Town's Land Use Ordinances, and designed to recover the actual or anticipated costs for the processing of the Land Use Application, which fee schedule may be amended from time to time by resolution of the Council. The fee schedule for the processing and review of all Land Use Applications may include a Processing Fee and an Application Fee. Processing and Application Fees shall not be required for Land Use Applications initiated by a Land Use Authority.

**FIGURE 12-1**  
**Procedures for Determination of Application Completeness**





## **CHAPTER 13** **Temporary Uses**

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### **Section 1301—Purpose:**

The following regulations are provided to accommodate those uses that are identified as a Temporary Use (identified as “T”) in the Table of Uses. The character and nature of a Temporary (T) Use may be such that use requirements may be necessary to protect adjacent properties and the general health, safety, and welfare of citizens of the Town.

### **Section 1302—Authority:**

The Planner is hereby authorized to review and render a final decision approving, approving with conditions, or denying all Temporary Use Applications.

### **Section 1303—Initiation:**

All requests to establish a Temporary Use shall be made on the applicable Application form provided by the Town. A property owner may present a Temporary Use Application for review and decision by the Planner. An agent of the property owner, or a lessee of the property, may present a Temporary Use Application to the Planner for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.

### **Section 1304—Review and Approval Procedures:**

1. The procedures for the review and consideration of a Temporary Use Application are identified by Figure 13-1, herein.
2. An Application to establish a Temporary Use shall be determined complete by the Planner, as provided by Section 1206, herein. For Temporary Use Applications determined to be incomplete, the Planner shall comply with the requirements of Section 1207, herein.
3. As provided by Section 1302, the Planner is authorized to render a final decision on the issuance of a Temporary Use Application upon a finding that the use is identified as a Temporary Use in the Table of Uses, and will be conducted in compliance with all requirements of this Ordinance, Building Codes, as adopted, and all Health Codes, as applicable.

### **Section 1305—Allowed Temporary Uses:**

The following uses and activities may be authorized by the Planner with a finding that the Use will be conducted in compliance with all the requirements of this Ordinance:

1. All Uses proposed to be established for a maximum period of sixty (60) days, such uses being discontinued after the expiration of sixty (60) days.

**Section 1306—Exemptions:**

All family reunions and gatherings shall be exempt from the requirements of a Temporary Use Application and approval and shall not be required to present a Temporary Use Application.

**Section 1307—Effect of Approval:**

The approval of a Temporary Use Application shall authorize the establishment of the approved temporary use, subject to any requirements of approval. Approval of a Temporary Use shall not be deemed an Approval of any other Application, Permit, or License.

**Section 1308—Appeal:**

Any person aggrieved by a final decision of the Planner regarding a Temporary Use Application may appeal the decision as provided by Chapter 26, herein.

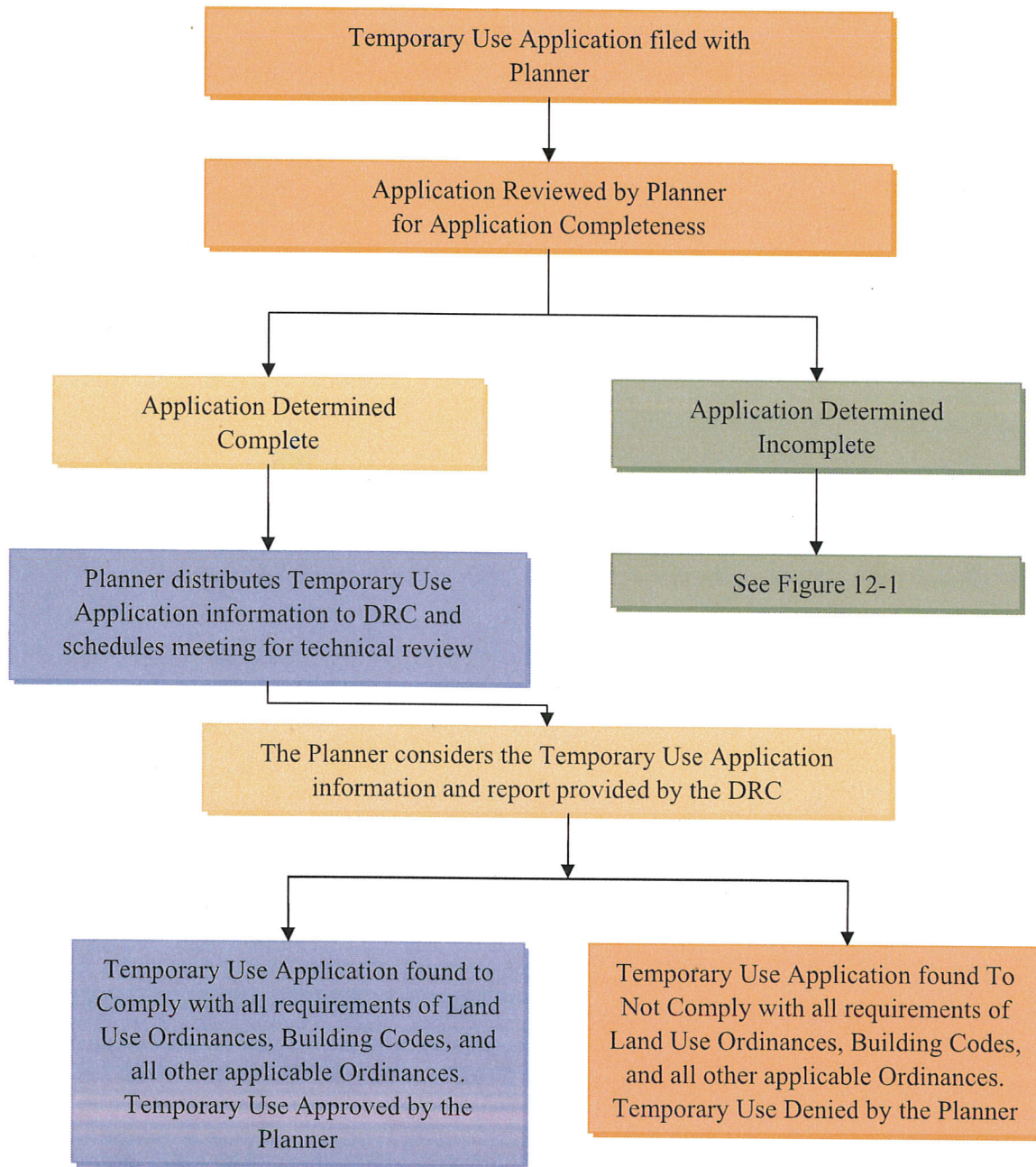
**Section 1309—Temporary Use Approval Amendment:**

No Temporary Use Application shall be amended. If an amendment to a Temporary Use Application is required, a new Temporary Use Application shall be required as provided by this Chapter.

**Section 1310—Expiration:**

A Temporary Use Application approval shall expire and shall be invalid if the approved Temporary Use is not commenced within thirty (30) days from the date of approval by the Planner.

**Figure 13-1  
Temporary (T) Use Application Procedures**





## **CHAPTER 14** **Permitted Uses**

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### **Section 1401—Purpose:**

This Chapter identifies and provides the procedures for the review of Permitted Use Applications (identified as “P-1” and “P-2” Uses) in the Table of Uses. The requirements for Permitted Use Application review and approval are provided herein.

### **Section 1402—Authority:**

1. The Planner is hereby authorized to review and render a final decision for all Permitted (P-1) Use Applications, in accordance with the requirements of this Chapter.
2. The Commission is hereby authorized to review and render final decision for all Permitted (P-2) Use Applications, in accordance with the requirements of this Chapter.

### **Section 1403—Initiation:**

All requests to establish a Permitted Use, either a (P-1) or (P-2) Use, as identified in the Table of Uses, shall be made on a Permitted Use Application, as provided by the Town, which may include a Building Permit Application. A property owner may present a Permitted Use Application for review and decision or an agent of the property owner, or a lessee of the property, may present a Permitted Use Application for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.

### **Section 1404—Application Requirements:**

Applications for a Permitted (P-1) Use or a Permitted (P-2) Use are required to comply with all requirements of this Chapter and this Ordinance, and including the requirements for a Building Permit, as applicable, and all other applicable requirements. All Permitted Use Applications shall be determined complete by the Planner, as provided by Section 1206, herein. For Permitted Use Applications determined to be incomplete, the Planner shall comply with the requirements of Section 1207, herein.

### **Section 1405—Review and Approval Procedures – Permitted (P-1) Use Applications:**

The procedures for the review of a Permitted (P-1) Use Application are identified by Figure 14-1 herein.

**Section 1406—Permitted (P-1) Use Application Requirements:**

All Permitted (P-1) Use Applications shall include and provide the following information:

1. A completed Permitted (P-1) Use Application, as provided by the Town.
2. Five (5) 11 inch x17 inch size copies of a Site Plan, identifying the location of all proposed uses, buildings and structures, and drawn at a scale as required by the Planner, identifying the following:
  - 2.1. The location and dimension of the property boundaries and all proposed uses, buildings and structures, and all existing buildings or structures located on the property.
  - 2.2. The setbacks requirements, as required by the Zoning District in which the proposed uses, buildings and structures are located and the exterior dimensions of all proposed buildings and structures.
  - 2.3. The location of all roads and streets serving the property, or proposed to serve the property, and including any Permits as required by Utah County or the Utah Department of Transportation, as applicable.
  - 2.4. The location and dimension of all existing and proposed ingress and egress points and off-street parking.
  - 2.5. All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
  - 2.6. The location of all existing or proposed fences and walls, identifying height and materials shall be shown.
  - 2.7. Additional plans and drawings required to meet the adopted Building Code, as may be applicable.

**Section 1407—Approval Standards for a Permitted (P-1) Use Application by the Planner:**

The Planner shall review the Permitted (P-1) Use Application and determine if the Application, from the materials presented by the Applicant complies with the following:

1. The proposed use is an allowed (P-1) Use within the Zoning District.
2. The proposed Permitted (P-1) Use and the accompanying site plan complies with all requirements of the Zoning District, as applicable, including minimum area, front, rear and side-yard setbacks, building and structure height, and all other requirements applicable in the Zoning District.
3. Complies with all Site Plan requirements as may be applicable, as provided herein.

4. Complies with all applicable dedication requirements of the Town and provides the necessary infrastructure, as required.

**Section 1408—Required Findings for Approval or Denial of a Permitted (P-1) Use Application by the Planner:**

1. If the Planner finds that the Permitted (P-1) Use Application complies with all requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Permitted (P-1) Use Application shall be approved, with or without use and/or site plan modifications required to comply with this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances. Following the approval of a Permitted (P-1) Use Application, with or without modifications, a Building Permit Application may be reviewed and a Building Permit issued if such Application is found to comply with the Building Code, as adopted.
2. If the Planner finds that the Permitted (P-1) Use Application does not comply with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Permitted (P-1) Use Application shall be denied and no Approval, Permit, or License issued by the Town, including a Building Permit.

**Section 1409—Review and Approval Procedures – Permitted (P-2) Use Applications:**

The procedures for the review of a Permitted (P-2) Use Application are identified by Figure 14-2 herein.

**Section 1410—Permitted (P-2) Use Application Requirements:**

All Permitted (P-2) Use Applications shall include and provide the following information:

1. A completed Permitted (P-2) Use Application, as provided by the Town.
2. Five (5) original copies of Site and Building Plans, as applicable, drawn at a scale as required by the Planner, and prepared by a Licensed engineer or architect, plus fifteen (15) 11 inch x 17 inch reduced copies, identifying the location of all proposed uses, buildings and structures, and identifying the following:
  - 2.1. The location and dimension of the property boundaries and all proposed uses, buildings and structures, and all existing buildings or structures located on the property, and existing buildings located within one-hundred (100) feet of the property.
  - 2.2. Existing property lines and existing fence lines.
  - 2.3. The location and dimension of all existing natural property features including streams, drainage ways, flood plains, and wetlands.

- 2.4. Existing topography of the property, including the existing grade, and identifying the proposed finished grade of the site shown as required by the Planner or Town Engineer.
- 2.5. The setbacks requirements, as required by the Zoning District in which the proposed uses, buildings and structures are located and the exterior dimensions of all proposed buildings and structures.
- 2.6. The location of all roads and streets serving the property, or proposed to serve the property, and including any Permits as required by Utah County or the Utah Department of Transportation, as applicable.
- 2.7. The location and dimension of all proposed ingress and egress points, off-street parking, and loading areas, including the total number of off-street parking and loading spaces.
- 2.8. The location and dimension of all pedestrian and biking facilities, including sidewalks and trails, if any.
- 2.9. All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
3. Located on the Site and Building Plan sheet(s), or on separate sheets, as may be proposed by the Applicant, or as required by the Planner for readability, the following information shall be provided:
  - 3.1. **Utility and Streets Plans.** All existing and proposed culinary water, secondary water, sanitary sewer, storm drainage, power, gas, and telephone lines and facilities, streets and roads with design plans for any new water, sewer and storm drainage lines and facilities, as applicable, streets and roads, meeting the design and construction requirements of the Town, or other agencies, as applicable, and prepared by a Licensed engineer, at a scale acceptable to the Planner. Access to all utilities and points of utilities connections shall be shown.
  - 3.2. **Landscape Plan(s).** Landscape plan(s) shall be provided, prepared by a registered landscape architect, identifying all proposed landscape, screening and buffering features, including all proposed plant materials, including their locations and sizes.
  - 3.3. **Fences and Walls.** The location of all fences and walls, identifying proposed height, materials, and colors shall be shown.
  - 3.4. **Building Plans.** Building plans and drawings shall be provided, as required, to meet the adopted Building Code, as may be applicable. The exterior elevations of every side of all proposed buildings and structures shall be provided, clearly showing proposed building materials and colors proposed for all exterior building facades. This

information shall include a proposed building materials and colors board including color chips and material samples.

- 3.5. **Site and Building Signage Plans.** Information and plans shall be provided identifying all proposed site and building signage including the design, height, size, materials, and colors of all building and site signs.
- 3.6. **Site and Building Lighting Plans.** Information and plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting.
- 3.7. **Mechanical Equipment and Solid Waste Facilities.** The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed. The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed method of screening shall be identified.
- 3.8. **Erosion Control Plan(s).** Information and plans identifying proposed temporary and permanent erosion control measures.
- 3.9. **Construction Plans.** Information shall be provided identifying the phases of construction, a construction schedule, and a list of all Permits necessary for the proposed use(s), as applicable.

**Section 1411—Approval Standards for a Permitted (P-2) Use Application by the Commission:**

The Commission shall review the Permitted (P-2) Use Application and determine if the Application, from the materials presented by the Applicant complies with the following:

1. The proposed use is an allowed (P-2) Use within the Zoning District.
2. The proposed Permitted (P-2) Use and the accompanying site plan complies with all requirements of the Zoning District, as applicable, including minimum area, front, rear and side-yard setbacks, building and structure height, and all other requirements applicable in the Zoning District.
3. Complies with all Site Plan requirements as may be applicable, as provided herein.
4. Complies with all applicable dedication requirements of the Town and provides the necessary infrastructure, as required.

**Section 1412—Required Findings for Approval or Denial of a Permitted (P-2) Use Application by the Commission:**

1. If the Commission finds that the Permitted (P-2) Use Application complies with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Permitted (P-2) Use Application shall be approved, with or without use

and/or site plan modifications required to comply with this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances. Following the approval of a Permitted (P-2) Use Application, with or without modifications, a Building Permit Application may be reviewed and a Building Permit issued if such Application is found to comply with the Building Code, as adopted.

2. If the Commission finds that the Permitted (P-2) Use Application does not comply with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Permitted (P-2) Use Application shall be denied and no Approval, Permit, or License issued by the Town, including a Building Permit.

**Section 1413—Effect of Approval:**

Approval of a Permitted (P-1) Use Application by the Planner, or a Permitted (P-2) Use Application by the Commission shall authorize the establishment of the approved Permitted Use, subject to any site plan modifications or requirements as may be necessary to comply with this Ordinance, other Land Use Ordinances, or other Ordinances of the Town. Approval of a Permitted (P-1) Use Application or a Permitted (P-2) Use Application shall not be deemed an Approval of any other Application, Permit, or License.

**Section 1414—Appeal of a Permitted Use Decision of the Planner or Commission:**

Any person aggrieved by a decision of the Planner regarding a Permitted (P-1) Use Application, or Commission regarding a Permitted (P-2) Use Application may appeal the decision, as provided by Chapter 26, herein.

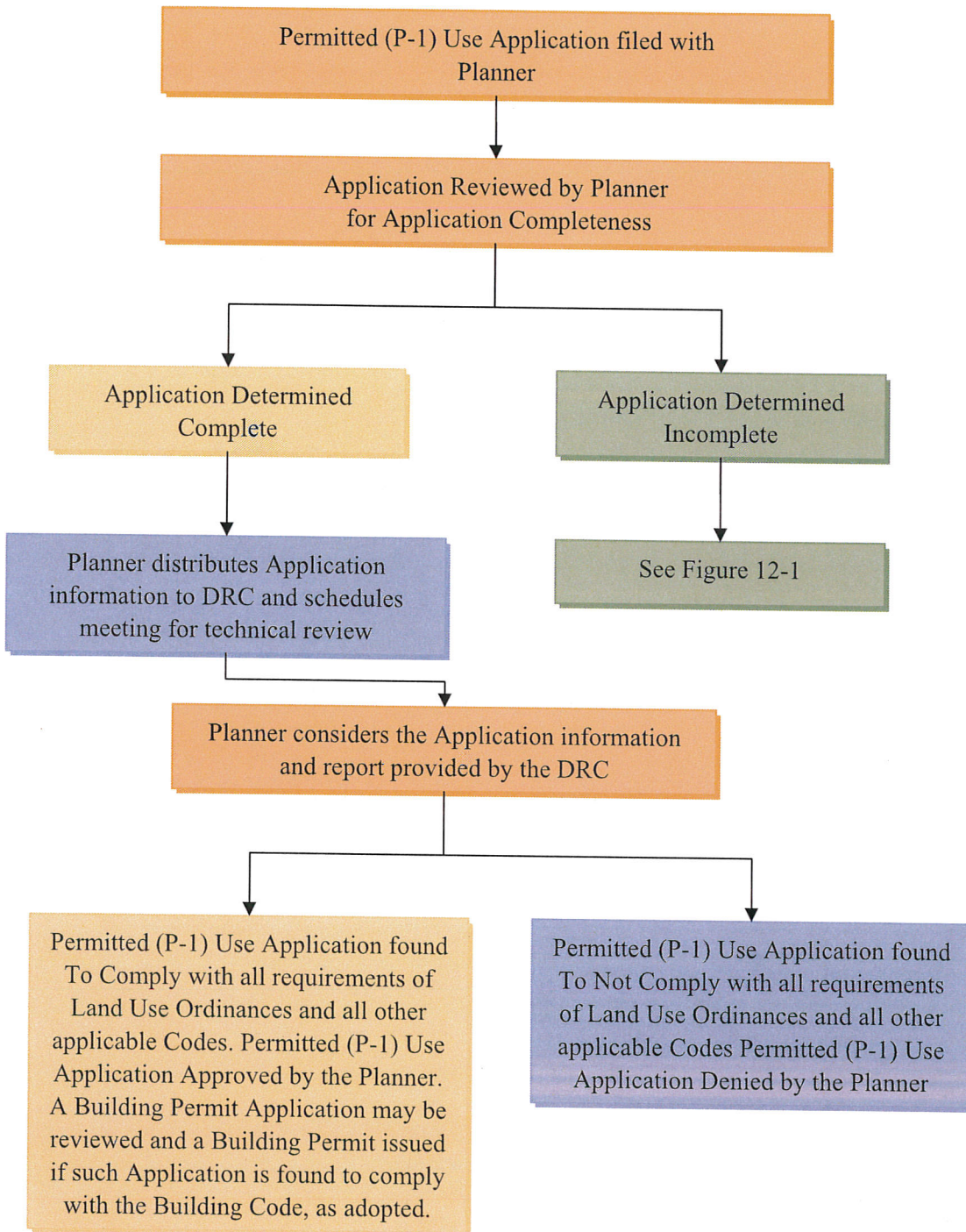
**Section 1415—Permitted (P-1) Use and Permitted (P-2) Use Approval Amendment:**

The procedure for amending any Permitted (P-1) Use or Permitted (P-2) Use Application approval shall be the same procedure as required to approve the Permitted Use Application in the first instance.

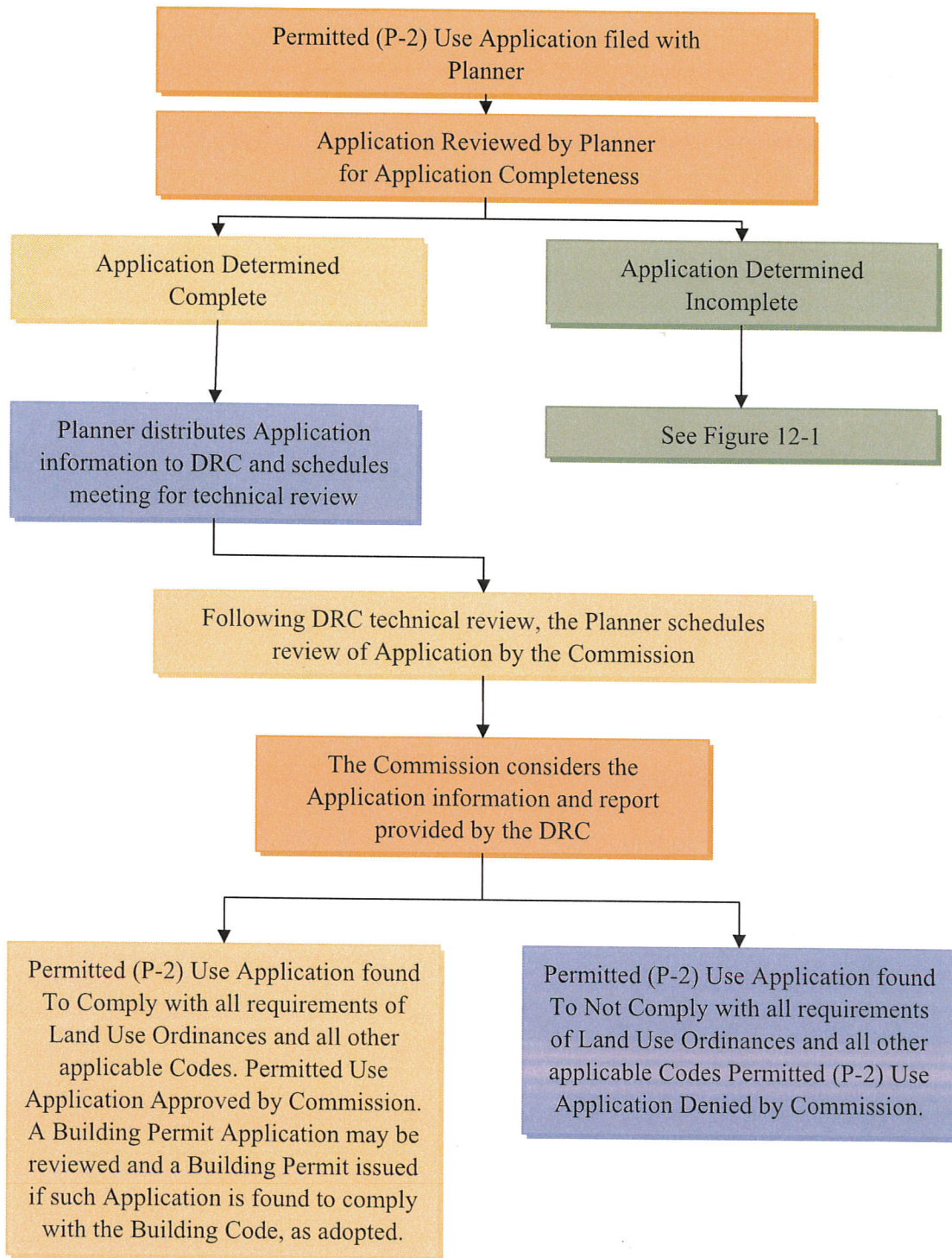
**Section 1416—Expiration of Permitted (P-1) Use and Permitted (P-2) Use Approval:**

A Permitted (P-1) Use or Permitted (P-2) Use Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced within one hundred eighty (180) days from the date of approval. If work has not commenced, or a use established within one hundred eighty (180) days from date of approval, the approval shall be void and a new Permitted Use Application required.

