



**REGULAR MEETING
OF THE VINEYARD PLANNING COMMISSION,
Vineyard Town Hall, 240 East Gammon Road, Vineyard, Utah
Wednesday, September 7, 2016 at 7:00 p.m.**

PUBLIC NOTICE is hereby given that the Planning Commission of Vineyard Town, Utah, will hold a regular Planning Commission meeting, on Wednesday, September 7th, 2016 at 7:00 p.m. The meeting will be held at the Vineyard Town Hall, 240 East Gammon Road, Vineyard, Utah. The agenda will consist of the following:

- 1. CALL TO ORDER**
- 2. INVOCATION** – Individuals are invited to volunteer.
- 3. OPEN SESSION** – Public comment period for items not on the agenda.
- 4. MINUTES REVIEW AND APPROVAL** – Minutes from the 07.20.2016, 08.03.2016, 08.17.2016 planning commission meetings.
- 5. BUSINESS ITEMS:**
 - 5.1 Consideration** - The commission will consider town initiated zoning text amendments regarding planning commission authority, planning application process and accessory dwelling units. The following chapters are under consideration:
 - Chapter 3 Land Use Authorities and Other Officers;
 - Chapter 5 Amendments to the General Plan and Land Use Ordinances;
 - Chapter 14 Permitted Uses;
 - Chapter 15 Conditional Uses;
 - Chapter 17 Supplementary Development Standards (Accessory Dwelling Units Section 1706);
 - Chapter 18 Project Site Planning and Building Design Requirements;
- 6. PLANNING COMMISSION MEMBERS' REPORTS/DISCLOSURES**
- 7. STAFF REPORTS**
 - Morgan Brim, Planning Director
 - Don Overson, Town Engineer
- 8. ITEMS REQUESTED FOR NEXT AGENDA**
- 9. ADJOURNMENT**
 - **OPEN SESSION** – Open Session is defined as time set aside for the public to express their views. Each speaker is limited to three (3) minutes. If action is necessary, the item will be listed on a following agenda. However, the Planning Commission may elect to discuss the item if it is an immediate matter of concern.

- **SPECIAL ACCOMMODATION** – In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this public meeting should notify Elizabeth Hart, Community Development Technician, at least 24 hours prior to the meeting by calling (801) 226-0210.
- **ELECTRONIC OR TELEPHONE PARTICIPATION** – One or more members of the Vineyard Planning Commission may participate electronically or by phone.

The foregoing notice and agenda was posted on the Utah Public Notice Website, posted on the Vineyard Town Website and at the Vineyard Town Office, delivered to each member of the Vineyard Town Planning Commission, and emailed to the Daily Herald and surrounding entities.

AGENDA NOTICING COMPLETED ON: September 01, 2016



COMMUNITY DEVELOPMENT

TO: Planning Commission
FROM: Morgan Brim
DATE: September 7, 2016
SUBJECT: Public Hearing, Zoning Text Amendments

This staff report is intended to provide an overview of the attached zoning text amendments that were discussed during a special meeting of the commission and council on August 3, 2016 and reviewed during a public hearing on August 17, 2016. These amendments relate to the approval process that development applications must navigate in order to receive a final decision. The purpose of the proposed amendments is three-fold.

- Ease the current work load of the council by providing the commission with decision-making authority of non-legislative application processes;
- Stream-line the application process to encourage economic development and overall effectiveness of the review process; and
- Provide clarity in application processes by removing procedural redundancies and internal code conflicts.

Additionally, the text amendments include provisions for accessory dwelling units (ADU). The town has seen a rise in the amount of accessory dwelling units without proper building permits. This new ordinance provides standards and a permitting process for ADUs. Additionally, building inspections will be required to insure compliance with adopted building, fire and zoning codes.

Recommendations

Staff recommends approval of the proposed text amendments.

Proposed Motion

"I move to recommend approval of the attached proposed ordinance and associated zoning text amendments."

Attachments

- Proposed ordinance with the following six exhibits:
 - Chapter 3: Land Use Authorities and Other Officers
 - Chapter 5: Amendments to the General Plan and Land Use Ordinances
 - Chapter 14: Permitted Uses
 - Chapter 15: Conditional Uses
 - Chapter 18: Project Site Planning and Building Design Requirements
 - Section 1706: Accessory Dwelling Units

ORDINANCE NO. ----

AN ORDINANCE OF THE TOWN OF VINEYARD, UTAH, AMENDING THE TOWN'S ZONING ORDINANCE TO ESTABLISH AND CLARIFY PLANNING APPLICATION PROCESSES FOR GENERAL PLAN AMENDMENTS, ZONING MAP & TEXT AMENDMENTS, SITE PLANS, CONDITIONAL USES AND PERMITTED USES; AND ESTABLISHING REGULATIONS FOR ACCESSORY DWELLING UNITS; INCLUDING CHAPTER THREE: LAND USE AUTHORITIES AND OTHER OFFICERS, CHAPTER FIVE: AMENDMENT TO THE GENERAL PLAN AND LAND USE ORDINANCES, CHAPTER 14: PERMITTED USES, CHAPTER 15: CONDITIONAL USES, CHAPTER 18: PROJECT SITE PLANNING AND BUILDING DESIGN REQUIREMENTS AND SECTION 1706: ACCESSORY DWELLING UNITS OF CHAPTER 17: SUPPLEMENTARY DEVELOPMENT STANDARDS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVING AN EFFECTIVE DATE.

WHEREAS, Title 10, Chapter 9a Municipal Land Use, Development, and Management Act of the Utah Municipal Code permits the Town of Vineyard to ensure the health, safety and welfare of the community through local land use planning and the adoption of land use ordinances; and

WHEREAS, the Town of Vineyard is authorized to amend the Town's Zoning Ordinance pursuant to Utah Municipal Code § 10-9a-102(2); and

WHEREAS, the Planning Commission held a public hearing on August 17, 2016 and after fully considering public comment and staff recommendations, recommended approval to the Vineyard Town Council on September 7, 2016; and

WHEREAS, the Vineyard Town Council, having reviewed the proposed text amendments, held a public hearing on September 14, 2016; and

WHEREAS, the Vineyard Town Council having considered the recommendation of the Planning Commission and submitted comments and testimony from the public, having determined that it is in the best interest of the public and adopt the proposed text amendments to the Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF VINEYARD:

Section 1: AMENDMENTS TO CHAPTER 3: LAND USE AUTHORITIES AND OTHER OFFICERS. To provide the Planning Commission authority to approve Conditional Use Permits and to establish Commission Alternates as "Members" among other amendments, attached as exhibit A.