**Figure 14-1  
Permitted (P-1) Use Application Procedures**



**Figure 14-2  
Permitted (P-2) Use Procedures**





## **CHAPTER 15** **Conditional Uses**

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### **Section 1501—Purpose:**

This Chapter identifies and provides the procedures for the review of Conditional Use Applications (identified as “C” Uses) in the Table of Uses. The requirements for a Conditional Use Application and review and approval are provided herein.

The purpose of the issuance of a Conditional Use Application is to allow the proper integration of uses that may be suitable only if such uses are designed, arranged, or conducted in a particular manner.

### **Section 1502—Authority:**

The Council is hereby authorized to review and render a decision for all Conditional Use Applications, in accordance with the requirements of this Chapter.

### **Section 1503—Initiation:**

All requests to establish a Conditional Use, as identified in the Table of Uses, shall be made on an Application form provided by the Town. A property owner may present a Conditional Use Application for review and decision or an agent of the property owner, or a lessee of the property, may present a Conditional Use Application for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.

### **Section 1504—Application Requirements:**

Applications for a Conditional Use are required to comply with all requirements of this Chapter and this Ordinance, and including the requirements for a Building Permit, as applicable, and all other applicable requirements. All Conditional Use Applications shall be determined complete by the Planner, as provided by Section 1206, herein. For Conditional Use Applications determined to be incomplete, the Planner shall comply with the requirements of Section 1207, herein.

### **Section 1505—Review and Approval Procedures – Conditional Use Applications:**

The procedures for the review of a Conditional Use Application are identified by Figure 15-1 herein.

**Section 1506—Conditional Use Application Requirements:**

All Conditional Use Applications shall include and provide the following information:

1. A completed Conditional Use Application, as provided by the Town.
2. Stamped, addressed envelopes for all owners of property located within three hundred (300) feet of the property which is the subject of the Conditional Use Application. (A list of property owners is available from the Utah County Recorder's Office).
3. Five (5) original copies of Site and Building Plans, as applicable, drawn at a scale as required by the Planner, and prepared by a Licensed engineer or architect, plus fifteen (15) 11 inch x 17 inch reduced copies, identifying the location of all proposed uses, buildings and structures, and identifying the following:
  - 3.1. The location and dimension of the property boundaries and all proposed uses, buildings and structures, and all existing buildings or structures located on the property, and existing buildings located within one-hundred (100) feet of the property.
  - 3.2. Existing property lines and existing fence lines.
  - 3.3. The location and dimension of all existing natural property features including existing vegetation, wetlands, streams, drainage ways, flood plains, water bodies, and wildlife habitat areas.
  - 3.4. Existing topography of the property, including the existing grade, and identifying the proposed finished grade of the site shown as required by the Planner or Town Engineer.
  - 3.5. The setbacks requirements, as required by the Zoning District in which the proposed uses, buildings and structures are located and the exterior dimensions of all proposed buildings and structures.
  - 3.6. The location of all roads and streets serving the property, or proposed to serve the property, and including any Permits as required by Utah County or the Utah Department of Transportation, as applicable.
  - 3.7. The location and dimension of all proposed ingress and egress points, off-street parking, and loading areas, including the total number of off-street parking and loading spaces.
  - 3.8. The location and dimension of all pedestrian and biking facilities, including sidewalks and trails, if any.
  - 3.9. All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.

4. Located on the Site and Building Plan sheet(s), or on separate sheets, as may be proposed by the Applicant, or as required by the Planner for readability, the following information shall be provided:
  - 4.1. **Utility and Streets Plans.** All existing and proposed culinary water, secondary water, sanitary sewer, storm drainage, power, gas, and telephone lines and facilities, streets and roads with design plans for any new water, sewer and storm drainage lines and facilities, as applicable, streets and roads, meeting the design and construction requirements of the Town, or other agencies, as applicable, and prepared by a Licensed engineer, at a scale acceptable to the Planner. Access to all utilities and points of utilities connections shall be shown.
  - 4.2. **Landscape Plan(s).** Landscape plan(s) shall be provided, prepared by a registered landscape architect, identifying all proposed landscape, screening and buffering features, including all proposed plant materials, including their locations and sizes.
  - 4.3. **Fences and Walls.** The location of all fences and walls, identifying proposed height, materials, and colors shall be shown.
  - 4.4. **Building Plans.** Building plans and drawings shall be provided, as required, to meet the adopted Building Code, as may be applicable. The exterior elevations of every side of all proposed buildings and structures shall be provided, clearly showing proposed building materials and colors proposed for all exterior building facades. This information shall include a proposed building materials and colors board including color chips and material samples.
  - 4.5. **Site and Building Signage Plans.** Information and plans shall be provided identifying all proposed site and building signage including the design, height, size, materials, and colors of all building and site signs.
  - 4.6. **Site and Building Lighting Plans.** Information and plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting.
  - 4.7. **Mechanical Equipment and Solid Waste Facilities.** The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed. The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed method of screening shall be identified.
  - 4.8. **Erosion Control Plan(s).** Information and plans identifying proposed temporary and permanent erosion control measures.
  - 4.9. **Construction Plans.** Information shall be provided identifying the phases of construction, a construction schedule, and a list of all Permits necessary for the proposed use(s), as applicable.

5. A narrative, accompanied by necessary tables and other information, describing the proposed Conditional Use Application, to assist the Planner, DRC, Commission, and Council in reviewing the Conditional Use Application identifying the following:
  - 5.1. A calculation, identifying all pervious and impervious areas.
  - 5.2. A description of all proposed uses and buildings, including the total site area and building square footage, by building.
  - 5.3. Projected increase in traffic trips.
  - 5.4. Projected water and sewer demand.
  - 5.5. How the proposed Use, and accompanying site and building plans comply with the Town's General Plan.

**Section 1507—Approval Standards for a Conditional Use Application by the Council:**

The Council shall review the Conditional Use Application and determine if the Application, from the materials presented by the Applicant complies with the following:

1. The proposed use is an allowed Conditional Use within the Zoning District.
2. The proposed Conditional Use and the accompanying site plan complies with all requirements of the Zoning District, as applicable, including minimum area, front, rear and side-yard setbacks, building and structure height, and all other requirements applicable in the Zoning District.
3. Complies with all Site Plan requirements as may be applicable, as provided herein.
4. Complies with all applicable dedication requirements of the Town and provides the necessary infrastructure, as required.
5. The proposed Conditional Use meets, and will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements.
6. The property on which the Conditional Use is proposed is of adequate size to permit the conduct of the proposed Conditional Use in a manner that will not be detrimental to adjoining and surrounding properties.

**Section 1508—Reasonable Conditions for a Conditional Use Authorized:**

The Council is authorized to impose such reasonable requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, hours of operation, and other items for the Conditional Use deemed necessary for the protection of adjacent properties and the public interest. These conditions may include;

1. Size, configuration, and location of the site, and proposed site plan layout.
2. Proposed site ingress and egress to existing and proposed roads and streets.
3. The provision of public facilities and amenities, including roads and streets, culinary water, sanitary sewer, storm drainage, public safety and fire protection, and other utilities.
4. The location and amount of off-street parking and loading areas.
5. Site circulation pattern for vehicular and pedestrian traffic.
6. Building size and location, building design and exterior building features, building materials, and building colors.
7. The location and design of all site features, including proposed signage, lighting, and refuse collection.
8. The provision of useable open space, public features, and recreational amenities.
9. Fencing, screening and landscape treatments and other features designed to increase the attractiveness of the site and protect adjoining property owners from noise and visual impacts.
10. Measures directed at minimizing or eliminating potential nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
11. Measures designed to protect the natural features of the site, including wetlands and drainage ways, ground water protection, wildlife habitat, historic and archeological site protection, and other natural site features.
12. The regulation of operating hours for activities affecting normal schedules and functions.
13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the Conditional Use continues to operate in compliance with all conditions and requirements of approval.
14. Such other conditions determined reasonable and necessary by the Commission to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Ordinance.

**Section 1509—Required Findings for Approval or Denial of a Conditional Use Application by the Council:**

1. If the Council finds that the Conditional Use Application complies with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Conditional Use Application shall be approved, with or without reasonable conditions necessary to comply with this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances. Following the approval of a Conditional Use Application, with or without conditions, a Building Permit Application may be reviewed and a Building Permit issued if such Application is found to comply with the Building Code, as adopted.
2. If the Council finds that the Conditional Use Application does not comply with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Conditional Use Application shall be denied and no Approval, Permit, or License issued by the Town, including a Building Permit.

**Section 1510—Effect of Approval of a Conditional Use Application:**

Approval of a Conditional Use Application by the Council shall authorize the establishment of the approved use, subject to any use or site plan reasonable conditions as may be necessary to comply with this Ordinance, other Land Use Ordinances, or other Ordinances of the Town. Approval of a Conditional Use Application shall not be deemed an Approval of any other Application, Permit, or License.

**Section 1511—Appeal a Decision of the Council:**

Any person aggrieved by a decision of the Council regarding a Conditional Use Application may appeal the decision, as provided by Chapter 26, herein.

**Section 1512—Revocation or Modification of a Conditional Use Approval:**

1. A Conditional Use approved in accordance with the provisions of this Ordinance may be revoked by the Council if any of the conditions of approval are not met, or if the Permit is used to violate any law or Ordinance.
2. The Planner shall notify the approved Conditional Use holder by certified mail of any violation, or if a violation exists in any conditions of approval. If no attempt to correct the violation is made within ten (10) days after notification, the Conditional Use approval may be revoked by the Council, if the Council finds that one or more of the following circumstances exists:
  - 2.1. The Conditional Use approval was obtained in a fraudulent manner.
  - 2.2. The use for which the approval was granted has now ceased for at least six (6) consecutive calendar months.

- 2.3. One (1) or more of the conditions of approval have not been met.
- 2.4. Additionally, the Council, following a public hearing, may modify the conditions under which the Use approval was originally approved if the Council finds that the use or related development constitutes or is creating a nuisance.

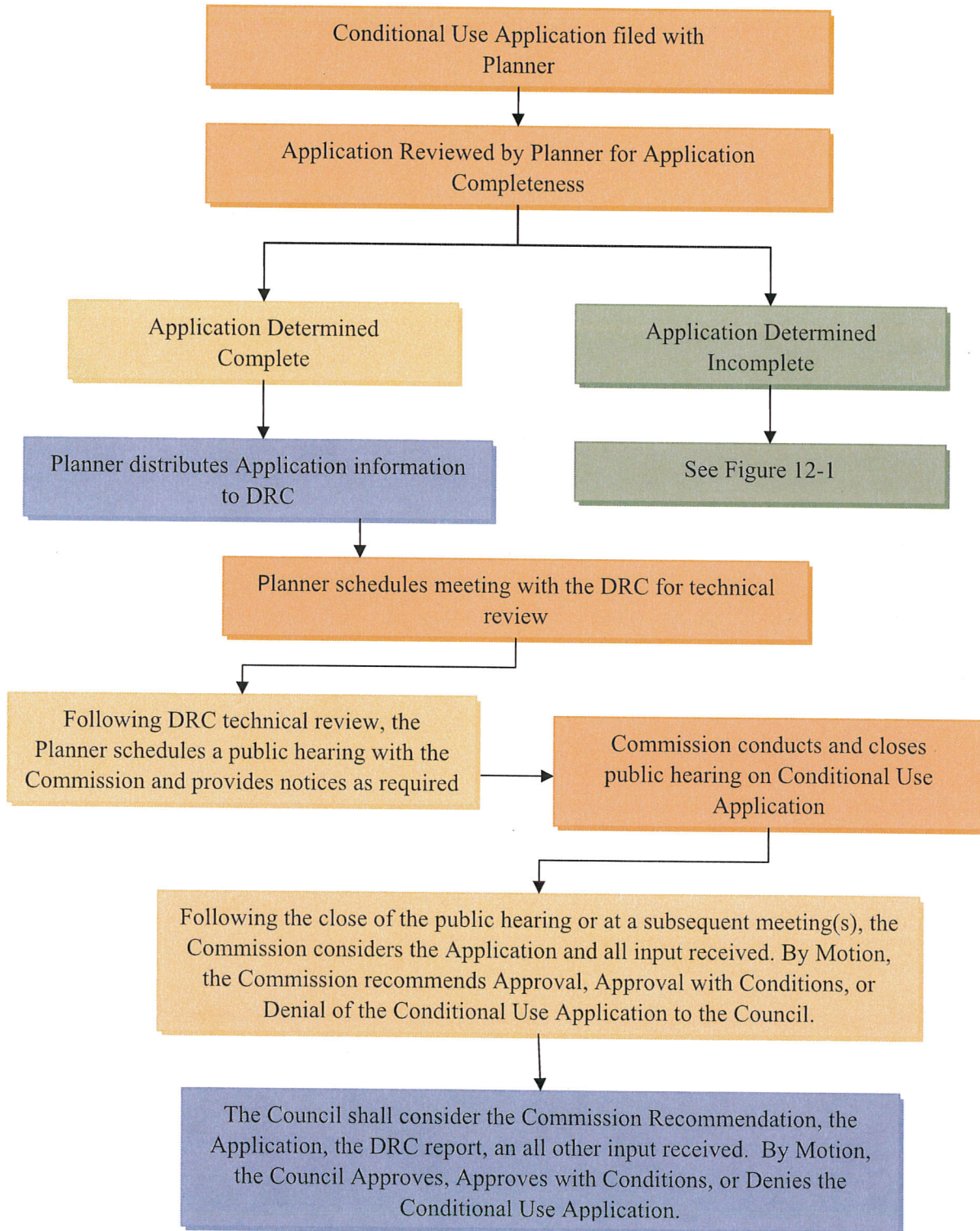
**Section 1513—Conditional Use Approval Amendment:**

The procedure for amending any Conditional Use Application approval shall be the same procedure as required to approve the Conditional Use Application in the first instance.

**Section 1514—Expiration of Conditional Use Approval:**

A Conditional Use Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced within one hundred eighty (180) days from the date of approval. If work has not commenced, or a use established within one-hundred eighty (180) days from date of approval, the approval shall be void and a new Conditional Use Application required.

**Figure 15-1  
Conditional Use Application Procedures**





## **CHAPTER 16**

### **General Property Development Standards**

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#### **Section 1601—Purpose:**

The purpose of general development standards is to further the purposes of the General Plan, this Ordinance and all other Land Use Ordinances. Compliance with all general development standards, as well as all other requirements of this Ordinance, and all other Federal, State, and Local requirements, as applicable, is required for any Land Use Application approval required by this Ordinance, or any other Approval, Permit, or License required by all other Land Use Ordinances.

#### **Section 1602—Applications Required:**

All requests to establish a use, or construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof, shall be initiated by the submission of a Land Use Application, as required by all Land Use Ordinances and/or Building Permit Application, as required by the adopted Building Code, as applicable.

#### **Section 1603—Land Use Application Approval and Building Permit Required Prior to Any Construction:**

The construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof shall not be commenced until after the receipt of a Land Use Application approval, or Building Permit Approval, as applicable.

#### **Section 1604—Allowed Uses:**

All uses allowed within the Town are identified in the Tables of Uses, as contained in Chapter 32, herein.

#### **Section 1605—Prohibited Uses:**

Any use not specifically provided in the Tables of Uses, either as a Temporary (T) Use, Permitted (P-1 or P-2) Use, or Conditional (C) Use, is hereby declared a prohibited use in Vineyard Town.

#### **Section 1606 —Uses on Land Purchased, Leased, or other Arrangement from Federal or State Government:**

Land purchased, leased, or otherwise acquired or obtained from a Federal or State agency shall comply with all requirements of this Ordinance, and the Town's other Land Use Ordinances.

**Section 1607—All Uses, Buildings, and Structures to Comply with Zoning District Requirements:**

Every building or structure erected, reconstructed, altered, enlarged or moved, and every building, structure, or land, rearranged, designed or intended for any use shall be built or used only as allowed by the requirements of this Ordinance, including the requirements of the Zoning District in which the building, structure, or use is located, and all other Land Use Ordinances.

**Section 1608—Subdivision and Sale of Property:**

No person shall subdivide any land parcel, located wholly or in part within the Town, for any purpose unless and until an approval for such subdivision has been received from the applicable Land Use Authority, as identified by the Town's Subdivision Ordinance.

**Section 1609—Allowed Minimum Use of Legal Lots:**

Nothing in this Ordinance shall be construed to prevent the establishment of one (1) single family dwelling on any legal lot or parcel of land, as determined by the Planner, provided that such lot or parcel is located in a Zoning District that permits single family dwellings, and all proposed construction can qualify for a Building Permit, as required herein.

**Section 1610—General Building Requirements:**

1. **Minimum Width of Dwelling Units.** All dwelling units shall be a minimum of twenty-four (24) feet wide at the narrowest point, excluding any accessory structure. The building width shall be considered the lesser of the two (2) primary dimensions of the building.
2. **Permanent Foundation Required.** All buildings shall be located on and permanently attached to a site-built permanent foundation that meets the Building Code, as adopted.
3. **Minimum Off-Street Parking Requirements.** A minimum of two (2) off-street parking spaces shall be provided with each dwelling unit.

**Section 1611—Minimum Height of All Primary Buildings:**

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

**Section 1612—Exceptions to Maximum Height Limitations:**

The requirement for maximum building height shall not apply to:

1. Flagpoles.
2. Steeples.

**Section 1613—Town Policy on Basements:**

Because of random subsurface water flows associated with soil and weather conditions, the construction of basements is discouraged within the Town. All property owners proposing to include a basement in any building construction are advised to investigate the level of ground water to determine the advisability of a basement. Vineyard Town accepts no responsibility for any property damage cause by the flooding of any basement.

**Section 1614—Time Limits for Use and Building Permit Approvals:**

All Use approvals, and all Building Permit approvals, shall be valid for a maximum period of one hundred eighty (180) days, from the date of approval. If work has not commenced, or a use or building established within one hundred eighty (180) days from date of approval, the Approval, Permit or License shall be void and a new Application, Approval, Permit or License required.

**Section 1615—Buildable Area:**

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

**Section 1616—Lot Standards - Noncomplying Lots Prohibited:**

Every lot existing, or created, shall comply with the minimum lot size, frontage, and all other requirements of this Ordinance, and the Town's other Land Use Ordinances, or prior enactments, for the Zoning District in which such lot is located. No lot shall be created that does not conform to the Zoning District requirements in which it is located.

**Section 1617—Every Building or Structure to be on a Lot:**

All buildings and structures, as defined herein, shall be located and maintained on a separate legal lot, such lot meeting all requirements of the Land Use Ordinances, including the requirements of the Zoning District in which the lot is located.

**Section 1618—Lot Frontage Required:**

Every lot shall have frontage upon a dedicated or publicly approved road or street, or right-of-way providing direct access to a dedicated or publicly approved road or street. The required lot frontage shall be not less than the minimum lot width requirement as measured at the minimum front, as required by the Zoning District in which the lot is located, except as follows:

1. For lots which front upon a curve or cul-de-sac, the distance may be reduced to not less than fifty (50) feet provided that the side lot lines radiate in such a manner that the width of the lot at the minimum setback line is not less than the minimum requirement of the Zoning District, or
2. The lot has been approved as a flag lot.

**Section 1619—Lots in Two (2) or More Zoning Districts:**

Where a lot of record at the time of passage of this Ordinance, or any amendment thereto, falls into two (2) or more Zoning Districts, the requirements of the more restrictive Zoning District shall apply.

**Section 1620—Required Yard Areas for One Building Only:**

1. No required yard or setback area for a lot or building shall be considered as providing the required yard or setback for any other lot or building.
2. No area required to meet the lot width, area, setback, or other requirements of this Ordinance for any lot or building may be divided, sold, or leased separate from such lot or building.

**Section 1621—Front Yard Parking Prohibited:**

In all Zoning Districts, no vehicle parking shall be permitted in any required front yard setback areas, except on driveways located in residential zones that directly access a garage or carport.

**Section 1622—Required Yards to be Unobstructed—Exceptions:**

1. All required setback areas shall to be open to the sky and unobstructed except for permitted and approved accessory buildings and structures and for projections of sills unenclosed steps, unwallled stoops, bay-windows, unenclosed porches; and similar building features, provided that such features do not encroach more that three (3) feet into the required setback area..
2. Walls and fences, complying with the requirements of this Ordinance and required approval by a Land Use Authority, as provided herein.

**Section 1623—Requirements for Fences and Walls:**

1. **Height.**
  - 1.1. Unless required by a Land Use Authority no fence, wall, or similar structure shall be erected on any required rear or side yard to a height in excess of six (6) feet, measured from natural or finished grade, whichever is lower, except fences located on the front

property line or on the side property line within the front yard shall not be higher than forty two (42) inches.

- 1.2. Any fence and wall higher than six (6) feet, measured from natural or finished grade, whichever is lower, shall require a Building Permit.
- 1.3. Solid, sight-obscuring fences and walls, separating commercial and industrial Zoning Districts from all other zones, may be required as a buffering and screening treatment with a minimum height of six (6) feet, except for required clear view areas. Additional fence height may be required, including the provision of three (3) feet of open fence, such as wrought iron, to the top of any fence along rear property boundaries for safety and security purposes.
- 1.4. Fence height shall be measured from the highest point of the fence or wall to natural or finished grade, whichever is lower, and which has not been specifically altered to increase fence or wall height. When a difference in grade exists on either side of a fence, the height of the fence shall be measured from:
  - 1.4.1. The average elevation of the finished grade of the adjoining properties on each side of the fence line, which average elevation shall not exceed two (2) feet; or
  - 1.4.2. The average natural elevation.
  - 1.4.3. No ground shall be filled or bermed to exceed the maximum allowed height of fences or walls.
- 1.5. Fence and wall heights located on rear and side property lines, and immediately adjoining any road or street right-of-way shall not exceed a maximum height of six (6) feet, except required clear view areas.
2. **Compatible Design.** All walls and fences shall be compatible with the surrounding landscape and the architecture and building materials of buildings on and adjacent to the property.
3. **Quality of Construction.** All walls and fences shall be constructed in a workman-like manner according to industry standards.
4. **Maintenance of Fences and Walls.** All fences and walls shall be maintained in good repair. Areas adjacent to the wall or fence shall be maintained by the property owner.

#### **Section 1624—Adequate Public Facilities:**

Land shall only be developed to the extent that adequate public infrastructure, facilities, and services are available, or will be available concurrent with the development activity, and sufficient to meet the needs of the proposed development. A Land Use Authority may require a "Public Facilities and Services" analysis to be provided to determine if adequate public

facilities and services are available to serve the proposed development and if such development will change the existing levels of service, or will create a demand for services that exceeds existing service levels.

Public facilities and services that may be required by a Land Use Authority to be included in a Public Facilities and Services analysis include, but are not limited to, road and street facilities, intersections and bridges, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, adequate fire flows, fire and emergency services and response times, police protection services and response times, and other required public facilities and services. A Land Use Authority may deny a Land Use Application if the demand for public facilities and services exceeds existing service levels, or require the Applicant for a Land Use Application to provide the required infrastructure, facilities, or services, concurrent with demand, consistent with all applicable legal authorities.

**Section 1625—Culinary Water and Sanitary Sewer Requirements:**

All dwellings and other structures used for human occupancy shall be served by an adequate culinary water and sewage disposal facility approved by the Utah County Health Department.

**Section 1626—Utilities:**

1. All primary buildings shall be connected to all necessary and required utilities.
2. All water, sewer, telephone, cable television, power, and other utilities shall be provided underground, with the following exceptions;
  - 2.1. Transformers, pedestals, fire hydrants, and other appurtenances normally associated with “underground” utility installations are permitted on the surface of the ground.
  - 2.2. The development of existing lots in areas of the Town now served with existing aboveground utilities, are exempt from this requirement.

**Section 1627—Required Streets, Curb, Gutter, Sidewalks, and Trails:**

1. The installation of necessary streets, street widening and improvement(s), curbs, gutters, sidewalks, and trails of a type as required by the Land Use Ordinances of the Town shall be required as a condition of any required Approval, Permit, or License.
2. The Council may provide that the installation of necessary streets, street widening and improvement, curbs, gutters, sidewalks, and trails be delayed until a date certain, or provided as part of any area-wide improvement plan(s). The timing of any improvement plan(s) shall be at the sole discretion of the Council.

**Section 1628—Clear View at Intersecting Streets:**

In all Zoning Districts, no view obstruction including a sight-obscuring fence, wall, sign, or other similar structure, and no landscaping which exceeds 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 a point thirty (30) feet from the intersection of the street lines except for a reasonable number of trees pruned high enough to permit unobstructed vision for automobile drivers, bicyclists and pedestrians.

**Section 1629—Clear View at Driveways:**

In all Zoning Districts, no view obstruction including a sight-obscuring fence, wall, sign, or other similar structure, and no landscaping which exceeds two (2) feet in height shall be placed within a triangular area formed by a driveway line, the street property line, and a line connecting them at points twelve (12) feet along the driveway line and twelve (12) feet along the street property line, except for a reasonable number of trees pruned high enough to permit unobstructed vision for automobile drivers, bicyclists and pedestrians.

**Section 1630—Required Property Maintenance:**

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

**Section 1631—Noxious Weeds:**

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



## **CHAPTER 17**

### **Supplementary Development Standards**

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#### **Section 1701—Purpose:**

The purpose of supplementary development standards is to further the purposes of the General Plan, this Ordinance, all other Land Use Ordinances. Supplementary development standards address the use, location, construction, and operation of particular uses and activities. Compliance with supplementary development standards, as applicable, as well as all other requirements of this Ordinance, and all other Land Use Ordinances, and all other Federal, State, and Local requirements are required for any Land Use Application approval required by this Ordinance, or any other Approval, Permit, or License required by other Land Use Ordinances.

#### **Section 1702—Additional Height Allowed for Public Buildings:**

Public buildings and churches proposed in a Residential Zoning District may be erected to a height greater than the maximum building height, required by the Zoning District in which the building is located, provided the building is set back from required setback lines a distance of one (1) foot for each additional foot of building height above the maximum height allowed in the Zoning District.

#### **Section 1703—Accessory Buildings:**

1. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
2. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.
3. An accessory garage may be attached to, or detached from, the primary building.
4. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
5. All garages and other accessory buildings located within ten (10) feet of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply.
6. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
7. All garages and other accessory buildings located ten (10) feet or more away from the primary building may be located no less than three (3) feet from the side or rear property line(s) and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one (1) foot of any property line.

8. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
9. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the Zoning District in which the accessory building is located.
10. Accessory buildings shall comply with the requirements of the adopted Building Code, as applicable.
11. No mobile home, travel trailer, boat, or similar recreational vehicle shall be used as an accessory building.
12. No shipping container, cargo container, shipping crate, box, trailer, or similar moveable piece of equipment or object shall be used as an accessory building.
13. No utility connections or meters, separate from the primary building shall be allowed for accessory buildings.
14. No accessory buildings shall be rented, leased, or sold separately from the rental, lease, or sale of the primary building.
15. No accessory building shall be used as a permanent dwelling unit.
16. No accessory building shall be located closer than three (3) feet to any side or rear property line(s), and no portion of any garage or accessory building, including any roof overhangs, shall be al
17. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of Section 1712, herein.

**Section 1704—Limitations on the Height, Size, and Location of Garages and other Accessory Buildings in Residential Zones:**

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

**1. Maximum Garage Height.**

- 1.1. No detached garage shall be higher than twenty (20) feet, measured from the natural of finished grade, whichever is lower, to the highest point of the detached garage, or higher than the primary building, whichever is less.
- 1.2. No attached garage shall be higher than the primary building.

## **2. Number of Garages.**

- 2.1. A maximum of one (1) attached and one (1) detached garage may be allowed on each lot in association with a primary residential dwelling unit. All other structures, excluding the primary building and attached or detached garage shall be considered accessory buildings.

## **3. Maximum Accessory Building Height.**

- 3.1. No accessory building, except one (1) detached and one (1) attached garage, as provided above, shall be higher than fifteen (15) feet, measured from the natural or finished grade, whichever is lower.

## **4. Size, Location, and Construction of Attached and Detached Garages and Other Accessory Buildings in Residential Zoning Districts.**

- 4.1. The total square footage of any detached or attached garage shall not be greater than fifty percent (50%) of the square footage of the footprint of the primary structure.
- 4.2. The cumulative total square footage of any attached garage, detached garage and all other accessory buildings shall not be greater than twenty-five percent (25%) of the rear yard.
- 4.3. All garages and other accessory buildings located within ten (10) feet of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply.
- 4.4. All garages and other accessory buildings located ten (10) feet or more away from the primary building may be located no less than three (3) feet from the side or rear property line(s) and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one (1) foot of any property line,
- 4.5. No detached garage or other accessory buildings shall be located in any required front yard.

### **Section 1705—Smaller Accessory Buildings – Exemption from Building Permit Requirements:**

An accessory building with a maximum height of ten (10) feet and a maximum size less than one hundred twenty (120) square feet shall not require a Building Permit, provided all setback requirements for the Zoning District in which the accessory building is located are met, no portion of the accessory building is within one (1) foot of any property line, and no storm water runoff from the accessory building is allowed to run onto adjacent property.

**Section 1706—Accessory Dwelling Units for an Owner or Employee:**

1. An Accessory Dwelling Unit for an Owner or Employee shall not be rented, leased, or sold separately from the rental, lease, or sale of the primary building located on the same lot.
2. A maximum of one (1) Accessory Dwelling Unit for an Owner or Employee may be established on each individual, separate lot, such lot meeting all requirements, including minimum lot size, for the Zoning District in which the lot is located.
3. The lot proposed for an Accessory Dwelling Unit for an Owner or Employee shall already have an existing primary structure provided, or approved, prior to the consideration of an Application to allow an accessory dwelling unit.
4. Accessory dwelling units shall meet the required setbacks for attached or detached accessory buildings and uses as required by the Zoning District in which they are located.
5. An Accessory Dwelling Unit for an Owner or Employee shall be connected to, and served by, the same water, sewer, electrical, water, and gas meters that serve the primary building. No separate utility lines, connections, or meters shall be allowed for an Accessory Dwelling Unit for an Owner or Employee.
6. An Accessory Dwelling Unit for an Owner or Employee shall provide a minimum of two (2) off-street parking spaces, located as determined necessary and appropriate for approval of the Accessory Dwelling Unit for an Owner or Employee.
7. The construction of an Accessory Dwelling Unit for an Owner or Employee shall meet all requirements of the adopted Building Code, as applicable.
8. The architectural style, building materials and building colors of an Accessory Dwelling Unit for an Owner or Employee shall be found to be compatible and consistent with the architectural style, materials, and color of the primary building.
9. Mobile homes, travel trailers, boats, or similar recreational vehicles shall not be used as an Accessory Dwelling Unit for an Owner or Employee.
10. The Land Use Application approval for an Accessory Dwelling Unit for an Owner or Employee shall be received before a Building Permit is issued.
11. As a condition of approval required to establish an Accessory Dwelling Unit for an Owner or Employee, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the Town, running in favor of the Town, which shall prohibit the rental, lease or sale of the Accessory Dwelling Unit for an Owner or Employee separately from the rental, lease or sale of the primary use or building. Proof that such deed restriction has been recorded shall be provided to the Planner prior to the issuance of the Certificate of Occupancy for the Accessory Dwelling Unit for an Owner or Employee.

**Section 1707—Supplementary Requirements for Residences for Persons with a Disability:**

1. No Residence for Persons with a Disability shall be established unless:
  - 1.1. It is proposed in a building that complies with all adopted Land Use Ordinances and Building Code, and applicable to similar structures in the Zoning District in which the Residence for Persons with a Disability is proposed.
  - 1.2. The Residence for Persons with a Disability proposes no fundamental change in the character of the residential neighborhood.
2. **Maximum Number of Occupants (Consumers and Staff).** Any building proposed to be used as a Residence for Persons with a Disability, the existing building, or building plans, shall be reviewed by the Building Official, considering the Categorical Standards for physical facilities, as established by the State of Utah Department of Human Services. Following this review the Building Official shall determine and establish the maximum number of persons allowed to reside within the Facility, which shall not exceed six (6) occupants.
3. **State of Utah Department of Human Services License.** At the time of Use Application to establish a Residence for Persons with a Disability, or within forty-five (45) days following approval, the owner or provider shall provide to the Planner evidence that the residence is Licensed by the State of Utah Department of Human Services for the type of facility being considered, or authorized, by the Town. Any approval for a Residence for Persons with a Disability shall be conditioned on the presentation of evidence that the facility is Licensed by the State of Utah Department of Human Services, as required by this Section. Failure to provide such evidence shall automatically invalidate and terminate any existing or pending approvals.
4. **Continued Compliance with the Licensure Requirements of the Department of Human Services.** The responsibility to License programs, or owners or providers that operate a Residence for Persons with a Disability, as well as require and monitor the provision of adequate services to consumers residing in these facilities, shall rest with the State of Utah Department of Human Services. Failure to maintain continued compliance with the licensure requirements of the State of Utah Department of Human Services shall automatically invalidate and terminate any existing or pending approvals.
5. **Approval to Operate a Residence for Persons with a Disability is Non-transferable.** An approval for a Residence for Persons with a Disability, as authorized by this Section, is nontransferable and shall only be valid to the owner or provider identified on the Application authorizing the operation of the Facility, and as identified as the owner or provider as Licensed by the State of Utah Department of Human Services.
6. **Reasonable Dispersion.** No Residence for Persons with a Disability shall be approved that would be located closer than one-half (½) of a mile to any other Residence for Persons with a Disability.

7. **Limit on Number of Occupants.** No Residence for Persons with a Disability shall be approved that would allow more than six (6) occupants.
8. **Reasonable Accommodations.** The Land Use Authority, in reviewing an Application to establish a Residence for Persons with a Disability, may to the extent necessary, modify the requirements of this Section, if such modifications are necessary to make a reasonable accommodation to afford persons residing in such facilities equal opportunity in the use and enjoyment of the facility.

**Section 1708—Supplementary Requirements for Residences for Persons with a Disability that are Substance Abuse Facilities and are located within Five Hundred (500) Feet of a School:**

1. All requirements applicable to a Residence for Persons with a Disability shall apply.
2. In addition to the requirements for a Residence for Persons with a Disability, the following requirements shall apply to all Residences for Persons with a Disability that are substance abuse facilities and proposed within five hundred (500) feet of a school:
  - 2.1. In accordance with the rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities, shall provide;
  - 2.2. A security plan satisfactory to the Utah County Sheriff's Office.
  - 2.3. Twenty-four (24) hour supervision for residents; and
  - 2.4. Other twenty-four (24) hour security measures.

**Section 1709—Supplementary Requirements for Residential Facilities for Elderly Persons:**

1. The approval of a Residential Facility for Elderly Persons is nontransferable and terminates if the structure is devoted to a use other than a Residential Facility for Elderly Persons, or if the structure fails to comply with the requirements of this Section.
2. No Residential Facility for Elderly Persons shall be established unless:
  - 2.1. It is proposed in a building that complies with all Land Use Ordinances and adopted Building Code, and is applicable to similar structures in the Zoning District in which the Residential Facility for Elderly Persons is proposed.
  - 2.2. The Residential Facility for Elderly Persons proposes no fundamental change in the character of the residential neighborhood.

- 2.3. No Residential Facility for Elderly Persons shall be approved that would allow more than six (6) occupants.
- 2.4. The Land Use Authority, in reviewing an Application to establish a Residential Facility for Elderly Persons, may to the extent necessary modify the requirements of this Section, if such modifications are necessary to make a reasonable accommodation to afford persons residing in such facilities equal opportunity in the use and enjoyment of the facility.

**Section 1710—Parking Requirements of Private Recreational Vehicles in Residential Zoning Districts:**

The location or storage of mobile homes, travel trailers, recreational vehicles, boats, camping trailers and truck campers, and other recreational vehicles and equipment owned by the property owner, may be parked subject to the following:

1. Recreational vehicles, including boats, travel trailers, motor homes, horse trailers, similar vehicles kept in reasonable repair and operable condition, may be located in a detached or attached garage, or other accessory building, or parked in the rear yard or side yard and screened from front yards and streets by a wall, fence, gate, landscaping, or other suitable screening material(s).
2. A mobile home, travel trailer, recreational vehicle, boat, camping trailer, or truck camper may be located in the front yard for the purposes of loading and unloading for a period not to exceed forty-eight (48) hours.
3. A recreational vehicle may be occupied temporarily by family members or guests of the owner. However, no boat, trailer, motor home, travel trailer, or similar recreational vehicle shall be occupied for a period greater than thirty (30) days.

**Section 1711—Household Pets:**

The keeping of household pets for noncommercial purposes shall comply with the following requirements:

1. All household pets shall be kept in such a manner that they do not disturb the peace, comfort, or health of any person or animal.
2. Yards, shelters, cages, areas, places, and premises where they are kept shall be maintained so that flies or odors do not disturb the peace, comfort, or health of any person or animal.

**Section 1712—Domestic Livestock and Fowl:**

The keeping of domestic livestock, limited to the domesticated horse (*Equus caballus*), domesticated cattle (*Bos taurus* and *Bos indica*), domesticated sheep (*Ovis aries*), domesticated

goat (*Capra hircus*) and domestic fowl, but excluding the keeping of pigs (*Suidae*), shall be allowed subject to the following:

1. The keeping of domestic livestock and fowl may be allowed as a Permitted P-1 Use in the A-1 and R&A-5 Zoning Districts, and a Conditional C Use in the RE-40 Zoning District, subject to the provisions of this Section.
2. No domestic livestock or domestic fowl shall be kept on any lot located in an A-1, R&A-5 or RE-40 Zoning District where the area used exclusively for the keeping of domestic livestock or domestic fowl is less than one (1) acre (43,560 square feet).
3. The number of domestic livestock or fowl that may be kept where the area used exclusively for the keeping of domestic livestock or fowl is one (1) acre (43,560 square feet), or larger, shall be as follows:
  - 3.1. Limited to a maximum of one (1) domestic animal for each one (1) acre (43,560 square feet).
  - 3.2. Fowl may be kept on lots equal to, or larger than one (1) acre (43,560 square feet), provided the number of fowl maintained does not exceed twenty-five (25) fowl for each acre.
4. Domestic livestock, fowl, and other animals, but excluding all Prohibited Animals, may be kept on lots of five (5) acres or larger, and located in the A-1 and R&A-5 Zoning Districts, without restriction on the type or number of domestic livestock or animals kept.
5. Residents who have kept domestic livestock on legal lots smaller than one (1) acre (43,560 square feet) and who have those animals legally on the effective date of this Ordinance shall not be in violation of this Ordinance. However, the number of animals being kept shall not be increased, and the nonconforming use shall be deemed to have ceased when the keeping of domestic animals has been discontinued for a minimum period of one (1) year.
6. No barn, stable, shelter, corral, coop, pen, or run in which domestic livestock or fowl are maintained shall be closer than one hundred (100) feet to any residential structure located on adjacent lots.
7. The required minimum side yard and rear yard setbacks for the zone in which a barn, stable, shelter, corral, coop, pen, or run is located shall be met, or twenty (20) foot side and rear yard setbacks shall be provided, whichever is greater.
8. All yards, barns, shelters, cages, areas, places, and premises where domestic livestock, animals, or fowl are kept shall be maintained in a clean and sanitary condition so that flies, dust, or odors do not disturb the health of any person or animal or create a nuisance to any adjoining property.

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

**Section 1713—Prohibited Animals:**

No animals that are inherently or potentially dangerous and no animals of the Suidae family shall be kept on any lot or parcel located within the Town.

**Section 1714—Commercial Kennels:**

All Commercial Kennels shall comply with the following:

1. Meet all State, county, and Local Ordinances.
2. All kennels are to be kept in such a way as to not disturb the health and safety of any person or animal.
3. All enclosed pens, shelters, cages, areas, and premises where animals are held or kept shall be completely soundproofed, so that at no noise is discernable from the kennel that could create a nuisance to adjoining properties.
4. All pens, yards, shelters, cages, areas, and premises where animals are held or kept shall be maintained so that no flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage or other noxious materials do not disturb the health and safety of any person or animal.
5. No pens, yards, shelters, cages, areas, and premises where animals are held or kept shall be closer than one hundred (100) feet from any residential structure located on adjacent lots.
6. The required side yard and rear yard setbacks for the zone in which the kennel is located shall be met or twenty (20) foot side and rear yard setbacks shall be provided, whichever is greater.

**Section 1715—Home Occupations:**

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

1. Application and Approval Required

- 1.1. Home occupations may be approved following the receipt of a Home Occupation Application and subject to the following conditions:

- 1.1.1. Home occupations are listed as an allowed use in the Residential Zoning District.
  - 1.1.2. The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by occupants of the dwelling.
  - 1.1.3. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.
  - 1.1.4. The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the home occupation.
  - 1.1.5. No commercial vehicles are used except one delivery truck which does not exceed three-fourths ( $\frac{3}{4}$ ) ton rated capacity.
  - 1.1.6. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
  - 1.1.7. Signs are limited to one non-flashing sign not larger in area than two square feet.
  - 1.1.8. Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
  - 1.1.9. The home occupation shall obtain, and maintain, a business License from the Town.
  - 1.1.10. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the State Health Department or other public agency.
  - 1.1.11. The physical appearance, traffic, and other activities in connection with the home occupation are not contrary to the intent of the Zoning District in which the home occupation is located.
- 1.2. Requirements Authorized. In order to achieve the purposes of this Ordinance the Land Use Authority may impose reasonable requirements on the establishment and operation of the home occupation.

**Section 1716—Swimming Pool Enclosures:**

1. All swimming pools, or other artificially created pools more than eighteen (18) inches deep, shall be surrounded by a protective fence.

2. The fence shall be no less than four feet six inches (4'6") high for pools situated on property used for a dwelling.
3. The fence must be constructed of approved materials. The fence exterior shall be smooth (free of projections which would aid climbing) and shall have no opening which exceeds four (4) inches in horizontal dimension.
4. Gates shall be constructed of approved materials, shall be self-closing, self-latching, and not over four (4) feet wide. Latching hardware shall be installed at a height of not less than fifty-two (52) inches.
5. Space adjacent to the exterior of the fence, which falls within the area described by a radius equal in length to the height of the enclosure, and centered at the top of the enclosure fence, must be kept clear of all natural or man-made objects which could be used to gain access into the enclosure.
6. Outdoor Jacuzzi tubs, or other similar small pools, may be protected by a solid locking cover in lieu of a fence. In the absence of a solid locking cover, the requirements for a fence provided by this Section shall be observed.
7. Access to indoor pools shall be restricted by the surrounding structure in a manner that is at least as secure as provided for outdoor pools, as provided by this Section.

**Section 1717—Wireless Telecommunications Facilities:**

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

1. **Scope.** The requirements of this Section shall apply to wireless telecommunications facilities such as “cellular” or “PCS” (Personal Communications System) communications and paging systems. This Section shall not apply to radio antennas complying with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or a regulation related to amateur radio service adopted under 47 C.F.R Part 97.
2. **Facility Types.** The following types of wireless telecommunication facilities shall be governed by this Section:
  - 2.1. Stealth Design Antennas.
  - 2.2. Roof – Mounted Antennas.
  - 2.3. Wall – Mounted antennas.
  - 2.4. Monopoles – monopoles with antennas and antenna support.