Section 2: AMENDMENTS TO CHAPTER 5: GENERAL PLAN AND LAND USE ORDINANCES. To eliminate provisions requiring the Planning Commission and Town Council to vote in a subsequent meeting following the public hearing of proposed zoning and general plan amendment applications, attached as exhibit B.

Section 3: AMENDMENTS TO CHAPTER 14: PERMITTED USES. To the eliminate Permitted-1 and Permitted-2 Uses and to establish Permitted Use provisions, attached as exhibit C.

Section 4: AMENDMENTS TO CHAPTER 15: CONDITIONAL USES. To, among other things, provide the Planning Commission authority to approve Conditional Use Permit applications and to establish application and submittal requirements, attached as exhibit D.

Section 5: AMENDMENTS TO CHAPTER 18: PROJECT SITE PLANNING AND BUILDING DESIGN. To establish site planning authority and procedures, attached as exhibit E.

Section 6: AMENDMENTS TO SECTION 1706: ACCESSORY DWELLING UNITS. To establish standards for accessory dwelling units, attached as exhibit F.

Section 7: REPEALER CLAUSE. All Town of Vineyard Ordinances, or parts thereof, which are in conflict herewith are hereby repealed.

Section 8: SAVINGS AND SERVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 9: PUBLICATION. This Ordinance, or a summary thereof, shall be published in the official newspaper of the Town, and shall take effect immediately upon its passage, approval, and publication.

Section 10: EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED by the TOWN COUNCIL and APPROVED by the Mayor of Vineyard, Utah on this ____ day of ____, 2016.

Randy Farnworth, Mayor

ATTEST:

Pam Spencer, Town Clerk

Exhibit A: Chapter 3 Land Use Authorities and Other Officers

CHAPTER 3

Land Use Authorities and Other Officers

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.~~1.5. Act as an Appeals Authority, as provided by Chapter 26, herein.

~~1.7.~~1.6. 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.~~1.7. Establish a fee schedule by resolution for all Approvals, Permits, and Licenses required by the Town’s Land Use Ordinances.

~~1.9.~~1.8. 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.

- 1 3. **Council Meeting Minutes.** The approved minutes of Council meetings, attested to by a majority
2 vote of the Council, shall constitute the official record of such meetings and shall be filed in the
3 office of the Town Recorder. All such records shall be available for public review and access in
4 accordance with the State of Utah Government Records and Access Management Act.
5

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

7 The Vineyard Planning Commission (hereinafter “Commission”) was heretofore created and
8 established pursuant to LUDMA, or prior enactments of LUDMA.
9

- 10 1. **Powers and Duties.** The Commission shall be an advisory body to the Council on legislative
11 matters pertaining to the Town’s General Plan and Land Use Ordinances. The Commission shall:
12

13 1.1. Prepare, or cause to be prepared, the General Plan, any proposed plan element, any
14 amendments thereto, and to submit the proposed plan, element, or amendments to the
15 Council.
16

17 1.2. Prepare or cause to be prepared all Land Use Ordinances, including this Ordinance, Zoning
18 Districts Maps, Official Maps, and any amendments thereto, and to submit such Land Use
19 Ordinances, or amendments thereto to the Council.
20

21 1.3. Review and recommend approval or denial of all Applications for a General Plan
22 Amendment and Land Use Ordinance Amendment to the Council.
23

24 ~~1.4. Review and approve, approve with requirements, or deny all Permitted Use~~
25 ~~(P-2) Applications.~~
26

27 ~~1.5-1.4. Review and recommend to the Council approval, approval with conditions, or denial of~~
28 ~~all Conditional Use (C) Applications.~~ Review and render a decision of approval, approval
29 with conditions or denial regarding conditional use applications.
30

31 ~~1.6-1.5.~~ Review and recommend approval, approval with conditions, or denial of all
32 Subdivision Applications to the Council, as authorized by the Vineyard Subdivision
33 Ordinance.
34

35 ~~1.7-1.6.~~ Determine and render a written interpretation of the boundary of a Zoning District,
36 as provided by Section 203, herein.
37

38 ~~1.8-1.7.~~ Act as an Appeals Authority, as provided by Chapter 26, herein.
39

40 ~~1.9-1.8.~~ Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of
41 the Commission, for the consideration of Applications and for any other purposes deemed
42 necessary by the Commission, provided that such bylaws, policies, and procedures are
43 approved by the Council before taking effect.
44

~~1-10.~~

45 ~~1-11-1.9.~~ Advise the Council on other matters, as the Council may direct.
46

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

2.1. The Commission shall consist of five (5) REGULAR members AND UP TO THREE
(3) ALTERNATES MEMBERS.
(amended by Ordinance 2014-02; 4.23.2013)

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.
(amended by Ordinance 2014-02; 4.23.2013)

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.

4.3.1. 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.

5.4. Effective Date of Decisions.

5.1.4.1. All decisions of the Commission shall become effective on the date of the meeting

1 when the decision is made unless a different date is designated in the rules of the
2 Commission, or the Commission designates a different date when the decision is made.

3
4 **6.5. Meetings, Hearings, and Procedure.**

5
6 **6.1-5.1.** The Commission shall establish a regular meeting schedule.

7
8 **6.2-5.2.** Special meetings may be requested by a majority vote of the Commission, or by
9 the chair of the Commission.

10
11 **6.3-5.3.** When a matter is postponed due to lack of a quorum, the chair shall reschedule the
12 matter to the next available Commission meeting. The Recording Secretary shall notify all
13 interested parties and all members of the Commission of the date when the Commission
14 will hear the rescheduled matter.

15
16 **7.6. Commission Organization.**

17
18 **7.1-6.1.** At an annual organizational meeting to be held as listed in the Commission's by-
19 laws~~the first regular meeting in April~~, and at other times as required, the members of the
20 Commission shall elect one (1) of their members as chair and one (1) of their members as
21 vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all
22 powers of the chair. The chair and vice-chair shall serve a term of one (1) year. No member
23 shall serve as chair for more than two (2) consecutive terms.

24
25 **7.2-6.2.** The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings
26 before the Commission, and shall take such actions as necessary to preserve order and the
27 integrity of all proceedings before the Commission.

28
29 **8.7. Commission Compensation.**

30
31 **8.1-7.1.** ~~Members of the Commission shall serve without compensation, except that the~~ The
32 Council may fix per diem compensation for members of the Commission, based on
33 necessary and reasonable expenses and on meetings actually attended. The Council shall
34 provide for reimbursement to Commission members for actual expenses incurred, upon
35 presentation of proper receipts and vouchers.