3. **Prohibited Facility Types.** Unless a facility is a wireless telecommunication facility identified by Section 1717(2) above, all other types of facilities are hereby determined to be prohibited facilities within the Town.
4. **Other Laws.** The requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Ordinance, the Code, or other laws, including pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.
5. **Existing Facility Plan Required.** When a carrier applies for an approval under this Section, the carrier shall submit a plan showing by location and type of the carrier's existing and planned facilities within the Town and within one (1) mile of the Town's boundary.
6. **Screening.** Any associated mechanical or electrical equipment shall be completely screened from view, from public rights-of-way, on-site parking areas and adjacent properties, with a decorative screening fence, and/or landscaping.
7. **Location.** The proposed facility, including associated mechanical and electrical equipment, shall not be located within any public right-of-way.
8. **Compliance Required.** The proposed facility shall conform to the requirements of this Section and other applicable Federal, State, or Local laws, including pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.
9. **Permits Required.** Copies of required Permits from pertinent Federal agencies establishing compliance with applicable Federal regulations shall be filed with the Town prior to the approval of a Land Use Application required to authorize the proposed facility.
10. Specific Requirements for Various Types of Allowed Antennas.
  - 10.1. **Stealth Design Antennas.** The following provisions shall apply to all stealth-design antennas. The intent of this Subsection is to allow creativity in designing a proposed facility so that it will have essentially no visual impact.
    - 10.1.1. Stealth designs may include, but are not limited to, the use of one (1) or more of the following:
      - 10.1.1.1. Screening, structure, and/or antenna design which blend with the architecture of the existing structure upon which the antenna will be mounted.
      - 10.1.1.2. Screening, structure, antenna and/or location design which blend with and/or take advantage of existing vegetation and/or features of a site; and

- 10.1.1.3. Color schemes that make the antenna less noticeable.
  - 10.1.2. Any associated mechanical or electrical equipment shall be completely screened from view, from public rights-of-way, on-site parking areas and adjacent properties, with a decorative screening fence, and/or landscaping.
  - 10.1.3. The proposed facility, including associated mechanical and electrical equipment, shall not be located within any public right-of-way.
  - 10.1.4. The proposed facility shall conform to the requirements of this Section and other applicable Federal, State, or Local laws, including pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.
  - 10.1.5. Copies of required Permits from pertinent Federal agencies establishing compliance with applicable Federal regulations shall be filed with the Town prior to the approval of any Permit for the proposed facility.
  - 10.1.6. The proposed facility shall conform to applicable development standards set forth in this Section.
  - 10.1.7. The Council shall have authority to determine whether a proposed roof-mounted or wall-mounted wireless telecommunications facility design will have essentially no visual impact and whether a proposed stealth design meets the intent of this Section.
- 10.2. Roof-Mounted Antennas.** The following provisions shall apply to roof-mounted antennas.
- 10.2.1. Roof-mounted antennas may only be allowed if determined to be a stealth design as set forth in this Section.
  - 10.2.2. The maximum height of any roof-mounted antenna shall comply with the maximum building height allowed in the Zoning District in which the roof-mounted antenna is located.
  - 10.2.3. The maximum number of roof-mounted antennas shall be one (1) roof-mounted antenna per building or structure
- 10.3. Wall-Mounted Antennas.** Wall-Mounted antennas may only be allowed if determined to be a stealth design as set forth in this Section. The following provisions shall apply to flush- and non-flush-mounted wall antennas.
- 10.3.1. Wall-mounted antennas shall not:

- 10.3.1.1. Extend above the wall line of the building; and
- 10.3.1.2. Extend more than one (1) foot horizontally from the wall surface.
- 10.3.2. Wall-mounted antennas, equipment, and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen.
- 10.3.3. Antennas mounted directly on walls with no portion of the antenna extending above the wall line shall be considered wall-mounted antennas.
- 10.3.4. The maximum number of wall-mounted antennas shall be one (1) wall-mounted antenna per building or structure.
- 10.3.5. All wall-mounted antennas shall be approved stealth-design antennas as set forth in this Section.
- 10.4. Monopoles, Monopoles with Antennas, and Antenna Support Structures. Monopoles with Antennas and Antenna Support Structures shall only be permitted if determined to be a stealth design as set forth in this Section. The following provisions shall apply to monopoles with antennas and antenna support structures.
  - 10.4.1. The maximum height of any monopole, including antennas and antenna support structures, shall comply with the maximum building height allowed in the Zoning District in which the monopole, including antennas and antenna support structures is located, measured from the natural grade at the base of the monopole to the highest point of the pole, antennas, or support structures.
  - 10.4.2. The location of a monopole, and its associated equipment and facilities, shall be as follows:
    - 10.4.2.1. All accessory equipment not located within an accessory building shall be completely screened from view by a decorative screening fence.
    - 10.4.2.2. All monopoles and associated equipment and facilities shall be a stealth-design, as provided by this Section. The Council shall have the authority and responsibility to determine whether a proposed monopole and its associated accessory equipment and facilities will have no visual impact.
    - 10.4.2.3. A monopole, and its associated equipment and facilities, shall comply with the minimum yard setback requirements of the Zoning District in which it is located. In addition, if located in a Residential or Agricultural Zoning District, a minimum of four (4) feet for every

foot of pole height from the closest property line of any residential structure shall be provided.

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

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

- 11. Alternative Locations.** In considering Applications to locate wireless telecommunications facilities, the Council shall consider whether the location of the antenna on other existing structures in the same vicinity, such as other towers, buildings, utility poles, athletic field lights, parking lot lights, etc., is possible without significantly affecting antenna transmission or reception.
- 12. Non-Maintained and Abandoned Facilities—Letter Agreement.** Prior to approval of an Application for wireless telecommunication facility, the Applicant shall provide the Council with a letter agreeing to the requirements of this Section. The letter agreement shall State that if technology renders the facility obsolete, the facility is not maintained, the facility is abandoned, or the facility is vacated, the carrier will provide the Town with a copy of a "Notice to Abandon" to be filed with the Federal Communications Commission and will remove the facility.
- 13.** If the Planner determines that a facility is not maintained, is abandoned, or is vacated, the Planner shall send the carrier a Notice of Non-Maintenance or Abandonment by certified mail. If a facility subject to the foregoing notice requirement has not been repaired, put into use, or removed within thirty (30) days of receipt of the notice, the Planner may send the carrier a certified Notice to Remove, which shall give the carrier thirty (30) days from the receipt of the notice to remove the facility. In the event a facility is not removed as required, the Town may undertake legal action to enforce removal as set forth in Ordinance, or other applicable Ordinances of the Town.

**14. Prohibited Uses.**

14.1. Lattice Tower. A lattice tower shall be prohibited, unless otherwise required by to comply applicable State or Federal law.

All other types of wireless telecommunication facilities not expressly provided for herein, unless otherwise required to comply with State or Federal law.



## **CHAPTER 18**

### **Project Site Planning and Building Design Requirements**

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#### **Section 1801—Purpose:**

The purpose of this Chapter is to promote a high-level of project site planning and building design and quality consistency, sensitivity to the natural environment of the Town, and to create and protect the desired community character and identity of the Town. This Chapter is intended to:

1. Assist all Land Use Authorities in land use and development decision-making.
2. Provide information and direction to all property owners intending to develop land or build within the Town.
3. Promote compatibility between the natural and man-made environments.
4. Promote the desired high quality site planning, building, lighting, signage, and streetscape design.

#### **Section 1802—Project Site Planning and Building Design Requirements:**

To meet the purposes of this Chapter, this Ordinance, and all other Land Use Ordinances, the following Design Standards and Design Guidelines are provided as follows:

1. **Design Standards.** Design Standards are required in addition to other standards set forth in this Ordinance and all other Land Use Ordinances and are indicated by the verb “shall.”
2. **Design Guidelines.** Design Guidelines indicate additional actions that may be taken to enhance site design and achieve greater compatibility with adjacent land uses. Guidelines use the verb “should” to signify that the guidelines are desirable objectives. Application of the guidelines will depend on the nature and location of the proposed uses or buildings, as may be determined necessary by the Land Use Authority.

All Subdivision Application approvals and all Use Application approvals shall balance the scale of all proposed uses, buildings and structures to the project site, adjacent properties, and streets from which the project will be accessed or viewed. Elevation and cross-Section drawings, photographs, or other studies or models may be required by a Land Use Authority to illustrate or fully explain how a proposed development will address these issues.

All projects shall identify an overall and consistent design theme that compliments and adds to the image and identity of the Town. To create and protect the desired community character and identity and preserve and enhance property values, all proposed uses shall incorporate design elements as follows:

1. **Subdivision and Project Features.** All subdivisions and other projects shall include subdivision and project features that add visual interest and attractiveness to the subdivision or project area and the Town. Such features may include subdivisions and project entry features, public art pieces, streetscape designs, pedestrian and biking facilities and trails, consistency in design features, protection of sensitive lands features including drainage ways and wetlands areas, and useable parks and open spaces.
  - 1.1. **Building Design.** Vineyard Town encourages creative and varied architectural forms reflecting its historic rural character. The goal is that all man-made structures blend harmoniously with the natural environment. The following building design requirements shall apply:
    - 1.1.1. **View protection.** Care shall be taken to control the proportion and massing of buildings to minimize the obstruction of all views. Vertical design elements exaggerating building height and dominant rooflines shall be avoided.
    - 1.1.2. **Building massing.** In order to maximize the integration of all man-made structures and features with the natural environment and to minimize undesirable distractions, all Land Use Applications shall incorporate techniques for reducing the apparent size and bulk of proposed buildings and structures. The following methods shall be required:
      - 1.1.2.1. **Coherent building design.** All sides of a building may have a visual or other impact, and shall be coherently designed and treated. A facade not related to the rest of the building shall be avoided. A consistent level of detail and finish on all sides of a building shall be provided.
      - 1.1.2.2. Continuous building wall surfaces shall be relieved with variations of wall planes or overhangs that create shadow areas and add visual interest.
    - 1.1.3. **Reduced roof mass.** The roof of a building is often the single greatest contributor to its mass and most obvious obstacle to the views from adjacent properties. Visual impact is minimized when the roof is a very shallow pitch, or a hip roof formation (sloping from the sides as well as the front and back) rather than a gabled formation (sloping from the front and back only).
    - 1.1.4. **Varying roofline.** Variation in the roofline is an effective means of harmonizing buildings with their surroundings by blending its line and form.
    - 1.1.5. **Visual patterns.** All buildings shall have shadow relief created by recesses and projections. Recesses may include courtyards, entryways, or boxed window openings, along the exterior of the building. Projections may include stairs, balconies, entrances, or bays. Covered walkways, porches, breezeways, patios, trellises, landscape areas, and wide roof overhangs are encouraged to produce shadow effects. Large, unbroken expanses of exterior walls shall be avoided.

1.1.6. **Architectural details.** Surface details, ornaments, and other building elements that enrich the character of a building are encouraged. Attention to detail, including all building and architectural design elements shall be required. The following architectural details are desirable and encouraged:

1.1.6.1. Stonework.

1.1.6.2. Exposed beams and columns.

1.1.6.3. Cornices, moldings, bands, pop-outs, decorative vents, cast or sculpted features.

1.1.6.4. Covered entries, patios, walkways, breezeways, bays, and balconies.

1.1.6.5. Enclosed courtyards and patios, trellises, landscape areas and wide roof overhangs.

1.1.6.6. Accessories such as art features, benches, pots, lamps, artwork, and sculptures.

2. **Building Additions.** Proposed additions to existing buildings shall incorporate the predominant architectural features, materials, and colors of the existing buildings.
3. **Accessory Buildings and Structures.** Materials used for all accessory buildings, structures and fences shall be compatible with the building materials and colors of the primary structure.
4. **Mechanical Equipment.** Air conditioning units, generators and other auxiliary mechanical and building equipment shall be placed at locations where they will be least intrusive in terms of noise, appearance, and odors, particularly for adjacent properties and public rights-of-way. Screening walls, landscaping, and other screening treatments shall be used so all required mechanical equipment is screened from public streets and adjoining properties. All building-mounted mechanical or communications equipment shall be a color to make it as unobtrusive as possible. If located on or adjacent to a building wall, the color of all mechanical and communications equipment shall blend with the color and design details of the building.
5. **Building Location.** The location of all new buildings and structures shall incorporate the following building design principles:
  - 5.1. **Sensitivity to Adjacent Buildings.** All site plans shall demonstrate design sensitivity to adjoining structures. New buildings shall not overpower existing buildings. Attention to building height, rooflines, and grade changes will help provide continuity with adjacent and neighboring buildings.

- 5.2. All project and building plans shall provide for the integration of the existing, or planned, pedestrian and vehicular circulation patterns, protect views, and be harmonious with the adjacent building designs, styles, and size.
- 5.3. All project and building plans shall allow for, and provide interconnected streets, walkways, trails, and parking areas, as applicable.
- 5.4. All buildings shall have an orientation to the street to encourage a pedestrian relationship. Building placement shall allow interconnected walkways and shared site accesses, as applicable, for increased convenience, accessibility, and enhanced safety for pedestrians.
6. **Pedestrian Scale.** Regardless of overall building size, elements and facades at the pedestrian level shall achieve a sense of human scale and create visual interest at eye-level.
7. **Building Materials and Textures.** Exterior building materials shall be similar to and compatible with those found in a rural setting. Restraint should be used in the number of different exterior building materials selected. Masonry, wood siding, board and batten, lap siding and exposed wood structural members are encouraged in natural colors or earth tone finishes.
8. **Building Material Color.** Color is an important and effective way to create harmony with the natural landscape and minimize the visual impact of structures. Color variation using compatible hues can reduce the apparent scale and building mass.
  - 8.1. All building materials and colors shall minimize the impact of buildings on the natural setting. All exterior building colors shall be subdued earth tones and muted colors that blend and do not contrast with naturally occurring colors. Retaining walls, wall extensions from buildings, and all walls and fences shall be the same or compatible color and materials, as the main building.
  - 8.2. Building Finishes. High gloss paints, factory finished metals or other materials which increase visual impacts, and aluminum, white or reflective roofs are prohibited. Matte finishes are recommended. Chimneys, flues, vents, gutters, down spout, mechanical and electrical equipment, railings, window shading devices and other exterior devices shall be similar in intensity of color to surrounding surfaces of the building, unless they are a special building design feature. In such cases, a subdued accent color may be acceptable. Bright, glossy, fluorescent color schemes and mirrored or other highly reflective glass is strongly discouraged.
9. **Subdivision and Site Design and Layout.** All subdivision and site plans shall recognize and preserve, as much as practicable, the natural features and sensitive areas occurring on the site. All subdivisions and other projects shall demonstrate efficiencies in the provision of infrastructure, including reductions in hard-surfaced areas, land disturbance, and the retention of existing vegetation, as practicable.

9.1. Subdivision and site design and planning shall include the following principles:

9.1.1. All buildings and structures shall be arranged to preserve and provide open space and to protect views. The locations of all buildings and structures shall recognize the existing topography and natural features of the site. All natural features shall be preserved, as practical, and integrated into the subdivision or site plan design.

9.1.2. Provide an interconnected system of open space areas. The locations of all buildings and structures shall allow and provide areas of open space and landscaping to connect with similar open spaces and landscaping areas existing, or planned to be located, on adjacent properties.

10. **Site Access.** The location and number of access points to the site, the interior circulation pattern, and the separation between pedestrians and vehicles shall be designed to maximize safety and convenience, and should be harmonious with proposed and neighboring buildings.
11. **Noise Impact.** Subdivision and site design shall include provisions for limiting noise, particularly to adjacent property. The occupants of a development should be protected from noise from both outside and within the site through screening, setbacks, and building materials. Noise generating uses and equipment shall be located and buffered to minimize site and off-site impacts.
12. **Views.** Due to the community quality and character created by the surrounding scenic beauty, it is essential that the Town and all subdivision and site plan designs preserve general access to significant views. These views include Mount Timpanogos, Provo Canyon, West Mountain, and Utah Lake.
13. **Landscaping Design Standards.** Landscape improvements shall be an integral element of all subdivision and site plan designs. Landscaping shall complement the architecture of all proposed buildings and structures and provide visual interest and variety, provide screening elements, provide year round site beautification, blend with the natural landscape and highlight building design features. Landscape designers shall recognize the following landscape design principles with Landscape Plan(s):
- 13.1. **Landscape Buffers.** Landscape buffers between dissimilar or conflicting land uses shall be provided. Landscape buffers shall be provided for off-street parking and service areas and these areas shall be screened from public streets.
- 13.2. **Transitional Landscaped Areas.** Where new development adjoins areas of natural open space, a soft transitional edge shall be provided to create a gradual transition between the natural open space area and the new development.
- 13.3. **Landscape Materials.** All proposed plantings and site materials should be consistent with (but not uniform) and of a similar scale with existing natural neighboring

landscape, and adjacent streetscape areas where appropriate. Drought tolerant “xeriscape” landscaping is encouraged. Landscaping improvements may also include berming, contouring, rocks, and boulders.

- 13.4. **Plant Size, Spacing, and Scale.** The size and spacing of landscape elements shall be consistent and establish a coordinate relationship to any existing or proposed streetscape plantings. The size and spacing of landscape elements shall also be of appropriate scale and character to all proposed buildings, structures, and features.
- 13.5. **Streetscape Landscape Treatments.** All streetscapes shall create an attractive public space design and include street tree plantings, landscaping and other treatments and improvements, including consistency in street lighting, pedestrian lighting, public art and pedestrian and biking facilities and street furniture.
14. **Walls, Fences, and Other Visual Barriers.** Walls, fences, and barriers located adjacent to all public rights-of-way shall be constructed of long-lasting durable materials. . Walls, fences, and barriers that create a continuous surface greater than thirty (30) feet in length shall be softened visually with acceptable landscaping or other treatments. Berms, boulders, and vegetation masking are effective substitutes for walls and fences. Walls, fences, and barriers located to separate individual lots should be constructed of materials that are compatible with the residence.
15. **Non-vegetative Ground Cover.** Non-vegetative ground cover treatments may include rocks and small stones, granite, and bark. Areas of non-vegetative ground cover materials shall be broken up and interspersed with plant materials.
16. **Landscape Maintenance.** All landscape plans shall demonstrate that long-term maintenance factors have been considered in the landscape design. For example, irrigation systems shall be designed to achieve low maintenance and efficient water consumption.
17. **Site Lighting Standards.** To protect views of the night sky, all outside lighting shall be “down lighting” so that lighting does not trespass to adjoining properties. All exterior lighting may provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be shielded or hooded so that no light is allowed to spill or trespass onto adjacent properties.
- 17.1. Warm lighting colors are encouraged. Blue white colors of fluorescent and mercury vapor lamps are prohibited.
- 17.2. All exterior lighting should be reduced to the minimum levels necessary for safety and security purposes. The use of motion sensors and timers is encouraged.
- 17.3. **Parking Lot Lighting,** Minimum adequate lighting should be provided in all parking areas, with emphasis placed on appropriate lighting at entrances and exits. All parking area lighting shall be integrated with landscape features. The height of pole-mounted

fixtures shall be held to a minimum practical height, but not exceeding twenty (20) feet.

17.4. **Indoor Lighting.** Indoor lighting shall not be provided or constructed to provide lighting for any outdoor areas.

**18. Project, Site and Building Sign Standards.**

18.1. **General Considerations.** The placement and design of all allowed signs shall be found to be compatible with the development project and with the surrounding area. Signs shall be provided as an integral site and building design element and shall be compatible with the style of the buildings in terms of location, scale, color, and lettering style.

18.2. **Safety.** Signs should be located so they comply, at a minimum, with the clear view requirements, as provided herein.

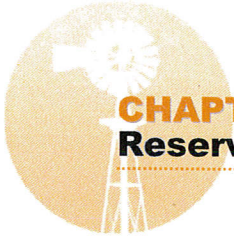
18.3. **Sign Materials and Colors.** All sign materials shall be compatible with building materials and colors. The illumination of all signs shall be accomplished in a manner that focuses light on the sign and fully shields the light source.



**CHAPTER 19**  
**Reserved**

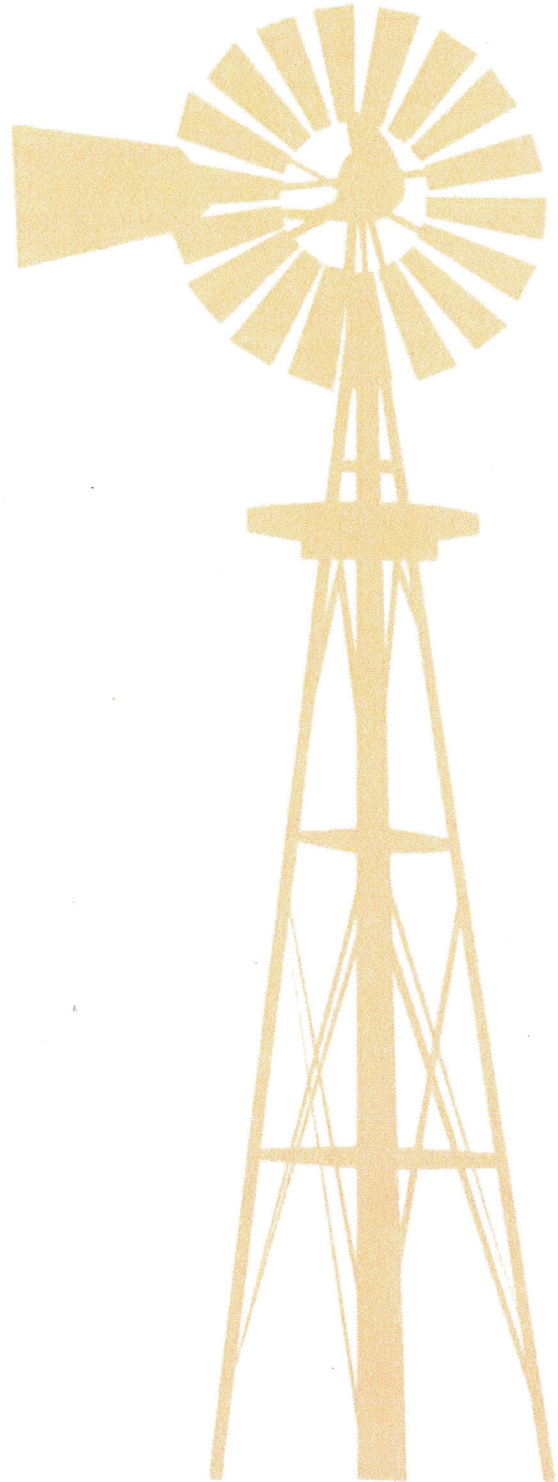
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**CHAPTER 20**  
**Reserved**

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## **CHAPTER 21**

# **Nonconforming Uses, Noncomplying Structures, and Other Nonconformities**

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### **Section 2101 – Purpose**

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

### **Section 2102 – Approval Authority:**

1. As provided by LUDMA, the BOA is hereby authorized as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity.
2. The BOA shall have authority to review and decide all disputes relating to abandonment of structures associated with a nonconforming use or noncomplying structure.

### **Section 2103—Application Initiation and Application Completeness:**

1. Requests for a determination by the BOA of the existence of a legal nonconforming use, legal noncomplying structure, or other legal nonconformity shall be made on the applicable Application form.
2. A property owner may present an Application for a Determination of a Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity for review and decision. An agent of the property owner, or a lessee of the property, may present an Application for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.
3. An Application for a Determination of a Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity shall be determined complete by the Planner, as provided by Section 1206, herein. Applications for a Determination of a Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity determined to be incomplete, the Planner shall comply with the requirements of Section 1207, herein.

### **Section 2104—Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application Requirements:**

A request for a Determination of a Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity shall provide the following information and materials:

1. A complete Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application.
2. Other information, as may be determined necessary by the Applicant(s), to clearly establish the existence of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity on the date of adoption of this Ordinance, and compliance with all prior enactments.

**Section 2105— Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application Review Procedures:**

1. The procedures for the approval or denial of the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity are identified by Figure 21-1, herein.
2. The BOA shall review the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity and determine if the Application:
  - 2.1. From the evidence presented by the Applicant, who shall have the burden of establishing the legal existence of a nonconforming use, noncomplying structure, lot, sign, or other nonconformity, as provided by LUDMA, that sufficient information, documentation and other materials have been presented to clearly establish that the use, structure, lot, sign, or other nonconformity, which is the subject of the Application, legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance.
  - 2.2. Upon a finding by the BOA that the use, structure, lot, sign, or other nonconformity, which is the subject of the Application, legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance, the Applicant may present any other necessary Land Use or Building Permit Applications that may be required by this Ordinance, the Town's other Land Use Ordinances, or the adopted Building Code.
3. Upon a finding by the BOA that the use, structure, lot, sign, or other nonconformity, which is the subject of the Application, did not legally exist on the date of adoption of this Ordinance, and did not legally comply with all prior enactments of this Ordinance, the Applicant shall present a Land Use or Building Permit Application to correct the illegality. No other action for any Approval, Permit, or License shall be taken by a Land Use Authority until the use, structure, lot, sign, or other nonconformity complies with the requirements of this Ordinance, and the Town's other Land Use Ordinances, as adopted.

**Section 2106—Terms and Conditions for Nonconforming Uses:**

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

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

**Section 2107— Terms and Conditions for Noncomplying Structures:**

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

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

2. The Town may not prohibit the reconstruction or restoration of a noncomplying structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure has been abandoned.
3. Necessary maintenance and repairs may be made to a legal noncomplying structure by following the procedures for any Approval, Permit, or License, including the issuance of a Building Permit, for such maintenance and repairs, as required by the Town's Land Use Ordinances, and adopted Building Codes.
4. A noncomplying structure shall terminate if:
  - 4.1. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the Planner, that the structure is uninhabitable and that the noncomplying structure will be lost if the structure is not repaired or restored within six (6) months.
  - 4.2. The property owner has voluntarily demolished a majority of the noncomplying structure.

**Section 2108—Approved Determinations of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Applications to be on File:**

The BOA Recording Secretary shall maintain all Determinations of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application approvals on file.

**Section 2109—Effect of Approval:**

1. A finding by the BOA of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall not authorize the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any nonconforming use, noncomplying structure, lot, sign, or other nonconformity.
2. Following a decision by the BOA, the BOA Recording Secretary shall provide the Applicant with a written notice of the decision. The written record of all Applications shall be maintained on file by the BOA Recording Secretary.
3. A finding by the BOA of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall not be deemed an Approval of any Application, Permit, or License.
4. A finding by the BOA of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall allow the filing of an Application for any necessary Approval,

Permit, or License, as may be required by this Ordinance, the Town's other Land Use Ordinances, or adopted Building Codes.

**Section 2110—Termination of a Nonconforming Use due to Abandonment:**

1. Any party claiming a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
2. Abandonment may be presumed to have occurred if:
  - 2.1. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the Town regarding an extension of the nonconforming use.
  - 2.2. The use has been discontinued for a minimum period of one (1) year; or
  - 2.3. The primary building associated with the nonconforming use remains vacant for a minimum period of one (1) year.
3. The property owner may rebut the presumption of abandonment under this Section and shall have the burden of establishing that any claimed abandonment under this Section has not in fact occurred. The BOA shall have authority to review and decide all disputes relating to abandonment of structures associated with a nonconforming use or noncomplying structure.
4. The Town may terminate the nonconforming use status of a school or charter school when the property associated with the School District or charter school use or structure ceases to be used for School District or charter school purposes for a minimum period of one (1) year.

**Section 2111—Noncomplying Lots:**

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

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

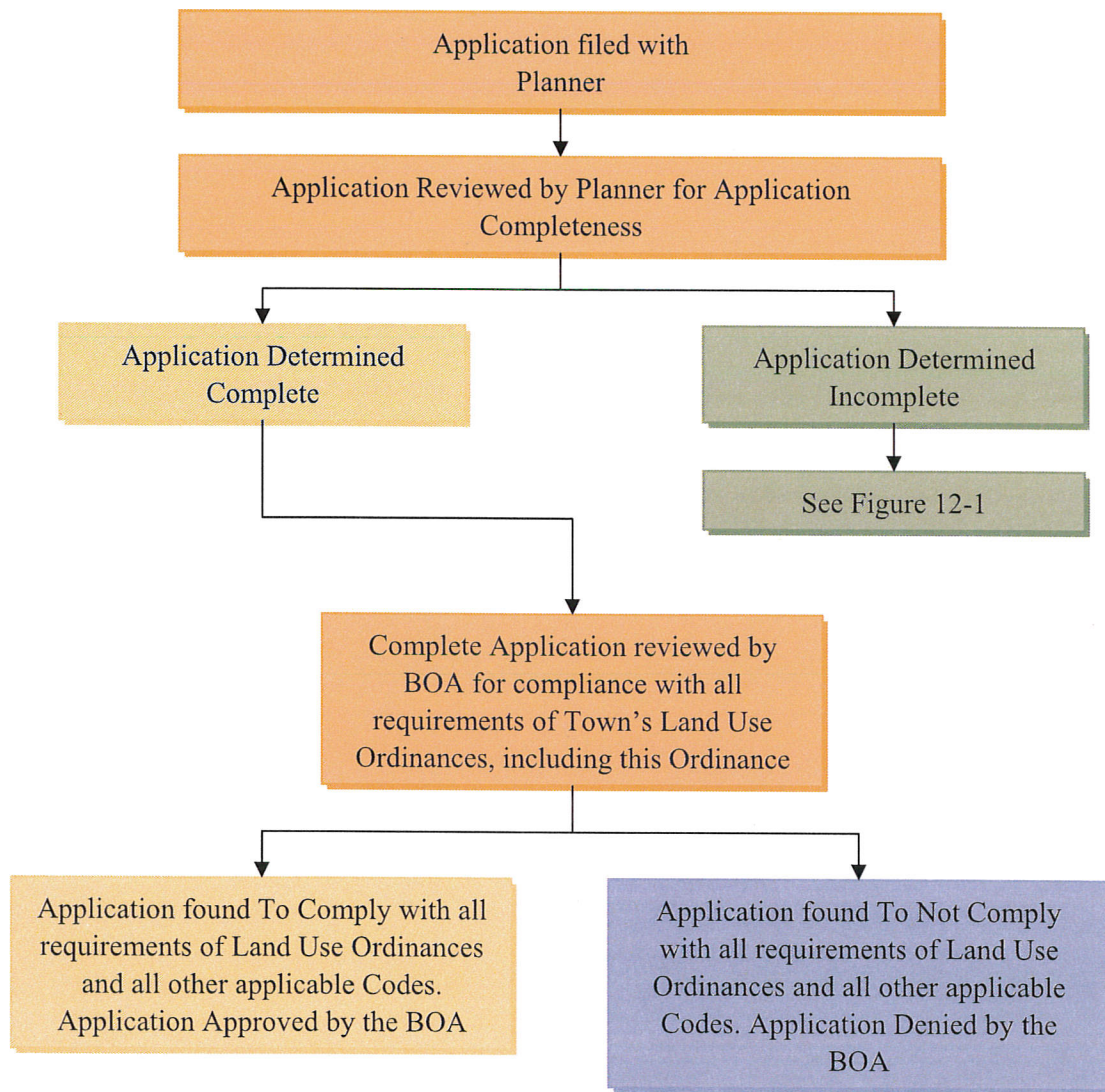
**Section 2112—Noncomplying Signs:**

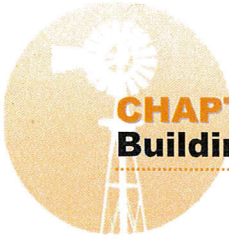
This Section shall apply only to signs that were legal on the date of adoption of this Ordinance but which may now be a noncomplying structure.

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

**Section 2113—Appeal:** Any person aggrieved by a decision of the BOA regarding any matter related to a nonconforming use, noncomplying structure, or other nonconformity may appeal the decision to the District Court, as provided by LUDMA, and as provided by Chapter 26, herein.

**Figure 21-1**  
**Determination of Nonconforming Use, Noncomplying Structure and**  
**other Nonconformity Procedures**





## **CHAPTER 22**

### **Building Codes and Building Permits**

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#### **Section 2201—Purpose:**

The adoption and enforcement of Building Codes for the construction of buildings and structures located within the Town serves the public interest by providing for structural stability, fire resistance, adequate ventilation and other safety and sanitary features.

#### **Section 2202—Building Permit Required:**

1. The construction, reconstruction, restoration, extension, alteration, expansion, or enlargement of any building or structure shall not be commenced until a Building Permit Application is approved, as required by the adopted Building Codes, unless exempt by the Building Code, or State Law.
2. For any construction exempt from the requirements of the adopted Building Codes or State Law, the Building Official may require the submission of information and materials necessary to ensure compliance with the provisions of the Land Use Ordinances, Building Codes, and State Law.

#### **Section 2203—Building Permit Application:**

1. Applications for Building Permits shall be presented to the Building Official, including all information and materials as required by the adopted Building Codes.
2. Prior to the issuance of any required Building Permit(s), the proposed use(s), building(s), or structure(s) shall have received the necessary Approvals, Permits or Licenses, or other Land Use Application approvals, as applicable, as required by this Ordinance, and the Town's other Land Use Ordinances.
3. Prior to issuance of a Building Permit, the Applicant may be required to post a bond, or provide other financial security, in such form and sum as required by the Land Use Authority, or Building Official, and approved by the Town Attorney, with sufficient surety running to the Town to offset any costs or expenses associated with construction activities on and off the site.

#### **Section 2204—Building Code Compliance:**

1. All structures requiring a Building Permit shall comply with the requirements of the Building Codes, as adopted.

**Section 2205—Certificates of Occupancy:**

1. A Certificate of Occupancy (CO) shall be required before any building or structure, or part thereof, may be used or occupied, as required by the adopted Building Codes. No Certificate of Occupancy shall be issued permitting the occupancy or use of any building or structure unless and until;
  - 1.1. All construction has been completed, as authorized, if a Building Permit is required.
  - 1.2. The use conforms to the regulations of the Land Use Ordinances of the Town and all other applicable statutes, Ordinances and regulations, if no Building Permit is required.
  - 1.3. Payment of all applicable fees, charges, other requirements have been provided, and all conditions for the establishment of the use, building, or structure have been met.



## **CHAPTER 23**

### **Variance**

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#### **Section 2301—Purpose:**

This Chapter is provided to allow the opportunity for any person desiring a Variance to the development standards and requirements of this Ordinance, as applied to a particular parcel of property, to have such request considered, as provided for by LUDMA.

#### **Section 2302—Authority:**

1. The BOA is hereby authorized to approve, approve with requirements, or deny all Variance Applications.

#### **Section 2303—Initiation:**

1. Requests for a Variance shall be made on a Variance Application, as provided by the Town.
2. A property owner may present a Variance Application for review and decision. An agent of the property owner, or a lessee of the property, may present a Variance Application for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.
3. A Variance Application shall be determined complete by the Planner, as provided by Section 1206, herein. For Variance Applications determined to be incomplete, the Planner shall comply with the requirements of Section 1207, herein.

#### **Section 2304—Variance Application Requirements:**

Variance Applications shall provide the following information and materials:

1. A complete Variance Application.
2. Other information, as determined necessary by the Applicant, necessary to clearly establish the need for a Variance and compliance with the provisions of this Chapter.

#### **Section 2305—Burden on Applicant:**

The Applicant for a Variance shall bear the full burden of proving that all the standards and findings required for the approval of a Variance Application, with or without requirements, as required by this Chapter have been met

#### **Section 2306—Review and Approval Procedures:**

The procedures for the review of a Variance Application are identified by Figure 23-1, herein.

**Section 2307— Approval Standards for a Variance Application:**

1. The BOA may grant a Variance Application, with or without requirements, only if:
  - 1.1. Literal enforcement of this Ordinance would cause an unreasonable hardship for the Applicant that is not necessary to carry out the purposes of this Ordinance.
  - 1.2. There are special circumstances attached to the property that do not generally apply to other properties in the same Zoning District.
  - 1.3. Granting the Variance Application is essential to the enjoyment of a substantial property right possessed by other property in the same Zoning District.
  - 1.4. Approving the Variance, with or without requirements will not substantially affect the General Plan and will not be contrary to the public interests; and
  - 1.5. The spirit of this Ordinance is observed and substantial justice done.

**Section 2308—Required Findings for Approval of a Variance Application:**

1. In determining whether or not enforcement of this Ordinance would cause an unreasonable hardship, as required by Section 2307, the BOA shall not find an unreasonable hardship unless the alleged hardship:
  - 1.1. Is located on, or associated with the property for which the Variance is sought; and
  - 1.2. Comes from circumstances peculiar to the property, and not from conditions that are general to the neighborhood.
2. In determining whether or not enforcement of this Ordinance would cause an unreasonable hardship, as required by this Section, the BOA shall not find an unreasonable hardship if the hardship is self-imposed or economic.
3. In determining whether or not there are special circumstances attached to the property, as required by this Section, the BOA may find that special circumstances exist only if the special circumstances:
  - 3.1. Relate to the hardship complained of; and
  - 3.2. Deprive the property of privileges granted to other properties in the same Zoning District.

**Section 2309—Variance Requirements Authorized:**

In approving a Variance Application the BOA may impose such requirements found necessary by the BOA to:

1. Mitigate any harmful effects of the Variance; or
2. Serve the purposes of the standards or requirements that are modified.

**Section 2310—Use Variance Prohibited:**

The BOA shall not approve any Variance Application that would have the effect of authorizing any Use that is not allowed in a Zoning District, or a Use that is prohibited in by the Land Use Ordinances of the Town, as identified by the Tables of Uses.

**Section 2311—Effect of Variance Application Approval:**

Approval of a Variance Application shall not be deemed an Approval of any other Application, Permit, or License. Upon a finding by the BOA that the approval standards for a Variance are met, the Applicant may then present to the Town any other necessary Land Use Applications or a Building Permit Application that may be required by this Ordinance, the Town other Land Use Ordinances, or the adopted Building Codes.

**Section 2312—Effect of Approving a Variance Application:**

1. A Variance approval by the BOA shall run with the land.
2. Following a decision concerning a Variance Application by the BOA, the BOA Recording Secretary shall provide the Applicant with a written notice of the decision. The written record of all Variance Applications shall be maintained on file by the BOA Recording Secretary.
3. The approval of a Variance Application shall not authorize the establishment or the extension of any use, or the development, construction, reconstruction, alteration or moving of any building or structure, and shall not be deemed an Approval of any other Application, Permit, or License. Upon a finding by the BOA that the approval standards for a Variance are met, the Applicant may then present to the Town any other necessary Land Use Applications or a Building Permit Application that may be required by this Ordinance, the Town other Land Use Ordinances, or the adopted Building Codes.

**Section 2313— Continuing Validity and Expiration:**

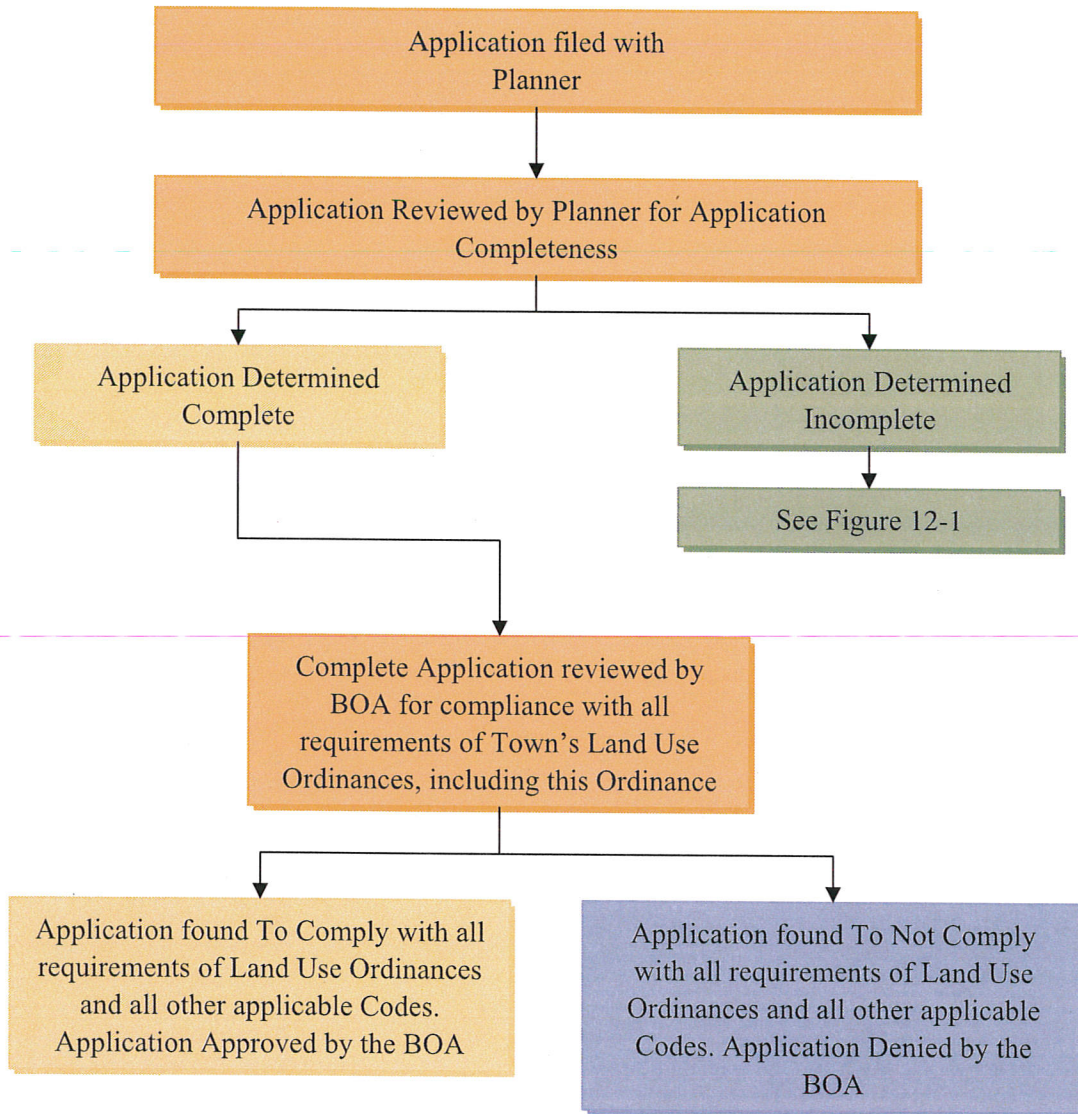
A Variance Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as approved by the Variance Application approval and any other required Land Use Application or Building Permit approval, is not commenced within one hundred eighty (180) days from the date of the last approval. If work has not commenced, or a

use established within one hundred eighty (180) days from date of the approval, the Variance Application approval shall be void and a new Variance Application required.

**Section 2314—Appeals:**

Any person aggrieved by a decision of the BOA regarding a Variance Application may appeal the decision to the District Court, as provided by the LUDMA, and Chapter 26, herein.