36
37 **9.8. Commission Members Volunteers.**

38
39 **9.1-8.1.** Members of the Commission shall be deemed "volunteers" for the purposes of
40 Town Ordinances, rules, regulations, and policies concerning personnel, provided
41 however, Commission members shall be included in the definition of "employee" for the
42 purposes of the Utah Governmental Immunity Act.

43
44 **10.9. Commission Recording Secretary.**

45
46 **10.1-9.1.** _____ The Mayor shall assign the Town Recorder, or designee, to act as the
47 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.

10-2-9.2. 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

- 1 Zoning Districts Maps and Official Maps.
- 2
- 3 2.3. To make any decisions or determinations that would have the effect of authorizing a
- 4 use, which is not identified in the Tables of Uses, Chapter 32 herein.
- 5
- 6 2.4. To hear or decide any matter or Application not expressly identified herein.
- 7
- 8 **3. BOA Membership, Appointment, Terms, Removal, and Vacancies.**
- 9
- 10 3.1. The BOA shall consist of five (5) members.
- 11
- 12 3.2. BOA members shall be appointed by the Mayor, with the advice and consent of the
- 13 Council.
- 14
- 15 3.3. Members of the BOA shall be residents of Vineyard. No member of the BOA shall be an
- 16 elected official or employee of Vineyard
- 17
- 18 3.4. All members of the BOA shall serve at the discretion of the Mayor and Council for a
- 19 term of four (4) years. No member shall serve more than two (2) consecutive terms.
- 20 Terms shall begin on January 1 of each calendar year. Members' terms are to be
- 21 staggered to so that no more than one (1) term shall expire each year on January 1. A
- 22 BOA member shall not be automatically reappointed to a second term.
- 23
- 24 3.5. BOA members may be removed by the Mayor, with the advice and consent of the
- 25 Council.
- 26
- 27 3.6. A BOA member may be removed by the Mayor, with the advice and consent of the Council,
- 28 if three (3) consecutive or twenty-five (25) percent of the BOA meetings in a calendar year
- 29 are missed. If the absence of a BOA member is due to an extended illness or vacation, the
- 30 BOA member is responsible to provide written notice to the Mayor prior to the time the
- 31 absence will occur. If such notice is given, these removal requirements do not apply.
- 32
- 33 3.7. BOA vacancies occurring for any reason shall be filled by the Mayor, with the advice
- 34 and consent of the Council. Vacancies on the BOA occurring in ways other than
- 35 through the expiration of terms shall be filled for the remainder of the unexpired
- 36 term.
- 37
- 38 **4. Quorum and Necessary Vote.**
- 39
- 40 4.1. No meeting of the BOA shall be called to order, nor may any business be transacted
- 41 without a quorum consisting of at least three (3) members of the BOA being present. The
- 42 chair shall be included for the purposes of establishing a quorum and shall act as a voting
- 43 member of the BOA. All actions of the BOA shall require the vote of a majority of the total
- 44 members of the BOA. The BOA shall transmit reports of its decisions and
- 45 recommendations to the Council. Any member of the BOA may also make a concurring or
- 46 dissenting report or recommendation to the BOA.
- 47

1 **5. Effective Date of Decisions.**

2
3 5.1. All decisions of the BOA shall become effective on the date of the meeting when the
4 decision is made unless a different date is designated in the rules of the BOA, or the
5 BOA designates a different date when the decision is made.
6

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

8
9 6.1. The BOA shall establish a regular meeting schedule.
10

11 6.2. Special meetings may be requested by a majority vote of the BOA, or by the chair of the
12 BOA.
13

14 6.3. When a matter is postponed due to lack of a quorum, the chair shall reschedule the
15 matter to the next available BOA meeting. The Recording Secretary shall notify all
16 interested parties and all members of the BOA of the date when the BOA will hear the
17 rescheduled matter.
18

19 **7. BOA Organization.**

20
21 7.1. At an annual organizational meeting to be held the first regular meeting in April, and at
22 other times as required, the members of the BOA shall elect one (1) of their members as
23 chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair
24 shall act as chair and shall have all powers of the chair. The chair and vice- chair shall serve
25 a term of one (1) year. No member shall serve as chair for more than two (2) consecutive
26 terms.
27

28 7.2. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings
29 before the Commission, and shall take such actions as necessary to preserve order and the
30 integrity of all proceedings before the Commission.
31

32 **8. BOA Compensation.**

33
34 8.1. Members of the BOA shall serve without compensation, except that the Council may fix
35 per diem compensation for members of the BOA, based on necessary and reasonable
36 expenses and on meetings actually attended. The Council shall provide for
37 reimbursement to BOA members for actual expenses incurred, upon presentation of
38 proper receipts and vouchers.
39

40 **9. BOA Members Volunteers.**

41
42 9.1. Members of the BOA shall be deemed "volunteers" for the purposes of Town Ordinances,
43 rules, regulations, and policies concerning personnel, provided however, BOA members
44 shall be included in the definition of "employee" for the purposes of the Utah
45 Governmental Immunity Act.
46

47 **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.

1
2 4. **Powers and Duties.** The DRC shall act under the direction of the Mayor and shall have the
3 following duties and responsibilities:

4
5 4.1. Before a Land Use Authority considers any Permitted Use (P-2) or Conditional Use (C)
6 Applications, the DRC shall review the Application to determine compliance of the
7 Application with the General Plan and all applicable Ordinances.

8
9 4.2. The DRC shall provide a report to the Land Use Authority identifying compliance of any
10 Permitted Use (P-2) or Conditional Use (C) Application with the General Plan and all
11 applicable Ordinances prior to review and decision by a Land Use Authority.

12
13 4.3. The DRC may provide a report to the Planner for any Temporary Use (T) or Permitted Use
14 (P-1) Application identifying compliance with the General Plan and all applicable
15 Ordinances prior to review and decision by the Planner.

16
17 4.4. The DRC may present findings for consideration by the Land Use Authority in the
18 review and decision of any Application for any Approval, Permit, or License.

19
20 5. **Conduct of Meetings.** The DRC shall establish procedures for the conduct of DRC
21 meetings, the scheduling of meetings, field trips, and any other DRC matters, such
22 procedures being reviewed and approved by the Mayor before taking effect.

23
24 **Section 307—Support:**

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

27
28 **Section 308—Public Meetings and Public Hearings:**

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

33
34 **Section 309—Provision of Administrative Guidelines:**

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

38
39 **Section 310—Computation of Time:**

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

44
45 **Section 311—Fractional Numbers:**

46 In determining compliance with the numerical requirements of this Ordinance any computation or
47 measurement resulting in a fractional number, except density calculations shall be rounded to the

1 nearest whole number. Density calculations shall be rounded down to the nearest whole number.

2
3 **Section 312—Procedural Irregularities:**

- 4 1. **Validity of Action.** Notwithstanding any provision of this Ordinance which sets forth a procedure
5 for any matter herein, no decision, action, inaction or recommendation regarding the matter
6 which is the subject of the procedure shall be void or invalid or set aside by a court due to any
7 error (including, but not limited to, any irregularity, informality, neglect or omission) which
8 pertains to an Application, notice, decision, finding, record, hearing, report, recommendation or
9 any other procedural matter whatsoever unless:

10
11 1.1. The procedure is required by State or Federal law; and

12
13 1.2. In an examination of the entire circumstances, including the evidence on record, the
14 court is of the opinion that the procedural error complained of was prejudicial to a
15 substantial right of the complainant as shown by the following:

16
17 1.2.1. Had the error not occurred the decision made pursuant to the procedure
18 would have been different; and

19
20 1.2.2. Because of the error, the complainant suffered an injury for which relief must
21 be given.

- 22
23 2. **Presumption of Validity.** The court shall presume that a decision or action taken pursuant to a
24 procedure was done in good faith and shall not presume that an error is prejudicial, or that an
25 injury occurred. The complainant shall have the burden of proof by a preponderance of the
26 evidence to show that an error is prejudicial or that an injury occurred.

27
28 **Section 313—Determination of Completeness of Land Use Applications:**

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

33
34 **Section 314—Continuing Validity of Land Use Application Approvals:**

- 35 1. The validity of an approval of a Land Use Application shall terminate one hundred eighty
36 (180) days from the date of the approval by the Land Use Authority, unless an alternative date is
37 specifically provided by the applicable Land Use Ordinance, or the Applicant has proceeded within
38 one hundred eighty (180) days from the date of approval with reasonable diligence to implement
39 the approval.
40
41 2. The validity of an approval of a Land Use Application shall expire and shall be invalid and null and
42 void within one hundred eighty (180) days from the date of approval by the Land Use Authority or
43 after the expiration of the time provided by the alternative date, as provided by the applicable
44 Land Use Ordinance.
45
46 3. An approval by a Land Use Authority shall be invalid and null and void if a use is conducted, or a
47 building or structure is established in violation of any requirements of all Land Use Ordinances,

1 requirements, or conditions of approval.

2
3 **Section 315—Land Use Authority Compliance with Land Use Ordinances:** Each Land Use Authority
4 of the Town, as identified herein, shall comply with the terms and standards of all applicable Land
5 Use Ordinances, including this Ordinance, and shall comply with the mandatory provisions of such
6 Land Use Ordinances.

7
8 **Section 316—Land Use Approvals Required to Comply with Land Use Ordinances:**

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

12
13 **Section 317—Acquiring Property:**

- 14 1. The Town may acquire property through purchase, gift, voluntary dedication, or eminent
15 domain.
16
17 2. The Town may require the dedication and improvement of a street or other facility if the street or
18 other facility is found necessary by the Town because of a proposed development.

19
20 **Section 318—Exactions:**

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

- 22
23 1. An essential link exists between a legitimate governmental interest and each exaction; and
24
25 2. Each exaction is roughly proportionate, both in nature and in extent, to the impact of the
26 proposed development.
27

Exhibit B: Amendments to the General Plan and Land Use Ordinances

CHAPTER 5

Amendments to the General Plan and Land Use Ordinances

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.

- 35
- 36 3. **Commission Public Hearing Required.** Prior to recommending the adoption, rejection or revision
- 37 of any General Plan Amendment Application, the Commission shall hold a public hearing in
- 38 accordance with the procedures of this Ordinance, and LUDMA, and shall provide a minimum of
- 39 ten (10) days notice of such hearing, as required by LUDMA and Chapter 9, herein.
- 40
- 41 4. **Commission Recommendation.** Following the close of the public hearing, ~~and at a subsequent~~
- 42 ~~meeting(s),~~ the Commission shall formulate a recommendation on the General Plan Amendment
- 43 Application to the Council.
- 44
- 45 5. **Commission Recommendation Transmitted to Council.** After the Commission has considered the
- 46 Application and made its recommendation, the Commission shall transmit to the Council a copy of
- 47 the Commission's recommendation and the meeting minutes, and all other relevant materials of
- 48 the proceedings before the Commission. Following receipt of a copy of the General Plan
- 49 Amendment recommendation from the Commission, and all other materials, the Town Recorder,
- 50 or Designee shall schedule a public hearing with the Council to consider the Commission's
- 51 recommendation of the General Plan Amendment Application.
- 52
- 53 6. **Council Public Hearing Required.** The Council shall consider the General Plan Amendment
- 54 Application recommendation of the Commission at a public hearing by providing a minimum
- 55 of ten (10) days notice for the required Council public hearing, as required by Chapter 9,
- 56 herein.
- 57
- 58 7. **Council Action.** ~~At a subsequent meeting(s) following the meeting at which the public hearing~~
- 59 ~~was held, t~~The Council may approve the General Plan Amendment Application, as presented,
- 60 revise the proposed amendment and approve the proposed amendment as revised, or reject the
- 61 proposed General Plan Amendment. If the Council approves the proposed amendment as
- 62 submitted, or as revised, the Council shall adopt the General Plan Amendment by Ordinance.
- 63

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

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

66 the following:

67

- 68 1. The effect of the proposed amendment to advance the public health, welfare, and safety of
- 69 residents of the Town.
- 70
- 71 2. The effect of the proposed amendment on the interests of Vineyard and its residents.
- 72
- 73 3. The location of the proposed amendment as suitable for the uses and activities allowed by the
- 74 proposed amendment, and the Town, and all other service providers, as applicable, and all
- 75 services required by the proposed uses and activities can be provided in a cost effective and
- 76 efficient way.