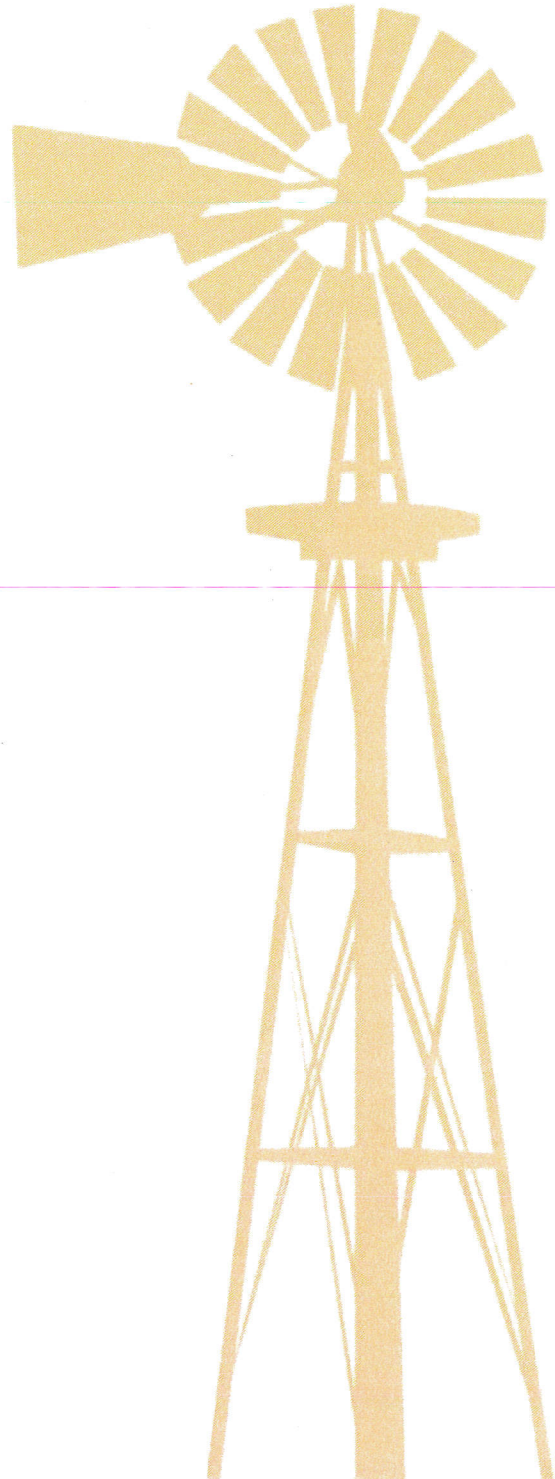
**Figure 23-1  
Variance Application Procedures**





**CHAPTER 24**  
**Reserved**

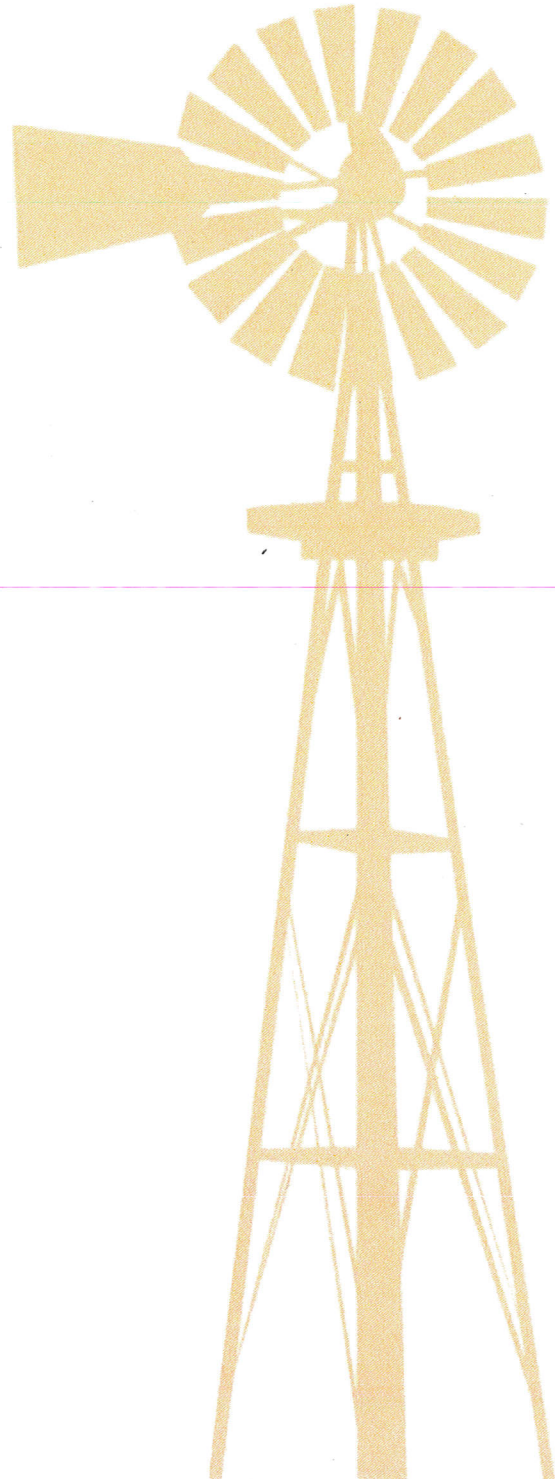
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**CHAPTER 25**  
**Reserved**

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## **CHAPTER 26**

### **Appeal Authorities and Procedures**

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#### **Section 2601—Purpose:**

This Chapter is provided to allow the Applicant, a board, or officer of the Town, or any other person who believes they have been adversely affected by a decision of a Land Use Authority to appeal that decision to an Appeal Authority, as identified by this Chapter.

#### **Section 2602—Appeal Authorities:**

As provided by Part 7 of LUDMA, and to provide for appeals of decisions of the Town's Land Use Authorities administering or interpreting the Town's Land Use Ordinances, including this Ordinance, the following Appeal Authorities, with their respective appeal responsibilities, are hereby identified as follows:

##### **1. District Court.**

1.1. Any person aggrieved by a decision of the Council in enacting or administering the Town's Land Use Ordinances may file an Appeal Petition with District Court, as provided herein.

1.2. Any person aggrieved by a decision of the BOA in administering the Town's Land Use Ordinances may file an Appeal Petition with the District Court, as provided herein.

##### **2. Council.**

2.1. Any person aggrieved by a decision of the Commission in administering or interpreting the Town's Land Use Ordinances may file an Appeal Petition with the Council.

##### **3. Commission.**

3.1. Any person aggrieved by a decision of the Planner in administering or interpreting the Town's Land Use Ordinances may file an Appeal Petition with the Commission.

#### **Section 2603—Maximum Time Allowed to File Appeal:**

1. Any person, including the Applicant for any Land Use Application Approval, License, or Permit, and any board or officer of the Town, aggrieved by a decision of a Land Use Authority's decision administering or interpreting the Town's Land Use Ordinances may, within ten (10) days of the decision, appeal the decision to the Appeal Authority identified by this Section 2602 herein, except as may be further provided by Subsection (2) and (3) below.

2. Any person, including the Applicant for any Land Use Application Approval, License, or Permit, and any board or officer of the Town, aggrieved by a decision of the Council, acting as a Land Use Authority, may file an Appeal Petition for the review of the Council's decision with the District Court within thirty (30) days after the land use decision is final, as provided by Section 2612, herein.
3. Any person, including the Applicant for any Land Use Application Approval, License, or Permit, and any board or officer of the Town, aggrieved by a decision of an Appeal Authority may file an Appeal Petition for review of the decision with the District Court within thirty (30) days after the decision is final, as provided by Section 2612, herein.

**Section 2604—Requirements for an Appeal Petition:**

1. An Appeal Petition of a Land Use Authority's decision shall clearly identify the alleged error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of the Town's Land Use Ordinances.
2. Only those decisions in which a Land Use Authority has applied the requirements of the Town's Land Use Ordinances to a particular Application, person, lot, or parcel may be appealed to an Appeal Authority.

**Section 2605—Condition Precedent to Judicial Review, Appeal Authority Duties:**

1. As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a Land Use Authority's decision, in accordance with the requirements of this Chapter.
2. An Appeal Authority shall:
  - 2.1. Act in a quasi-judicial manner; and
  - 2.2. Serve as the final arbiter of issues involving the interpretation or Application of the Town's Land Use Ordinances; and
  - 2.3. May not entertain an appeal of a matter in which the Appeal Authority, or any participating member, had first acted as the Land Use Authority.
3. An Appeal Authority shall require an adversely affected party to present every theory of relief that it can raise in District Court.
4. An Appeal Authority shall not require an adversely affected party to pursue duplicate or successive appeals before it, or another Appeal Authority as a condition of the adversely affected party's duty to exhaust administrative remedies.

**Section 2606—Application Required:**

1. An Appeal of a Land Use Authority's decision shall be made on the Appeal Application, provided by the Town.
2. An Appeal Application shall be determined complete by the Planner, as provided by Section 1206, herein. If an Appeal Application is determined to be incomplete, the Planner shall comply with the requirements of Section 1207, herein.

**Section 2607—Meetings, Records, and Action of an Appeal Authority:**

1. Each Appeal Authority, as identified herein shall:
  - 1.1. Notify each of its members of any meeting or hearing;
  - 1.2. Provide each of its members with the same information and access to Town resources as any other member;
  - 1.3. Convene only if a quorum of its members is present, which in no event shall be less than three (3) members of the BOA, or four (4) members of the Commission or Council; and
  - 1.4. Act only upon the vote of a majority of its convened members.
2. After an Appeal Petition is determined to be complete by the Planner, as provided herein, the Planner shall coordinate with the Appeal Authority to schedule the hearing of the appeal. The Planner shall transmit to the Appeal Authority all materials constituting the full and complete record of the decision of the Land Use Authority.
3. Following a written decision by the Appeal Authority, as provided by Section 2611 herein, the Appeal Authority shall provide the Applicant with a copy of the written decision.
4. A record of the decisions of the Appeal Authority shall be maintained in the Office of the Town Recorder, which shall constitute the official record of the appeal hearing and decision.

**Section 2608—Due process:**

1. Each Appeal Authority, identified by this Chapter, shall conduct each appeal hearing as provided herein.
2. Each Appeal Authority, identified herein, shall respect the due process rights of each of the participants.

**Section 2609—Burden of Proof:**

1. Any person bringing an appeal and alleging an error of a Land Use Authority's decision administering or interpreting the Town's Land Use Ordinances has the burden of proving that the Land Use Authority erred.

**Section 2610—Standard of Review for Appeals:**

1. Each Appeal Authority identified by this Chapter shall hear and review all appeal matters "on the record," including the review of all factual matters. Each Appeal Authority shall only consider the materials presented and originally before the Land Use Authority in making the decision that is the subject of the appeal.
2. The Appeal Authority, as identified by this Chapter, shall determine the correctness of a decision of the Land Use Authority in its interpretation and Application of the Land Use Ordinances.
3. Only those decisions in which a Land Use Authority has applied the requirements of the Town's Land Use Ordinances to a particular Application, person, lot, or parcel may be appealed to an Appeal Authority.
4. An Appeal Application shall not be used to waive, modify, or amend any requirement, provision, or term of the Land Use Ordinances.

**Section 2611—Final Decision:**

1. A decision of each Appeal Authority, as identified herein, shall take effect on the date when the Appeal Authority, as applicable, issues a written decision, which shall constitute a final decision by the Town in the matter.

**Section 2612—District Court Review:**

1. **Required Time for Filing.**
  - 1.1. No person may challenge in District Court a decision of a Land Use Authority until that person has exhausted all administrative remedies as provided by this Chapter and received a final decision from the Appeal Authority, as provided by Section 2611 herein.
  - 1.2. Any person adversely affected by a final decision made in the exercise of, or in violation of, the provisions of this Chapter may file an Appeal Petition for review of the decision with the District Court within thirty (30) days after the Local land use decision is final.
  - 1.3. An Appeal Petition is barred unless it is filed within thirty (30) days after the Appeal Authority's decision is final.

## **2. Tolling of Time.**

- 2.1. The required time for filing for District Court review shall be tolled from the date the any person files a request for arbitration of a constitutional taking issue with the property rights ombudsman, as provided by §63-34-13 Utah Code Annotated, 1953, as amended, until thirty (30) days after:
  - 2.1.1. The arbitrator issues a final award; or
  - 2.1.2. The property rights ombudsman issues a written Statement under §63-34-13(4)(b) Utah Code Annotated, 1953, as amended, declining to arbitrate or to appoint an arbitrator.
- 2.2. A tolling under this Section operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.
- 2.3. A request for arbitration filed with the property rights ombudsman after the time under this Section to file an Appeal Petition has expired does not affect the time to file an Appeal Petition.

## **3. Standards Governing Court Review.**

- 3.1. The Court shall:
  - 3.1.1. Presume that a decision or regulation made under the authority of the Land Use Ordinance, and LUDMA, is valid; and
  - 3.1.2. Determine only whether or not the decision or regulation is arbitrary, capricious, or illegal.
- 3.2. A decision, ordinance, or regulation of the Council involving the exercise of legislative discretion is valid if the decision, ordinance, or regulation is reasonably debatable and not illegal.
- 3.3. A decision of a Land Use Authority or an Appeal Authority involving the exercise of administrative discretion is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
- 3.4. A determination of illegality requires a determination that the decision, ordinance, or regulation violates a law, statute, or ordinance in effect at the time the decision was made or the ordinance or regulation adopted.
- 3.5. The time requirements for the filing of an Appeal Petition with District Court, as provided by this Section apply from the date on which the Land Use Authority takes final action on a land use Application for any adversely affected third party, if the Land

Use Authority conformed with the notice provisions of this Ordinance, as applicable, or for any person who had actual notice of the pending decision.

- 3.6. If the Town has complied with the notice requirements, as provided by this Ordinance, a challenge to the enactment of this Ordinance or the enactment of the General Plan may not be filed with the District Court more than thirty (30) days after the enactment.

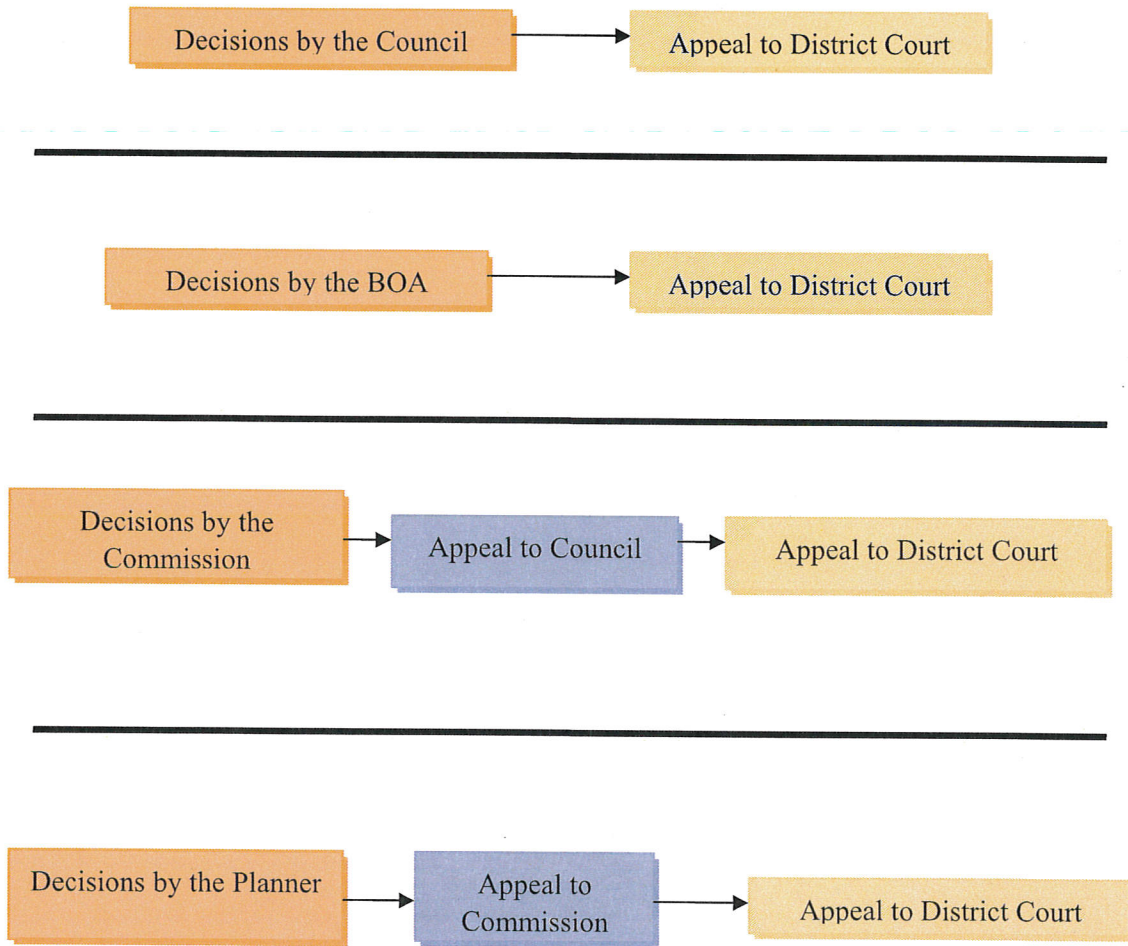
#### **4. Appeal Authority – Review on the Record.**

- 4.1. The Council, acting as a Land Use Authority, or Appeal Authorities, as the case may be, shall transmit to District Court the record of its proceedings, including its minutes, findings, orders, and, if available, a true and correct transcript of its proceedings.
- 4.2. If the proceeding was tape-recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Section.
- 4.3. If there is a record, the District Court's review is limited to the record provided by the Land Use Authority, or Appeal Authority, as the case may be.
- 4.4. The court may not accept or consider any evidence outside the record of the Land Use Authority or Appeal Authority, as the case may be, unless that evidence was offered to the Land Use Authority or Appeal Authority, respectively, and the court determines that it was improperly excluded.
- 4.5. If there is no record, the court may call witnesses and take evidence.
- 4.6. The filing of an Appeal Petition does not stay the decision of the Land Use Authority, or Appeal Authority, as the case may be.

#### **5. Staying of Decision.**

- 5.1. Before filing an Appeal Petition under this Section, or a request for mediation or arbitration of a constitutional taking issue under §63-34-13 Utah Code Annotated, 1953, as amended, the aggrieved party may petition the Appeal Authority to stay its decision.
- 5.2. Upon receipt of a petition to stay, the Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds it to be in the best interest of the Town.
- 5.3. After an Appeal Petition is filed under this Section, or a request for mediation or arbitration of a constitutional taking issue is filed under §63-34-13 Utah Code Annotated, 1953, as amended, the petitioner may seek an injunction staying the Appeal Authority's decision.

**Figure 26-1  
Appeal Authorities**





## **CHAPTER 27**

### **Constitutional Takings**

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#### **Section 2701—Policy Considerations for Constitutional Takings—Purpose:**

1. It is the policy of the Town of Vineyard to carefully consider constitutional taking claims, in fairness to the owner of private property bringing the claim, and in view of the uncertainty involved in defending lawsuits alleging such issues. At the same time, the legitimate role of the Town in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the Constitution. Consistent with this policy, this Chapter establishes a procedure for the review of actions that may involve the issue of constitutional takings, as well as providing guidelines for such considerations.
2. This Chapter is further intended to, and shall be construed to objectively and fairly review claims by citizens and owners of private real property that a specific government action should require payment of just compensation, while preserving the ability of the Town to lawfully regulate real property and fulfill its duties and functions.

#### **Section 2702—Guidelines Advisory:**

The guidelines adopted and decisions rendered pursuant to the provisions of this Chapter are advisory only, and shall not be construed to expand or limit the scope of the Town's liability for a constitutional taking.

#### **Section 2703—Application Required:**

Any owner of private real property who claims there has been a constitutional taking of private real property by an action of a Land Use Authority shall request a review of a decision of the Land Use Authority by filing, in writing, with the Planner, a written request for review of that decision. A copy shall also be filed with the Town Attorney.

#### **Section 2704—Review of Decision—Procedures:**

1. Any owner of private real property who claims there has been a constitutional taking of private real property by an action of a Land Use Authority shall request a review of the decision.
2. The following are specific procedures established for such review:
  - 2.1. The owner of private real property requesting a review must have obtained a decision from a Land Use Authority.
  - 2.2. Within thirty (30) days from the date of the decision that gave rise to the concern that a constitutional taking may have occurred, the owner of private real property requesting

the review shall file in writing, with the Planner, a written request for review of that decision. A copy shall also be filed with the Town Attorney.

- 2.3. The Council, or designee of the Council, shall immediately set a time to review the decision giving rise to the constitutional takings claim.
- 2.4. In addition to the written request for review, the Applicant shall submit the following information:
  - 2.4.1. Name of the Applicant requesting review.
  - 2.4.2. Name and business address of the current owner of the property, form of ownership, (whether sole proprietorship, for-profit or non-profit corporation, partnership, joint venture or other), and if owned by a corporation, partnership or joint venture, the name and address of all principal shareholders or partners.
  - 2.4.3. A detailed description of the grounds for the claim that there has been a constitutional taking.
  - 2.4.4. A description of the property alleged to have been taken.
  - 2.4.5. Evidence and documentation as to the value of the property alleged to have been taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of the property before and after the alleged constitutional taking, the name of the party from whom purchased, if applicable, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired.
  - 2.4.6. The nature of the property interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest.
  - 2.4.7. Terms, including sale price, of any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of Application.
  - 2.4.8. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of Application.
  - 2.4.9. The assessed value of and ad valorem taxes paid on the property for the previous three (3) years.
  - 2.4.10. All information concerning current mortgages or other loans secured by the property, including the name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan.

- 2.4.11. All listings of the property for sale or rent, prices asked and offers received, if any, within the previous three (3) years.
  - 2.4.12. All studies commissioned by the Applicant, or agents of the Applicant, within the previous three (3) years concerning feasibility of development or utilization of the property.
  - 2.4.13. Itemized income and expense Statements from the property for the previous three (3) years.
  - 2.4.14. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property.
- 2.5. The Council, or their designee, may request additional information identified to be necessary, in their opinion, to arrive at a conclusion concerning whether there has been a Constitutional taking.
3. An Application shall not be deemed to be “complete” until the Council, or designee, certifies to the Applicant that all the materials and information required above, have been received by the Town. The Council, or designee, shall notify the Applicant of any missing information and identifying the materials and information necessary to correct the incomplete Application.
  4. The Council, or designee, shall hear all the evidence related to and submitted by the Applicant and the Town.
  5. A decision on a review of a constitutional takings claim shall be rendered within fourteen (14) days from the date the complete Application for review has been received by the Mayor. The decision of the Council, or designee, regarding the results of the review shall be given in writing to the Applicant and the Land Use Authority that rendered the decision giving rise to the constitutional takings claim.
  6. If the Council, or designee, fails to hear and decide the review within fourteen (14) days, the decision appealed from shall be presumed to be approved and the constitutional takings claim denied by the Council, or designee.

**Section 2705—Reviewing Guidelines:**

1. The Council, or the Council’s authorized designee, shall review the facts and information presented by the Applicant to determine whether or not the action by the Land Use Authority constitutes a constitutional taking as defined in this Ordinance. In doing so, they shall consider:
  - 1.1. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.

- 1.2. Whether a legitimate governmental interest exists for the action taken by the Town.
- 1.3. Whether the property and exaction is taken roughly proportionate and reasonably related, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

**Section 2706—Results of Review:**

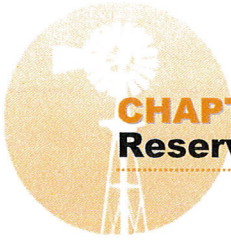
After completing the review, the Council, or designee, shall make a determination regarding the above issues and where determined to be necessary and appropriate, shall make a recommendation to the Land Use Authority that made the decision-giving rise to the constitutional takings claim.



**CHAPTER 28**  
**Reserved**

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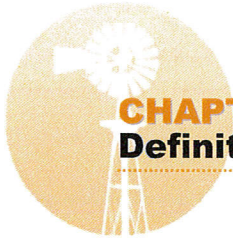




**CHAPTER 29**  
**Reserved**

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## CHAPTER 30 Definitions

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### **Section 3001—Purpose and Conflicts:**

This Chapter provides definitions of general terms used throughout this Ordinance for which a definition is considered necessary. The word “herein” means “in this Ordinance”; the word “regulations” means “these regulations”; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”. For the convenience of users of this Ordinance, certain terms may be illustrated herein. If a conflict arises between an illustration and a definition, the definition shall apply.

### **Section 3002—Definitions of General Purpose:**

Words not defined herein shall have a meaning consistent with Webster’s New Collegiate Dictionary, latest edition.

**Abandon/Abandoned:** Means a use that has been discontinued for a minimum period of one (1) year or a building, structure, sign, or other object that remains vacant or unused for a minimum period of one (1) year.