- 77
- 78 4. The compatibility of the proposed uses with nearby and adjoining properties.
- 79
- 80 5. The suitability of the properties for the uses requested.
- 81
- 82 6. The effect of the proposed amendment on the existing goals, objectives, and policies of the
- 83 General Plan, and listing any revisions to this Ordinance, the Subdivision Ordinance, and any
- 84 other Ordinances required to implement the amendment.
- 85
- 86 7. The community benefit of the proposed amendment.
- 87

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

89 The approval of a General Plan Amendment Application shall not authorize the development of land.

90 After a General Plan Amendment Application has been approved by the Council, no development shall

91 occur until the required Approvals, Permits and Licenses have been issued by the Town consistent with

92 the applicable Land Use Ordinances, adopted Building Codes, and all other applicable Ordinances and

93 requirements.

94

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

96 A proposed amendment to any Land Use Ordinance, Zoning Districts Map or other Official Maps,

97 may be initiated by any property owner, any resident, any business owner, the Council, Commission,

98 BOA, Planner, or other Town Staff by filing a Land Use Ordinance, Zoning Districts Map Amendment,

99 or other Official Maps Amendment Application with the Planner.

100

101 **Section 507—Procedures for Amending Land Use Ordinances, Zoning Districts Maps, and**

102 **other Official Maps Amendments:**

- 103 1. The procedures for the review and consideration of a Zoning Ordinance Amendment
- 104 Application, Zoning Districts Map Amendment, or Official Map Amendment Application are
- 105 identified by Figure 5-2, herein.
- 106
- 107 2. **Determination of Application Completeness.** An Application for a Zoning Ordinance
- 108 Amendment, Zoning Districts Map Amendment, or Official Map Amendment Application shall be
- 109 considered by the Planner for Application completeness, as provided by Section 1206, herein.
- 110
- 111 3. **Commission Public Hearing Required.** Prior to recommending a Land Use Ordinance, Zoning
- 112 Districts Map, or Official Map Amendment Application to the Council, the Commission shall
- 113 consider the Application at a public hearing by providing a minimum of ten (10) days notice of
- 114 the Commission public hearing, as required by LUDMA, and Chapter 9, herein.

- 115 4. **Commission Recommendation.** ~~At a subsequent meeting(s) following the meeting at which the~~
116 ~~public hearing was held, t~~The Commission shall formulate a recommendation on the Land Use
117 Ordinance Amendment, Zoning Districts Map, or Official Map Amendment Application to the
118 Council.
119
- 120 5. **Commission Recommendation Transmitted to Council.** After the Commission has conducted a
121 public hearing, reviewed the Application, and made its recommendation, the Commission shall
122 transmit to the Council a copy of the Commission's recommendation and the meeting minutes,
123 and all other relevant materials of the proceedings before the Commission. Following receipt of a
124 copy of the Land Use Ordinance, Zoning Districts Map, or Official Map Amendment
125 recommendation from the Commission, and all other materials, the Town Recorder, or Designee
126 shall schedule a public hearing with the Council to consider the Commission recommendation of
127 the Land Use Ordinance, Zoning Districts Map, or Official Map Amendment Application.
128
- 129 6. **Council Public Hearing Required.** The Council shall consider a Land Use Ordinance, Zoning District
130 Map, or Official Map Amendment recommendation of the Commission at a public hearing by
131 providing a minimum of ten (10) days notice of the required Council public hearing, as required by
132 Chapter 9, herein.
133
- 134 7. **Council Action.** ~~At a subsequent meeting(s) following the meeting at which the public hearing was~~
135 ~~held, t~~The Council may approve the Land Use Ordinance, Zoning Districts Map, or Official Map
136 Amendment Application, as presented to the Town, revise the proposed Amendment and approve
137 the proposed amendment as revised, or deny the proposed Application. If the Council approves
138 the proposed amendment as submitted or as revised, the Council shall adopt the Land Use
139 Ordinance, Zoning Districts Map, or Official Map Amendment by Ordinance.
140
141

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

144 In considering the amendment Application, the Commission and Council shall consider the
145 following approval requirements:
146

- 147 1. The effect of the proposed amendment to advance the public health, welfare, and safety of
148 Vineyard Town residents.
149
- 150 2. The effect of the proposed amendment on the interests of Vineyard and its residents.
151
- 152 3. The compatibility of the proposed uses with nearby and adjoining properties.
153
- 154 4. The suitability of the properties for the uses requested.
155
- 156 5. The location of the proposed amendment as suitable for the uses and activities allowed by the
157 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:

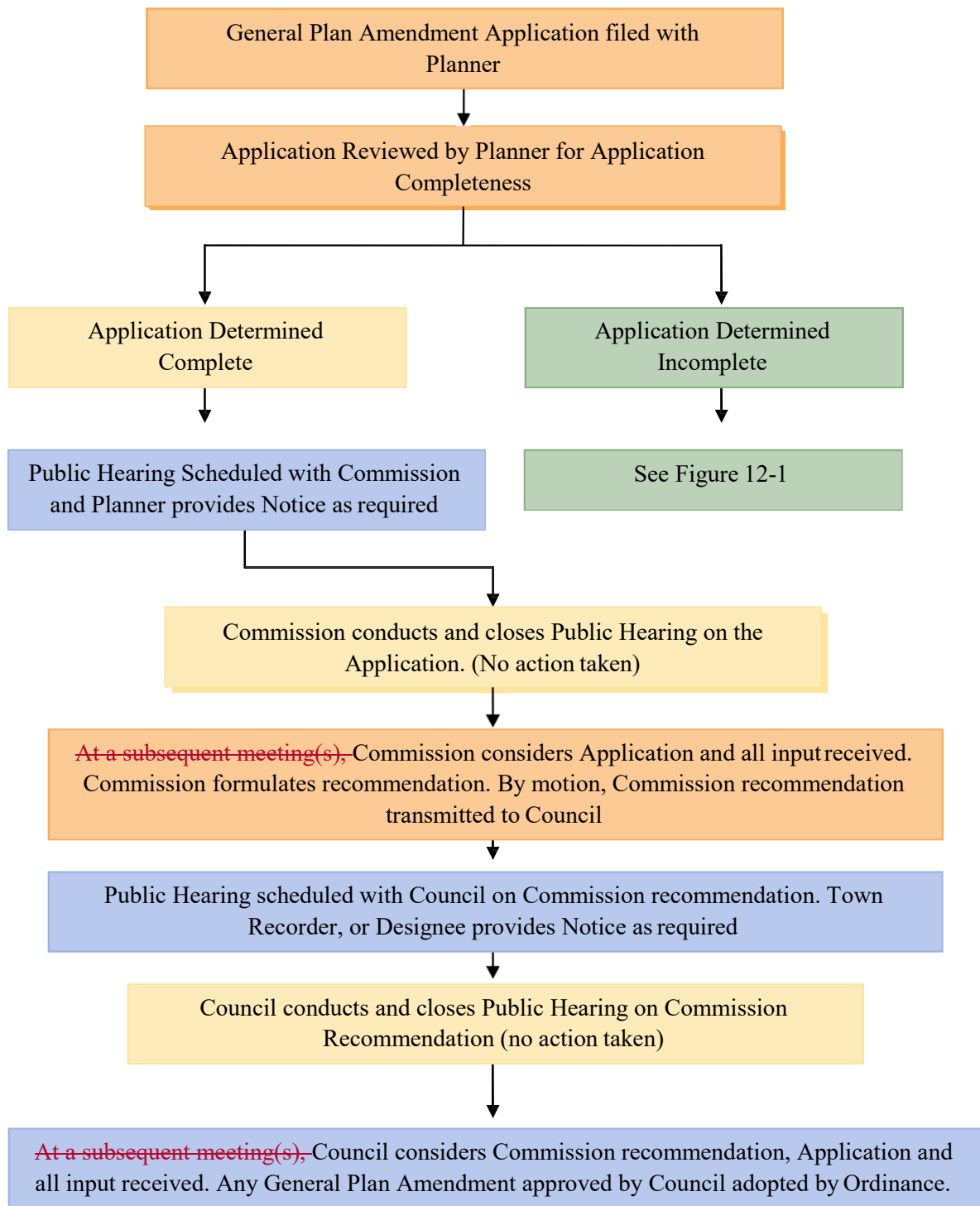
As provided by LUDMA, and consistent with all requirements and procedures, as contained therein, the Council may, with or without a public hearing, enact a temporary land use regulation for any part, or all of the area within the Town if the Council makes a finding of compelling, countervailing public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

- 200 1.3. A temporary land use regulation, affecting the Land Use Application, has been enacted by the
201 Council, as provided by Section 510, herein.
202
- 203 2. A Land Use Authority shall process a Land Use Application without regard to proceedings initiated
204 to amend the Land Use Ordinances, Zoning Districts Map, or Official Maps if:
205
- 206 2.1. One hundred eighty (180) days have passed since the proceedings were initiated; and
207
- 208 2.2. The proceedings have not resulted in an enactment that prohibits action on the Land Use
209 Application, as submitted.

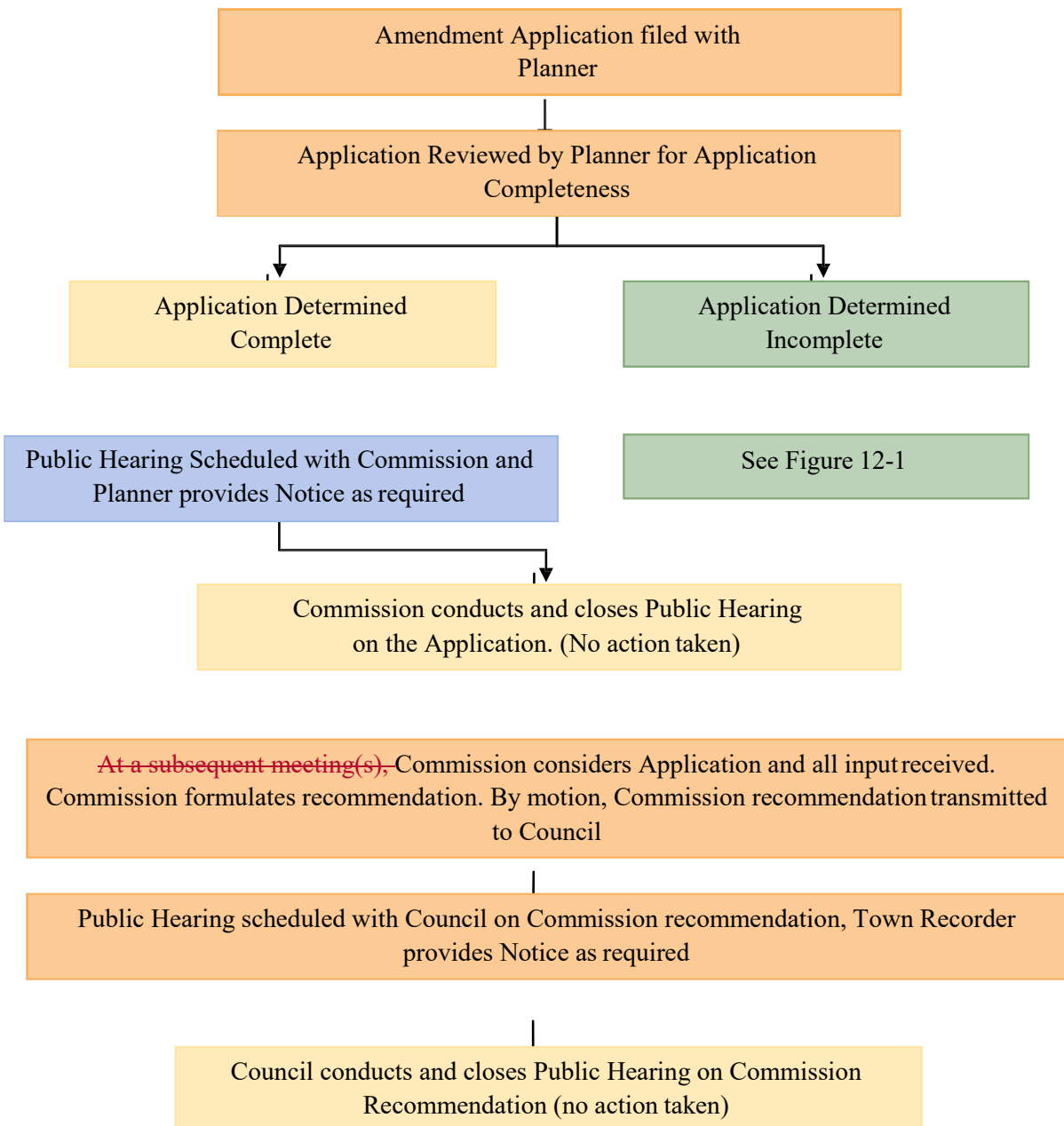
FIGURE 5-1
General Plan Amendment Application Procedures



CHAPTER 5

Amendments to the General Plan and Land Use Ordinances

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



~~At a subsequent meeting(s),~~ Council considers Commission recommendation, Application and all input received. Any Land Use Ordinance, or Map Amendment approved by Council is adopted by Ordinance.