**Abandonment:** Any act that results to abandon.

**Access:** The provision of vehicular and/or pedestrian ingress and egress to a lot, parcel, building, or structure.

**Accessory Building:** A building incidental and clearly subordinate to the primary building.

**Accessory Use:** A use that is customarily incidental and subordinate to the primary use located on the same lot.

**Active or Valid Building Permit:** A Building Permit that has not expired.

**Adjacent Property/Adjacent Landowners:** A lot or parcel of property, or the owner of record of such, according to the records of the Utah County Recorder that has a common boundary line with a lot or parcel of property that is the subject of some action before the Town.

**Affected Entity:** means a county, municipality, independent special District under Title 17A, Chapter 2, Independent Special Districts, Local District under Title 17B, Chapter 2, Local Districts, School District, interlocal cooperation entity established under Title 11, Chapter 13, InterLocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if:

1. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

2. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
3. The entity's boundaries or facilities are within one mile of land that is the subject of a general plan amendment or land use Ordinance change.

**Agent:** The person with written authorization to represent a property owner.

**Alcoholic Beverages:** Means and includes beer and liquor as defined in the State of Utah Alcoholic Beverage Control Act, as amended.

**Alteration:** Any change, addition, or modification in construction of a building or structure.

**Appeal Authority:** The person, board, commission, agency, or other body designated by this Ordinance to decide an appeal of a decision of a Land Use Application or a Variance.

**Applicant(s):** Any person(s) presenting a Land Use Application for any Approval, Permit, or License required by a Land Use Ordinance.

**Application/Land Use Application:** Written requests for an Approval, Permit, or License and completed in a manner prescribed by this Ordinance for review and decision by a Land Use Authority.

**Application, Complete:** An Application that includes all information requested on the appropriate form, and payment of all applicable fees.

**Application, Incomplete:** An Application that lacks information requested on the appropriate form, or lacks the payment of all applicable fees.

**Architectural Projection:** Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

**Awning:** A roofed structure placed to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building or other supports.

**Base District:** A Zoning District that establishes regulations governing land use and site development in a specific geographic area.

**Basement:** A story partly underground and having at least one-half (1/2) its height below the average level of the adjoining ground.

**Bay Window:** A window or series of windows forming a recess or bay from a room and projecting outward from the wall.

**Beer:** All products that contain sixty three one-hundredths of one percent (0.63%) of alcohol by volume or one-half of one percent (0.5%) of alcohol by weight, but not more than four percent (4%) of alcohol by volume or three and two-tenths percent (3.2%) by weight, and are

obtained by fermentation, infusion or decoction of any malted grain. Beer may or may not contain hops or other vegetable products. Beer includes products referred to as malt liquor, malted beverages, or malt coolers.

**Berm:** A mound of earth used as a site feature, or to shield, screen, and buffer uses, undesirable views and to separate land uses.

**Best Management Practices (BMPs):** A practice, or combination of practices, determined to be the most effective (including technological, economic, and institutional considerations) means of preventing or reducing disturbance or disruption to the natural environment.

**Billboard:** A sign located on industrial, commercial, or residential property and the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located. See also Sign, Off Premise.

**Board of Adjustment:** The Board of Adjustment of Vineyard Town, Utah.

**Buildable Area:** That area of a lot or parcel which is outside of any required setback areas and outside of any other areas regulated by this Ordinance.

**Building:** Any structure, whether permanent or temporary, which is designed, intended, or used for occupancy by any person, business, animals, possessions, or for storage of property or materials of any kind.

**Building Code:** The International Building Code, as adopted by the Town.

**Building Facade:** That portion of an exterior elevation of a building extending from the finished grade to the top of the parapet wall or eaves and the entire width of the building elevation.

**Building Frontage:** The horizontal, linear dimension of that side of a building abutting a street, a parking area, or other circulation area open to the public.

**Building, Height:** The vertical distance from the natural or finished grade, whichever is lower, to the highest point of the building or structure.

**Building Line:** The line circumscribing the buildable area of a lot.

**Building Line, Front:** A line parallel to the front lot line and at a distance there from equal to the required depth of the front yard setback and extending across the entire width of the lot or parcel.

**Building Line, Rear:** A line parallel to the rear lot line and at a distance there from equal to the required depth of the rear yard setback and extending across the entire width of the lot or parcel.

**Building Line, Side:** A line parallel to the side lot line and at a distance there from equal to the required depth of the side yard setback and extending between the front and rear building lines.

**Building Official:** The person charged with the administration and enforcement of the Building Code of Vineyard Town, or designee.

**Building Permit:** A Permit authorizing a construction activity.

**Business:** Means and includes all trades, occupations, professions, or activities carried on within the Town for the purpose of gain or economic profit.

**Carport:** Roof structures open on at least two sides and subject to all requirements prescribed for a garage.

**Certificate of Occupancy:** A certificate issued by the Building Official authorizing occupancy of a building or structure requiring a Building Permit.

**Chief Executive Officer:** Means the Mayor of Vineyard Town.

**Clear View Area:** Areas at intersecting streets and driveways where unobstructed vision is maintained, as required by this Ordinance.

**Cluster Development:** A design that locates buildings in specific areas of a site to allow the remaining land to be used, but not limited to, recreation, open space, and preservation of sensitive land areas.

**Code:** The Vineyard Town Municipal Code, as adopted.

**Commission:** The Planning Commission of Vineyard Town.

**Common Area:** Facilities and yards under common ownership.

**Common Ownership:** Ownership of the same property by different persons.

**Conditional Use:** A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

**Constitutional Taking:** A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

1. Fifth or Fourteenth Amendment of the Constitution of the United States; or
2. Utah Constitution Article I, Section 22.

**Construction:** The materials, architecture, assembly, and installation of a building or structure.

**Construction Activity:** All grading, excavation, construction, grubbing, or other site preparation or development activity which disturbs or changes the natural vegetation, grade, or any existing building or structure, or the act of adding an addition to an existing building or structure, or the erection of a new primary or accessory building or structure on a lot or parcel.

**Corral:** A space, yard, or other unenclosed area, other than a building, used for the confinement of animals.

**Council:** The Town Council of Vineyard Town.

**County:** The unincorporated area of Utah County, or the Board of County Commissioners of Utah, Utah.

**Cul-de-sac:** A street with only one (1) outlet and an area for the safe and convenient turning around of traffic.

**Culinary Water Authority:** The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

**Cut:** The process of lowering the natural grade of the ground, or the depth or the volume of such material removal.

**Decibel (dB):** A unit of measure used to express intensity of noise.

**Declaration:** The legal instrument by which property is subjected to the provisions of the State of Utah Condominium Ownership Act, or a declaration of covenants, conditions, and restrictions.

**Dedication:** The setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.

**Demolish or Demolition:** Any act or process that destroys in part or in whole a building or structure.

**Density:** The intensity or number of nonresidential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre.

**Density, Base:** The number of dwelling units per acre allowed by a Zoning District.

**Density, Incentive:** The number of additional dwelling units per acre allowed in addition to the base density.

**Developer:** Any person or organization that develops, or intends to develop or sell property for the purpose of future development subject to the provisions of this Ordinance, or other Land Use Ordinances.

**Development Activity:** Any of the following: (a) Any man-made change to improved or unimproved lands, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations; (b) Any construction, reconstruction, or expansion of a building, structure, or use; (c) Any change in the use of a building or structure; (d) Any change in the use of land that creates additional demand and need for public facilities or services; (e) The act of subdividing; or (f) The act, process or result of developing.

**Development Agreement:** A contract between an Applicant or owner and the Council pursuant to the provisions in this Ordinance.

**Development Site:** The perimeters and total area of a tract, lot, or parcel of land intended to be used for a development activity.

**Development Standards:** Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open space and any other special regulations deemed necessary to accomplish the purpose of this Ordinance or other Land Use Ordinances.

**Disability:** Disability means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such impairment. (§57-21-2(9)(a) Utah Code Annotated, 1953, as amended). Disability does not include current illegal use of, or addiction to any Federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended). Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility.

**Driveway:** A private access, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

**Dwelling Unit:** A building, or portion thereof, containing one (1) or more rooms and one (1) kitchen and including areas for living and sleeping, designed to be used for human occupancy, and complying with all provisions of the Building Code. The definition of a dwelling unit shall also include:

Dwelling Unit, Manufactured. A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more Sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with, or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

To meet the requirements of this Ordinance and State laws, when erected on the site the home must be at least 24 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the Building Code, as adopted by Vineyard Town, have a minimum roof pitch of 2:12, and be located on a permanent foundation, in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the Building Code. The manufactured dwelling must be connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems. All manufactured dwelling units constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. A Manufactured dwelling Unit shall be identified as real property on the property assessment rolls of Utah County.

**Easement:** That portion of a lot, parcel, or tract reserved for present or future use by a person or agency other than the fee owner(s) of the property. The easement may be for use under, on, or above said lot, parcel, or tract.

**Elderly Person:** A person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

**EPA:** The United States Environmental Protection Agency.

**Escrow:** A deposit of cash with the Town, or approved alternate in lieu of cash, held to ensure the performance of a task or a maintenance guarantee.

**Excavation:** The removal of boulders, gravel, rocks, earth, or similar naturally occurring deposits from its natural position.

**External Illumination:** Lighting that illuminates a building or structure, parking area, or other outside area from a location outside of the building or structure.

**Family:** A person living alone, or any of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities: (a) Any number of people who are related by blood, marriage, adoption, or court sanctioned guardianship together with any incidental domestic or support staff who may or may not reside on the premises; or (b) four (4) unrelated people; or (c) two (2) unrelated people and any children related to either of them. "Family" does not include any group of individuals whose association is temporary or seasonal in nature or who are in a group living arrangement because of criminal offenses.

**Fence:** A barrier or obstruction of any material, with the purpose or intent, or having the effect, of preventing passage or view across the fence line.

**Fence, Open:** A fence which permits vision through more than fifty percent (50%) of each square foot more than eight (8) inches above the natural or finished grade.

**Fence, Sight Obscuring:** A fence which permits no vision (0%) through any part of the fence more than eight (8) inches above the natural or finished grade.

**Fill:** The process of raising the natural grade of the ground, or the depth or the volume of such material.

**Fiscal Impact Analysis:** An analysis that describes the current or anticipated effect upon the public costs and revenues imposed by a development activity.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; including streams, creeks and rivers and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM):** An official map of a community on which the United States Federal Emergency Management Agency has delineated areas of flood hazard.

**Flood Insurance Study:** The official report provided by the United States Federal Emergency Management Agency that include flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

**Flood Plain, 100 Year:** An area where a peak flow magnitude has about a 1 percent (1%) chance of being equaled, or exceeded in any year. The area is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed. The flood would have an average frequency of occurrence of about once in one hundred (100) years.

**Floor Area, (Gross Floor Area):** The sum of the footage contained within all buildings or structures on a site measured from the outside wall surfaces and including basements, garages, porches, utility rooms, stairways, recreation rooms and storage rooms, but excluding unroofed balconies and patios.

**Floor Area, (Net Floor Area):** The sum of the footage contained within all buildings or structures on a site measured from the inside wall surfaces including basements but excluding, garages, porches, utility rooms, stairways, storage rooms, and unroofed balconies and patios.

**Floor Area, (Total):** The sum of the gross floor area of all floors of a building and its accessory buildings located on the same lot. All dimensions shall be measured from the exterior faces of the exterior walls.

**Floor Area Ratio:** The total gross floor area of a building divided by the area of the lot on which it is located.

**Foot Candle:** A unit for measuring the amount of illumination on a surface.

**Frontage:** All the property fronting on one (1) side of the street between intersecting or intercepting streets, measured along the street line.

**Garage:** An accessory building used for the storage of motor vehicles.

**General Plan:** The Vineyard Town General Plan, as adopted.

**Geologic Hazard:** A hazard inherent in the crust of the earth, or artificially created, which is dangerous, or potentially dangerous to life, property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes, but is not limited to, unstable slopes, faulting, landslides, and rock falls.

**Grade, Finished:** The finished elevation of the surface of the land after the completion of any development activity or other excavation.

**Grade, Natural:** The elevation of the surface of the land prior to any development activity or excavation.

**Grading:** An excavation, cut or fill, or the act of excavating, either cutting or filling.

**Groundwater:** Any water that may be drawn from the ground.

**Groundwater Discharge Area:** An area where the direction of groundwater movement is upward from the principal aquifer to the shallow unconfined aquifer.

**Grubbing:** The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical, or other means.

**Guarantee:** Any form of security including cash, a letter of credit, or an escrow agreement in an amount and form satisfactory to the Town.

**Hard-Surfaced:** Covered with concrete, brick, asphalt, or other impervious material.

**Hazardous Waste:** A material as defined by the United States Environmental Protection Agency.

**Health Department:** The Utah County Health Department.

**Holiday Decorations:** Displays of a primarily decorative nature commonly associated with any national, Local, or religious holiday.

**Home Occupation:** A commercial or other non-residential use conducted within a dwelling unit that is incidental and to the primary use of the dwelling unit.

**Identical Plans:** Means building plans submitted to Vineyard Town that are substantially identical to building plans that were previously submitted to and reviewed and approved by the Vineyard Town Building Official and describe a building that is:

1. Located on land zoned the same as the land on which the building described in the previously approved plans is located; and
2. Subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

**Illegal Building/Structure:** A building or structure, or portion thereof, established without securing the necessary Approvals, Permits, or Licenses, as required by this Ordinance, the adopted Building Code, or their prior enactments.

**Illegal Lot:** A lot created that has not received the necessary Approvals, Permits, or Licenses, as required by the Town's Land Use Ordinances.

**Illegal Use:** A use established without receiving the necessary Approvals, Permits, or Licenses, as required by the Town's Land Use Ordinances.

**Impact Analysis:** A determination of the potential effect(s), including but not limited to environmental, fiscal, social, matters, etc. upon the Town or a Section of the Town.

**Impervious Material or Surface:** Material that is impenetrable by water.

**Improvements:** Curbs, gutters, streets, roads, sidewalks, utilities, grading, paving, landscaping, water and sewer systems, drainage systems, fences, fire hydrants, street lights, parks, public facilities, amenities and other such requirements of this Ordinance.

**Intensity:** The degree of a quantitative or qualitative measurement associated with a use of land or building.

**Internal Illumination:** Lighting by means of a light source that is located within a building structure, or other object including a sign, or portions or letters of a sign.

**Land Use:** The manner in which land is occupied or used.

**Land Use Application:** All Applications required by this Ordinance, and the Town's other Land Use Ordinances, and required to initiate the review procedures for any required Approval, License, or Permit by a Land Use Authority.

**Land Use Approval:** Any authorization received from a Land Use Authority that permits the commencement of a development activity.

**Land Use Authority:** Means a person, board, commission, agency, or other body designated by the Council to act on a Land Use Application.

**Land Use Ordinance:** Means a planning, Zoning, development, or subdivision Ordinance of Vineyard Town, including this Ordinance, but does not include the Vineyard Town General Plan.

**Landscaping:** Materials and treatments that include naturally growing elements such as grass, trees, shrubs, and flowers. Landscaping may also include the use of rocks, fountains, benches, and contouring of the earth when authorized by a Land Use Authority.

**Legal Building/Structure:** A building or structure, or portion thereof, established after receiving the necessary Approvals, Permits, or Licenses, as required by the Land Use Ordinances and complying with the requirements of the Land Use Ordinances and Building Code.

**Lot, Legal:** A lot that has received the necessary Approvals, Permits, or Licenses, as required by the Town's Land Use Ordinances, or their prior enactments.

**Legal Lot of Record.** Any lot, parcel or tract of land that existed, as recorded in the Office of the Utah County Recorder, with a separate property identification number as provided by the Office of the Utah County Recorder and Office of the Utah County Assessor, prior to the date of the adoption of the first Vineyard Town Subdivision Ordinance, and all lots, parcels, and tracts of land that were legally created pursuant to the subdivision requirements of the Town's Land Use Ordinances and the laws of the State of Utah after the date of the adoption of the first Vineyard Town Subdivision Ordinance.

**Legal Use:** A use complying with the requirements of this Ordinance.

**Legislative Body:** The Town Council of Vineyard, Utah.

**Light Source:** A point of lumination that emits a measurable radiant energy in or near the visible spectrum.

**Limits of Disturbance:** The area of a lot, parcel, or tract of land in which all development activity or construction must be contained including all impervious surfaces, buildings, structures, parking areas, driveways, etc.

**Lot:** A parcel of land occupied or proposed to be occupied by a building or structure, together with such yards, open spaces, lot width and lot area as are required by this Ordinance.

**Lot Area:** The total land area of a lot, parcel, or tract of land.

**Lot Coverage:** The total horizontal area of a lot, parcel, or tract of land covered by any impervious surface, including buildings, structures, parking areas, driveways, etc.

**Lot Depth:** The horizontal distance from a front lot line to a rear lot line.

**Lot, Interior:** A lot, parcel, or tract of land, other than a corner lot.

**Lot, Irregular:** A lot whose rear property line is not generally parallel to the front property line such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

**Lot Line:** A line bounding a lot, parcel, or tract of land that divides one (1) lot, parcel, or tract from another, or from a street. See also Property Line.

**Lot Line Adjustment:** The relocation of the lot line or property boundary line in a subdivision between two adjoining lots with the consent and agreement of the owners of record.

**Lot Line, Front:** A lot line separating a lot from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way line.

**Lot Line, Rear:** The lot line generally opposite and most distant from the front lot line.

**Lot Line, Side:** Any lot line that is not a front lot line or rear lot line. A side lot line separating one (1) lot from another is an interior side lot line.

**Lot, Corner:** A lot abutting on two (2) intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

**Lot, Double Frontage:** A lot abutting two (2) parallel or approximately parallel streets.

**Lot, Illegal:** A lot that has not received the necessary Approvals, Permits, or Licenses, as required by the Town's Land Use Ordinances and State laws, or their prior enactments.

**Lot, Noncomplying (Legal):** A lot, parcel or tract of land that: (a) Legally existed before its current Zoning designation; and (b) Has been shown as a separate lot, parcel, or tract continuously on the records of the Utah County Recorder as an independent parcel since the time the Zoning requirements governing the lot, parcel or tract changed; and (c) Because of subsequent Zoning changes does not now conform with the requirements of the Zoning District in which the lot, parcel or tract is located.

**Lot, Noncomplying (Illegal):** A lot, parcel or tract of land that: (a) Was created without receiving the necessary Approvals, Permits, or Licenses, as required by the Town's Land Use Ordinances and State laws, and their prior enactments, and (b) Does not conform with the requirements of the Zoning District in which the lot, parcel or tract is located.

**Lot Width:** For an interior lot or parcel, the shorter of horizontal distance between side lot lines, measured at the required front yard setback line or rear setback line. For a corner lot, the distance between one (1) of the front lot lines and the opposite side yard line at the required setback line.

**LUDMA:** Means the "Municipal Land Use, Development, and Management Act," as provided by Chapter 10-9a, Utah Code Annotated, 1953, as amended.

**Lumen:** A measurement of light output or the amount of light emitting from a luminaire.

**Luminaire:** A lighting unit consisting of a light source and all necessary mechanical, electrical, decorative, light shielding and hooded parts.

**Luminaire, Cutoff-Type:** A luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light.

**Luminaire, Shielded, Fully:** Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

**Luminaire, Shielded, Partially:** Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

**Mixed Use:** The location and arrangement of a combination of compatible residential and nonresidential uses on the same lot or within the same building, and complying with the requirements of this Ordinance.

**Moderate Income Housing:** Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Utah County.

**Moderate Income Housing Plan:** A written document conforming to the requirements of LUDMA.

**Monument:** A permanent survey marker established by the Utah County Surveyor and/or a survey marker set in accordance with the Town Engineer's specifications and referenced to Utah County survey monuments.

**Motor Home:** A unit primarily designed as a temporary dwelling for recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, a camping trailer, a truck camper, a motor home, a fifth wheel trailer, and a caravan.

**Municipality:** The Town of Vineyard, Utah, or other incorporated area.

**Natural Features:** Non man-made land characteristics, including but not limited to slopes, wetlands, streams, rock outcropping, lava fields, intermittent drainage channels, and vegetation.

**Natural State:** Land that has not been subjected to grading, removal of vegetation or any development activity.

**Natural Vegetation:** Vegetation existing on a lot or parcel prior to any grading, development activity or man-made plantings.

**Natural Waterways:** Those areas, varying in width, along the course of a permanent or intermittent river, stream, creek, or gully.

**Nominal Fee:** A fee that reasonably reimburses the Town only for time spent and expenses incurred in:

1. Verifying that building plans are identical plans; and
2. Reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

**Noncombustible Material:** Any material that will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) during an exposure of five (5) minutes, and will not continue to burn or glow at that temperature.

**Noncomplying Structure:** A structure that:

1. Legally existed before its current land use designation; and
2. Because of one or more subsequent land use Ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

**Nonconforming Use:** A use of land that:

1. Legally existed before its current land use designation;
2. Has been maintained continuously since the time the land use Ordinance governing the land changed; and
3. Because of one or more subsequent Land Use Ordinance changes, does not conform to the regulations that now govern the use of the land.

**Nonresidential Uses:** Means the uses identified in the Tables of Uses -- Nonresidential Zoning Districts.

**Nonresidential Zoning District/Nonresidential Zones:** Means the Commercial Districts and Industrial Districts.

**Official Map:** A map adopted by the Council and recorded in the Utah County Recorder's Office that:

1. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
2. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

3. Has been adopted as an element of the Vineyard Town General Plan.

**Official Zoning Map/Zoning Districts Map:** The map adopted by the Council showing the geographic location of Zoning Districts.

**Off-Street:** Entirely outside of any Town right-of-way, street, access easement, or any private access drives.

**Open Space:** Land areas that are not occupied by buildings, structures, parking areas, streets, or roads. Open space may be devoted to landscaping, preservation of natural features, and recreational areas and facilities.

**Overlay District:** A Zoning District, with its accompanying requirements, that is applied to an area that may place additional development standards on a Zoning District. Development in an overlay District must conform to the base District as well as the overlay Zoning requirements.

**Owner:** Any person who alone, jointly or severally with others, has a legal or equitable title to property.

**Parcel of Land:** An area of land, with a separate property identification number, as provided by the Office of the Utah County Recorder.

**Park:** A playground, or other area or open space providing opportunities for active or passive recreational or leisure activities.

**Park Strip:** The area located between the edge of asphalt or curb and the sidewalk, trail, or property line.

**Parking Area/Parking Lot:** An enclosed or unenclosed area, other than a street, and used or designed for the parking of four (4) or more vehicles.