250
251

Exhibit C: Permitted Uses

CHAPTER 14

Permitted Uses

Section 1401—Purpose:

This ~~c~~Chapter identifies and provides the procedures for the review of ~~p~~Permitted ~~u~~Use ~~a~~Applications (identified as “~~P-1~~” and “~~P-2~~” ~~u~~Uses) in ~~Chapter 32~~ the Table of Uses. The requirements for ~~p~~Permitted ~~u~~Use ~~a~~Application review and approval are provided herein.

Section 1402—Authority:

1. The ~~p~~Planner is hereby authorized to review and render a final decision for all ~~p~~Permitted (~~P-1~~) ~~u~~Use ~~a~~Applications, in accordance with the requirements of this ~~c~~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 ~~p~~Permitted ~~u~~Use, ~~either a (P-1) or (P-2) Use,~~ as identified in the Table of Uses, shall be made on an ~~a~~Permitted Use ~~a~~Application, ~~as provided by the tTown, which may include a Building Permit Application. Additional permits will be required for new construction or modification to existing site conditions or buildings. The property owner, or other person accompanied by a property owner affidavit of authorization, 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 submit present an~~ ~~Permitted Use A~~Application for review and decision, ~~provided such Application is accompanied by a property owner affidavit of authorization.~~

Section 1404—Application Requirements:

Applications for a ~~p~~Permitted (~~P-1~~) ~~Use or a Permitted (P-2) u~~Use are required to comply with all requirements of this ~~c~~Chapter and ~~other applicable requirements this Ordinance, and including the requirements for a Building Permit, as applicable, and all other applicable requirements.~~ All ~~p~~Permitted ~~u~~Use ~~a~~Applications shall be determined complete by the ~~p~~Planner, as provided by Section 1206, herein. For ~~p~~Permitted ~~u~~Use ~~a~~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 ~~p~~Permitted (~~P-1~~) ~~u~~Use ~~a~~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~~ An electronic PDF 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 and existing uses, buildings and structures, ~~and all existing buildings or structures~~ located on the property.

1
2 2.1.2.2. The location existing buildings located within one hundred (100) feet of the
3 subject property's boundary.

4
5 2.2.2.3. The setbacks requirements, as required by the Zoning District in which the
6 proposed and existing uses, buildings and structures are located. ~~and the exterior~~
7 ~~dimensions of all proposed buildings and structures.~~

8
9 2.4. The location of all proposed and existing roads and streets serving the
10 property, ~~or proposed to serve the property, and~~ including any Permits as
11 required by Utah County or the Utah Department of Transportation, ~~as~~
12 ~~applicable.~~

13
14 2.5. The location and dimension of all proposed and existing pedestrian and biking
15 facilities, including sidewalks and trails.

16
17 2.6. The location and dimension of all existing natural property features including
18 streams, drainage ways, flood plains, and wetlands.

19
20 ~~2.3.~~

21
22 2.4.2.7. The layout and ~~location and~~ dimensions of all proposed and existing ~~and~~
23 ~~proposed~~ ingress and egress points and off-street parking.

24
25 2.5.2.8. All public and private rights-of-way and easements located on, or adjacent to
26 the property, proposed to be continued, created, relocated, or abandoned shall
27 be shown.

28
29 2.9. The location of all existing or proposed fences and walls, identifying height
30 and materials shall be shown.

31
32 2.6.2.10. The location of all proposed and existing landscaping as required
33 in chapter 20 of this code.

34
35 2.11. Additional plans and drawings required to meet the adopted Building Code, as
36 may be applicable.

37
38 ~~2.7.~~

39
40 **Section 1407—Approval Standards ~~for a Permitted (P-1) Use Application by the Planner:~~**

41 The pPlanner shall review the pPermitted ~~(P-1) u~~Use aApplication and determine if the aApplication and
42 associated ~~, from the materials presented by the Applicant~~ complies with the following:

- 43
44 1. The proposed use is an allowed permitted (P-1) uUse within the zZoning dDistrict.
- 45
46 2. The proposed pPermitted ~~(P-1) u~~Use and the accompanying site plan complies with all
47 requirements of the Zoning District, as applicable, including minimum area, front, rear and side-
48 yard setbacks, building and structure height, and all other requirements applicable in the Zoning
49 District.

- 1
| 2 3. Complies with all sSite pPlan requirements as may be applicable, as provided herein.

- 3 4. Complies with all applicable dedication requirements of the Town and provides the
4 necessary infrastructure, as required.
5

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

- 8 1. If the Planner finds that the Permitted ~~(P-1)~~ Use Application complies with all requirements of this
9 Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the
10 Permitted ~~(P-1)~~ Use Application shall be approved, with or without use and/or site plan
11 modifications required to comply with this Ordinance, the adopted Building Codes, and all other
12 applicable Land Use Ordinances. Following the approval of a Permitted ~~(P-1)~~ Use Application, with
13 or without modifications, a Building Permit Application may be reviewed and a Building Permit
14 issued if such Application is found to comply with the Building Code, as adopted.
15
16 2. If the Planner finds that the Permitted ~~(P-1)~~ Use Application does not comply with all the
17 requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use
18 Ordinances, the Permitted ~~(P-1)~~ Use Application shall be denied and no Approval, Permit, or
19 License issued by the Town, including a Building Permit.
20

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

22 The procedures for the review of a Permitted (P-2) Use Application are identified by Figure 14- 2
23 herein.
24

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

26 ~~All Permitted (P-2) Use Applications shall include and provide the following information:~~
27

28 ~~1.—A completed Permitted (P-2) Use Application, as provided by the Town.~~
29

30 ~~2.—Five (5) original copies of Site and Building Plans, as applicable, drawn at a scale as required by~~
31 ~~the Planner, and prepared by a Licensed engineer or architect, plus fifteen (15) 11 inch x 17 inch~~
32 ~~reduced copies, identifying the location of all proposed uses, buildings and structures, and~~
33 ~~identifying the following:~~
34

35 ~~2.1.—The location and dimension of the property boundaries and all proposed uses, buildings and~~
36 ~~structures, and all existing buildings or structures located on the property, and existing~~
37 ~~buildings located within one hundred (100) feet of the property.~~
38

39 ~~2.2.—Existing property lines and existing fence lines.~~
40

41 ~~2.3.—The location and dimension of all existing natural property features including streams,~~
42 ~~drainage ways, flood plains, and wetlands.~~