**Parking Space:** An enclosed or unenclosed area used for parking or storage of one (1) automobile.

**Permitted Use:** For the purposes of this Ordinance shall include P-1 and P-2 Uses.

**Person:** An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

**Pervious Material or Surface:** Material that is penetrable by water.

**Planning Commission:** The Planning Commission of Vineyard Town, Utah.

**Plat:** A map or other graphical representation of lands being laid out and prepared in accordance with LUDMA.

**Plat, Final:** A drawing prepared in accordance with the Land Use Ordinances showing the final design of a land division and complying with all standards and requirements of best surveying practice and in a form required by the Utah County Recorder's Office for recordation.

**Plat, Preliminary:** A drawing prepared in accordance with the Land Use Ordinances showing the design of a proposed land division.

**Primary Building:** The principal building located on a lot, parcel, or tract of land and designed or used to accommodate the primary use.

**Primary Use:** The principal purpose for which a lot, parcel, tract, or building is designed, arranged or intended, or for which it is occupied or maintained.

**Private Drive:** A non-dedicated thoroughfare used exclusively for private access to a lot, parcel, or tract of land.

**Property:** Any lot, parcel, or tract of land, including improvements thereon, and recorded as real property in the Office of the Utah County Recorder.

**Property Line:** The boundary line of a lot, parcel, or tract.

**Public:** That which is under the ownership or control of the United States Government, Utah State or any subdivision thereof, Utah County, or Vineyard Town (or any departments or agencies thereof).

**Public Hearing:** A hearing at which citizens of the Town and members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

**Public Improvement:** Any street dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer, and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building, or structure.

**Public Meeting:** A meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings.

**Qualified Professional:** A professionally trained person with the requisite academic degree, experience, and professional certification or License in the field or fields relating to the matter being studied or analyzed.

**Quasi-Public Use:** A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the public.

**Reasonable Accommodation:** A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition "Reasonable" means a requested accommodation will not undermine the legitimate purposes of

existing Zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability, "Necessary" means the Applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice, "Equal Opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

**Record of Survey Map:** A map of a survey of land prepared in accordance with the laws of the State of Utah.

**Recreational and Manufactured Home Standard:** A standard adopted by the American National Standards Institute or the national fire protection association for recreational vehicles, and for mobile homes manufactured prior to June 15, 1976. For manufactured homes built after June 16, 1976, "standard" means the standard adopted pursuant to the National Manufactured Housing Construction and Safety Standards Act, 1974, as amended.

**Recreational Vehicle:** A vehicular unit primarily designed for recreational and vacation use, which is either self propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, boat, a fifth-wheel trailer and a caravan.

**Residence:** A dwelling unit or other place where an individual or family is living at a given point in time and not a place of temporary sojourn or transient visit.

**Residential Activity:** Any building, structure, or portion thereof that is designed for or used for residential purposes and any activity involving the use of occupancy of a lot or structure for residential purposes.

**Residential Facility for Elderly Persons:** A single-family or multiple-family dwelling unit that meets the requirements of LUDMA.

**Residential Facility for Persons with a Disability:** Means a residence:

1. In which more than one (1) person with a disability resides; and
2. Is Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or (ii) Is Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

**Residential Uses:** Means the uses identified in the Tables of Uses – Residential Zoning Districts.

**Revocation:** A action by a Land Use Authority that has the effect to terminate any Approval, Permit, or License required by the Town's Land Use Ordinances, including this Ordinance.

**Right-of-Way:** Any area provided for conveying vehicle and pedestrian traffic.

**Roof Line:** The highest point on any building or structure.

**Sanitary Sewer Authority:** The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

**Sign:** A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, business, article or merchandise, service, assemblage, solicitation, or a request for aid; also the structure or framework or a natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

**Sign, Illegal:** Any sign which does not conform to the requirements of this Ordinance and was constructed or installed without the necessary Approvals, Permits, or Licenses required by this Ordinance, or prior enactments.

**Sign, Legal:** A sign that conforms to the requirements of this Ordinance and has received all necessary Approvals, Permits, or Licenses, as required by this Ordinance, or prior enactments.

**Sign, Noncomplying:** A sign or sign structure of portion thereof lawfully existing at the time this Ordinance became effective, but which does not conform to all applicable requirements now provided by this Ordinance.

**Sign, Non-maintained:** A sign which, due to lack of repair, cleaning, painting, oiling, or changing of light bulbs has become deteriorated, hazardous, or non-functional.

**Sign, Off-Premise:** Any sign, including a billboard or general outdoor advertising device, that advertises or directs attention to a business, commodity, service, activity, or matter conducted, sold, or offered at a location other than on the lot, parcel, or tract upon which such sign is located.

**Sign, On-Premise:** A sign that directs attention to a business, commodity, product, use, service or other activity that is sold, offered or conducted on the lot, parcel, or tract upon which such sign is located.

**Site Plan:** A schematic, scaled drawing of a lot, parcel, or tract which indicates, as may be required by this Ordinance, including but not limited to the placement and location of buildings, setbacks, yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, trash containers, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed use, activity, building or structure.

**Slope:** The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

**Special District:** An entity established under the authority of Title 17A, Special Districts, Utah Code Annotated, 1953, as amended.

**Specified Public Utility:** Means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1, Utah Code Annotated, 1953, as amended

**Start of Construction:** The issuance date of a Building Permit if construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180) days of the Permit date. "Begins" means the date of the commencement of the first development activity on the site.

**Story:** The space within a building, included between the surface of any floor and the surface of the ceiling next above.

**Street:** A public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, tunnel, bridge, public easement, or other way.

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

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

**Subdivision:** Means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions, and as further defined by LUDMA.

**Subdivision Application:** The Applications required by the Vineyard Town Subdivision Ordinance and required to initiate the review procedures for any required subdivision approval.

**Substantial Action:** Action taken in good faith to diligently pursue any matter necessary to obtain approval of an Application filed pursuant to the provisions of this Ordinance or to exercise development rights authorized pursuant to such an approval.

**Town Engineer:** A registered Civil Engineer so appointed by the Town.

**Travel Trailer:** A vehicular, portable unit, mounted on wheels, not requiring special highway movement permits when drawn by a motorized vehicle:

1. Designed for travel, recreational and vacation use; and
2. When factory equipped for the road, having a body width of not more than eight feet (8') and a body length of not more than forty feet (40').

**Unincorporated:** Means the area of Utah County, Utah and located outside of the incorporated area of Vineyard Town, or another municipality.

**Use:** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**USGS:** The United States Geological Survey.

**Utilities:** Include, but are not limited to, natural gas, electric power, cable television, telephone, telecommunication services, storm system, sewer system, irrigation facilities, culinary water, street lights and other services deemed to be of a public-utility nature by the Town.

**Utility Easement:** The area designated for access to construct or maintain utilities on a lot, parcel, or tract of land.

**Variance:** A modification granted by the Board of Adjustment to a development standard with a finding of hardship.

**Vehicle:** A Licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

**Violated or Violating:** There exists reasonable cause to believe that an Ordinance, Code, Statute, or Law has been, or is being broken.

**Wireless Telecommunication Facility:** A structure consisting of antennas, antenna support structures, or other equipment used to provide personal wireless services as set forth in Section 704 of the Telecommunications Act of 1996, as amended.

**Yard:** An open space on a lot, parcel or tract of land, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.

**Yard, Front:** An open space on the same lot with a building between the front line of the building and the front lot line and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

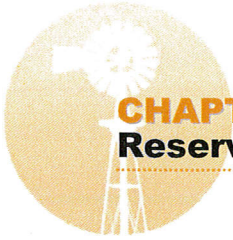
**Yard, Rear:** An open, unoccupied space on the same lot as a building, between the rear line of the building and the rear lot line and extending the full width of the lot except, on corner lots, the rear yard shall not include the side yard bordering the street.

**Yard, Side:** An open, unoccupied space on the same lot as a building, between the rear line of the building and the front line of the building and extending from the side line of the building to the side lot line; except, on corner lots, the side yard bordering the street shall extend to the rear from the front line of the building to the rear lot line, the same distance as is required for side yard setbacks on corner lots in each zone.

**Zoning District:** An area of the Town that has been given a designation which regulates the construction, reconstruction, alteration, repair, or use of buildings or structures, or the use of land as set forth in this Ordinance.

**Zoning Districts Map:** The map, adopted as part of a Land Use Ordinance, including this Ordinance that depicts and identifies the geographic location of the Zoning Districts provided by this Ordinance.

**Zoning Ordinance:** This Ordinance, and any amendments thereto as may be amended from time to time. This Ordinance is determined and identified to be a Land Use Ordinance of Vineyard Town, Utah.



**CHAPTER 31**  
**Reserved**

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**CHAPTER 32**  
**Table of Uses and Development Standards**

**Table 32-1**  
**Table of Allowed Uses**  
**Residential Zoning District**

Uses identified by the symbol “T” are determined to be Temporary Uses, subject to the requirements of Chapter 13, herein. Uses identified by the symbols “PERMITTED (P-1) USE” and “PERMITTED (P-2) USE” are determined to be Permitted Uses, subject to the requirements of Chapter 14, herein.

Uses identified by the symbol “C” are determined to be Conditional Uses, subject to the requirements of Chapter 15, herein. Any Use identified by the symbol “X” is determined to be a prohibited use in the Zoning District.

Any Use not identified in the Table of Uses is hereby determined to be a prohibited use within Vineyard Town.

USE	ZONING DISTRICT										
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2
<b>Accessory Building.</b> A building customarily incidental and clearly subordinate to the existing primary building and located on the same lot as the primary building.	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1
<b>Accessory Dwelling Unit for Owner or Employee.</b> An attached, or detached, dwelling unit for an employee or owner and incidental and clearly subordinate to the existing primary building or use and located on the same lot as the primary building or use.	C	C	X	X	X	X	X	X	X	X	X

USE	ZONING DISTRICT											
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2	
<b>Accessory Use.</b> A use clearly incidental and subordinate to the existing primary use and customarily found in connection with the primary use and located on the same lot as the primary use.	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1
<b>Agriculture.</b> An area which is used for the commercial production, keeping, or maintenance for sale of plants and domestic animals typically found in Utah County, or lands devoted to a soil conservation management program, but excluding the keeping of prohibited animals, Commercial Plant Nursery, as defined herein, Concentrated Animal Feeding Operation, as defined by the Utah Code Annotated, 1953, as amended, and subject to the Utah Pollutant Discharge Elimination System (UPDES), or similar activities.	P-1	P-1	X	X	X	X	X	X	X	X	X	X

USE	ZONING DISTRICT											
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2	
<b>Agricultural Building.</b> A structure used in conjunction with an allowed agriculture use, and not for human occupancy, and complying with the requirements of §58-56-4, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building the structure must meet all requirements of §58-56-4(1), Utah Code Annotated, 1953, as amended.												
<b>Barn, Corral, Stable, Coop, Pen or Animal Run.</b> A structure or fenced area, and its associated buildings and structures, for the feeding, housing, or confinement of domestic animals, as defined herein.	P-1	P-1	P-1	X	X	X	X	X	X	X	X	X
<b>Billboard.</b> A freestanding sign designed or intended to direct attention to a business, product, or service that is not provided, sold, offered, or existing on the property where the sign is located.	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONING DISTRICT										
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2
<b>Church.</b> A facility principally used as a location for people to gather for religious worship or other religious activities. One (1) accessory dwelling unit for the housing of the pastor or similar church leader of the church and their family may be Permitted as an accessory use.	C	C	C	C	C	C	C	C	C	C	C
<b>Temporary Use.</b> A use or event established for a maximum period of sixty (60) days, such use or event being discontinued after the expiration of sixty (60) days.	T	T	T	T	T	T	T	T	T	T	T
<b>Commercial Kennel.</b> An establishment where four (4) or more dogs, older than four (4) months, are kept for the purpose of boarding, breeding, raising or training dogs for a fee or on a nonprofit basis.	C	C	X	X	X	X	X	X	X	X	X
<b>Commercial Plant Nursery.</b> A use wholly, or partially, contained within one or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold to retail or wholesale customers.	C	C	X	X	X	X	X	X	X	X	X

USE	ZONING DISTRICT												
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2		
<b>Commercial Recreation (Outdoor).</b> An area or facility that offers entertainment or recreation outside. This use is limited to a golf driving range, baseball batting cages, riding arena, tennis facility, miniature golf, and swimming pool, and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices. This use specifically excludes shooting range, go-cart, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.													
<b>Domestic Livestock and Fowl.</b> Limited to domesticated horse (Equus caballus), domesticated cattle (Bos taurus and Bos indica), domesticated sheep (Ovis aries), domesticated goat (Capra hircus) and domestic fowl. Domestic Livestock and Fowl do not include inherently or potentially dangerous animals, fowl, reptiles, or exotic animals.	P-1 (A minimum area of one [1] acre exclusively used for the keeping of Domestic Livestock and Fowl shall be required.)												
<b>Dwelling, Single-Family.</b> A building containing one (1) dwelling unit.	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	C	X

USE	ZONING DISTRICT											
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2	
<b>Dwelling, Two-Family.</b> A building containing two (2) attached dwelling units.	X	X	X	X	X	X	X	X	C	C	X	
<b>Dwelling, Condominium.</b> An individually owned dwelling unit, the ownership of which includes an undivided interest in the land and other common areas and facilities, as provided and recorded in a property deed or other instrument, as required by Utah law, and which is typically maintained by an association of the owners. Must meet allowed density requirements.	X	X	X	X	X	X	X	X	X	C	C	
<b>Dwelling, Multiple-Family.</b> A building containing three (3) or more dwelling units.	X	X	X	X	X	X	X	X	X	C	C	
<b>Educational Facility (Public or Private).</b> Public schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction. Privately owned buildings and uses for educational activities that has a curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education.	C	C	C	C	C	C	C	C	C	C	C	

USE	ZONING DISTRICT											
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2	
<b>Golf Course.</b> An area used for the purposes of playing golf, but which may include associated restaurants, commercial retail sales areas, and course maintenance facilities.	C	C	C	C	C	C	X	X	X	X	X	
<b>Home Day Care.</b> The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit at least twice a week for more than three (3) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6).	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	
<b>Home Occupation.</b> An activity carried out for gain by a resident of the dwelling unit, identified, and conducted in compliance with the requirements of this Ordinance, as applicable.	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	

USE	ZONING DISTRICT											
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2	
<b>Home Preschool.</b> A preschool program complying with all State standards and licensing for non-family members in an occupied dwelling unit, by residents of that dwelling unit, in which lessons are provided for not more than six (6) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any 24-hour period. Home Preschool shall be considered, and shall comply with all requirements of Ordinance #2003-18, as applicable.												
<b>Household Pets (Noncommercial).</b> Domesticated animals and birds ordinarily allowed in a dwelling unit and kept for company or pleasure of the owner, including, but not limited to dogs, cats, and caged birds. Household Pets do not include domestic livestock or fowl, as defined herein or inherently or potentially dangerous animals, fowl, reptiles, or exotic animals.	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1

USE	ZONING DISTRICT											
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2	
<b>Major Facility of a Public Utility.</b> Any overhead or underground electric transmission lines (greater than 115,000 volts), substations of electric utilities; gas regulator stations, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities, water treatment plant, sewage treatment plant, or similar public or quasi-public use or activity.												
<b>Minor Facility of a Public Utility.</b> Any water, sewer power, gas, telephone, cable television, or other utility, distribution line, or facility, which is located underground and buried beneath the surface of the ground.	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1	P-1

USE	ZONING DISTRICT											
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2	
<p><b>Model Home.</b> A dwelling unit having all of the following characteristics:</p> <ol style="list-style-type: none"> <li>1. The dwelling unit is constructed upon a lot in a subdivision for which a Final Plat has been recorded.</li> <li>2. The dwelling unit is intended to be temporarily utilized as an example of the dwelling units that are proposed to be built in the same subdivision.</li> </ol>												
	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2
<p><b>Nursing Home, Convalescent Care Center.</b> A facility that provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility. A Nursing Home or Convalescent Care Center provides some level of skilled nursing or medical service to the residents.</p>	C	C	C	C	C	C	C	C	C	C	C	

USE	ZONING DISTRICT											
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2	
<b>Public Uses.</b> A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including streets, parks, recreational facilities, administrative and service facilities, and public utilities, and found to conform to the General Plan, as adopted. Public Uses and Utilities do not include "Major Facility of a Public Utility," as defined herein.												
<b>Reception Hall, Reception Center.</b> A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.	C	C	C	X	X	X	X	X	X	C	C	
<b>Residential Facility for Elderly Persons.</b> A single-family or multiple-family dwelling unit that does not operate as a business and is owned by one of the residents, or an immediate family member of one of the residents, or the title is placed in trust for a resident, and that meets the requirements of the Utah Code Annotated, as amended, meeting all applicable Building Codes, as adopted, Land Use Ordinance	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	P-2	

USE	ZONING DISTRICT										
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2
<p>requirements, and is occupied on a 24-hour-per-day basis by eight (8) or fewer elderly persons in a family-type arrangement. Adequate off-street parking shall be provided and the facility must be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons; and placement in a residential facility for elderly persons is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. Elderly Person means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.</p>											

USE	ZONING DISTRICT											
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2	
<p><b>Residence for Persons with a Disability.</b> A residence in which more than one (1) person with a disability resides; and is Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. See definition of Disability.</p>												
<p><b>Residence for Persons with a Disability that are Substance Abuse Facilities located within 500 feet of a School.</b> A residence in which more than one (1) person with a disability resides; and is Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. See definition of Disability.</p>	C	C	C	C	C	C	C	C	C	C	C	C
<p><b>Sign – Temporary.</b> A sign intended to be displayed for a limited period, not to exceed sixty (60) days.</p>	T	T	T	T	T	T	T	T	T	T	T	T

USE	ZONING DISTRICT												
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2		
<b>Swimming Pool.</b> An artificial body of water having a depth in excess of eighteen inches, designed, constructed and used for swimming, dipping or immersion purposes by men, women or children, and located on a same lot or parcel as a dwelling, or dwellings.	C	C	C	C	C	C	C	C	C	C	C	C	

USE	ZONING DISTRICT										
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2
<p><b>Wireless Telecommunications Site/Facility.</b> A facility used for the transmission or reception of electromagnetic or electro-optic information, including wireless telecommunications facilities such as “cellular” or “PCS” (Personal Communications Systems) – communication and paging systems. This use is not required to be located on a separate lot or to comply with the minimum lot size requirement for the District in which it is located but is required to meet the design and locational requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include radio antennas complying with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2<sup>nd</sup> 952 (1985)” or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.</p>	C	C	X	X	X	X	X	X	X	X	X

USE	ZONING DISTRICT											
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2	
Tennis Court/Sports Court. An improved area used for the playing of tennis or other sports activities, including, but not limited to, basketball and volleyball, and located on a same lot or parcel as a dwelling, or dwellings.	C	C	C	C	C	C	C	C	C	C	C	C

**Table 32-2  
Summary Table of Development Standards  
For Primary Buildings in Residential Zones**

(This Table is a Summary Table only. All required development standards are contained within the various Chapters of this Ordinance.)

DEVELOPMENT STANDARD	ZONING DISTRICT										
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2
Site Plan Approval	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										
Lot Standards	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										
Buildable Area	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										

DEVELOPMENT STANDARD	ZONING DISTRICT										
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2
Minimum Lot Size	40 Acres	5 Acres	40,000 Square Feet	30,000 Square Feet	20,000 Square Feet	15,000 Square Feet	10,000 Square Feet	8,000 Square Feet	Single Family Dwelling 15,000 Square Feet.	Single Family Dwelling 7,500 Square Feet.	Condominium & Multi-Family Units
									Two-Family Dwelling 12,500 Square Feet per Unit. All other uses 15,000 Square Feet	Two-Family Dwelling 6,500 Square Feet per Unit. Condominium & Multi-Family Units 6,500 square feet per unit. All other Uses 8,000 square feet	

DEVELOPMENT STANDARD	ZONING DISTRICT										
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2
Maximum Base Density Allowed by a PD Overlay District in Units Per Acre	0.025 Units	0.200 Units	1.089 Units	1.307 Units	1.743 Units	2.323 Units	3.485 Units	4.356 Units	2.332 Single Family Units. 2.787 Two-Family Units.	4.646 Single Family Units. 5.361 Two-Family Units.	9.680 Condominium & Multi-Family Units

DEVELOPMENT STANDARD	ZONING DISTRICT										
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2
Minimum Lot Width	Lot Width to Lot Length Ratio not less than 1:3				100 Feet	90 Feet	80 Feet	80 Feet	Single Family Dwelling 100 Feet. Two-Family Dwelling 120 Feet. Churches 200 Feet. School 200 Feet	Single Family Dwelling 80 Feet. Two-Family Dwelling 120 Feet.	Condominium & Multi-Family Units
Minimum Distance Between Condominium & Multi-Family Units Primary Buildings located on the same Lot or Parcel	Not Applicable								30 Feet		
Building Requirements	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										
Site Lighting	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										

DEVELOPMENT STANDARD	ZONING DISTRICT										
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2
Off-street Parking	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										
Adequate Public Facilities	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										
Culinary Water and Sanitary Sewage Systems	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										
Required Streets, Curb, Gutter, Sidewalks, and Trails	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										
Clear View Areas	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										
Minimum Building Height	No primary building shall be erected to a height less than one story entirely above grade.										
Maximum Building Height	Thirty (30) Feet or Two and One-Half (2½) Stories, whichever is Higher.										
Maximum Building Height for Condominium & Multi-Family Units	Not Applicable									35 Feet	35 Feet
Mechanical Equipment Screening	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										
Utility Requirements	As Required by this Ordinance, including requirements for a Use Application, General and Supplementary Development standards and Requirements, and Building and Site Design Requirements										
Minimum Front Yard	30 Feet from the Right-of-Way line of an existing or proposed public street or 66 Feet from the centerline of any existing or proposed street, whichever is greater									20 Feet from the Right-of-Way line of an existing or proposed public street or 56 Feet from the centerline of any existing or proposed street, whichever is greater	

DEVELOPMENT STANDARD	ZONING DISTRICT											
	A-1	R&A-5	RE-40	RE-30	RE-20	R-1-15	R-1-10	R-1-8	R-2-15,000	HDR-1	HDR-2	
Minimum Side Yard – Interior Lots	30 Feet	30 Feet	30 Feet	30 Feet	30 Feet	30 Feet	30 Feet	20 Feet	20 Feet	20 Feet	20 Feet	
Minimum Side Yard for Corner Lots – Side Yard abutting street Right-of-Way	30 Feet from the Right-of-Way line of an existing or proposed public street or 66 Feet from the centerline of any existing or proposed street, whichever is greater											
Minimum Rear Yard	30 Feet											
Minimum Dwelling Dimension	The minimum width or length dimension shall not be less than 24 feet. No non-living spaces including but not limited to garages, porches, or sheds shall be included in determining compliance with this requirement											
	20 Feet											