- 43 ~~2.4. Existing topography of the property, including the existing grade, and identifying the~~
44 ~~proposed finished grade of the site shown as required by the Planner or Town Engineer.~~
45
- 46 ~~2.5. The setbacks requirements, as required by the Zoning District in which the proposed uses,~~
47 ~~buildings and structures are located and the exterior dimensions of all proposed buildings~~
48 ~~and structures.~~
49
- 50 ~~2.6. The location of all roads and streets serving the property, or proposed to serve the~~
51 ~~property, and including any Permits as required by Utah County or the Utah~~
52 ~~Department of Transportation, as applicable.~~
53
- 54 ~~2.7. The location and dimension of all proposed ingress and egress points, off-street parking, and~~
55 ~~loading areas, including the total number of off-street parking and loading spaces.~~
56
- 57 ~~2.8. The location and dimension of all pedestrian and biking facilities, including sidewalks and~~
58 ~~trails, if any.~~
59
- 60 ~~2.9. All public and private rights-of-way and easements located on, or adjacent to the property,~~
61 ~~proposed to be continued, created, relocated, or abandoned shall be shown.~~
62
- 63 ~~3. Located on the Site and Building Plan sheet(s), or on separate sheets, as may be proposed by~~
64 ~~the Applicant, or as required by the Planner for readability, the following information shall be~~
65 ~~provided:~~
66
- 67 ~~3.1. **Utility and Streets Plans.** All existing and proposed culinary water, secondary water, sanitary~~
68 ~~sewer, storm drainage, power, gas, and telephone lines and facilities, streets and roads with~~
69 ~~design plans for any new water, sewer and storm drainage lines and facilities, as applicable,~~
70 ~~streets and roads, meeting the design and construction requirements of the Town, or other~~
71 ~~agencies, as applicable, and prepared by a Licensed engineer, at a scale acceptable to the~~
72 ~~Planner. Access to all utilities and points of utilities connections shall be shown.~~
73
- 74 ~~3.2. **Landscape Plan(s).** Landscape plan(s) shall be provided, prepared by a registered~~
75 ~~landscape architect, identifying all proposed landscape, screening and buffering~~
76 ~~features, including all proposed plant materials, including their locations and sizes.~~
77
- 78 ~~3.3. **Fences and Walls.** The location of all fences and walls, identifying proposed height,~~
79 ~~materials, and colors shall be shown.~~
80
- 81 ~~3.4. **Building Plans.** Building plans and drawings shall be provided, as required, to meet the~~
82 ~~adopted Building Code, as may be applicable. The exterior elevations of every side of all~~
83 ~~proposed buildings and structures shall be provided, clearly showing proposed building~~
84 ~~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 14103—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 14114—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 14125—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 14136—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

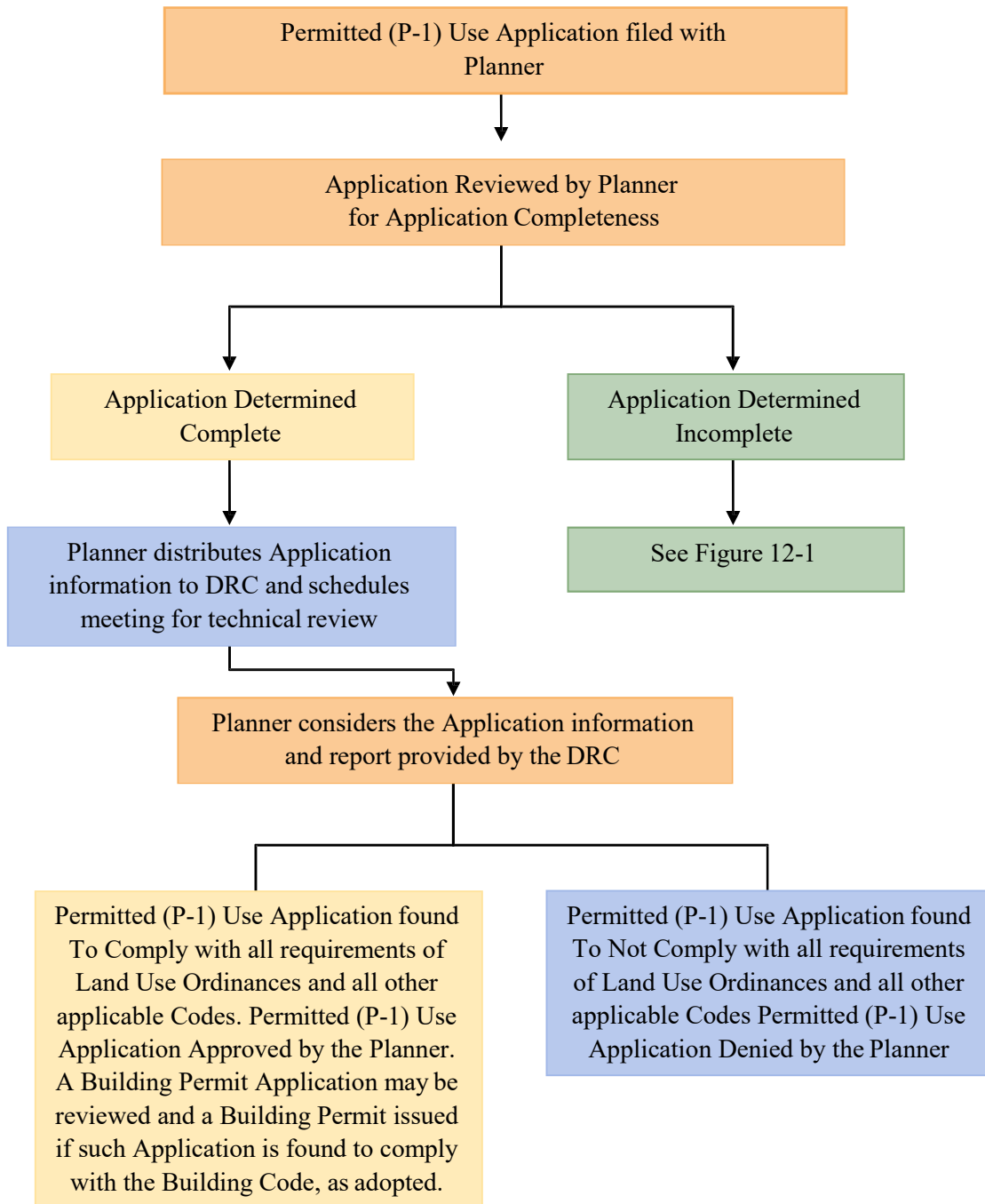


Figure 14-2 Permitted (P-2) Use Procedures

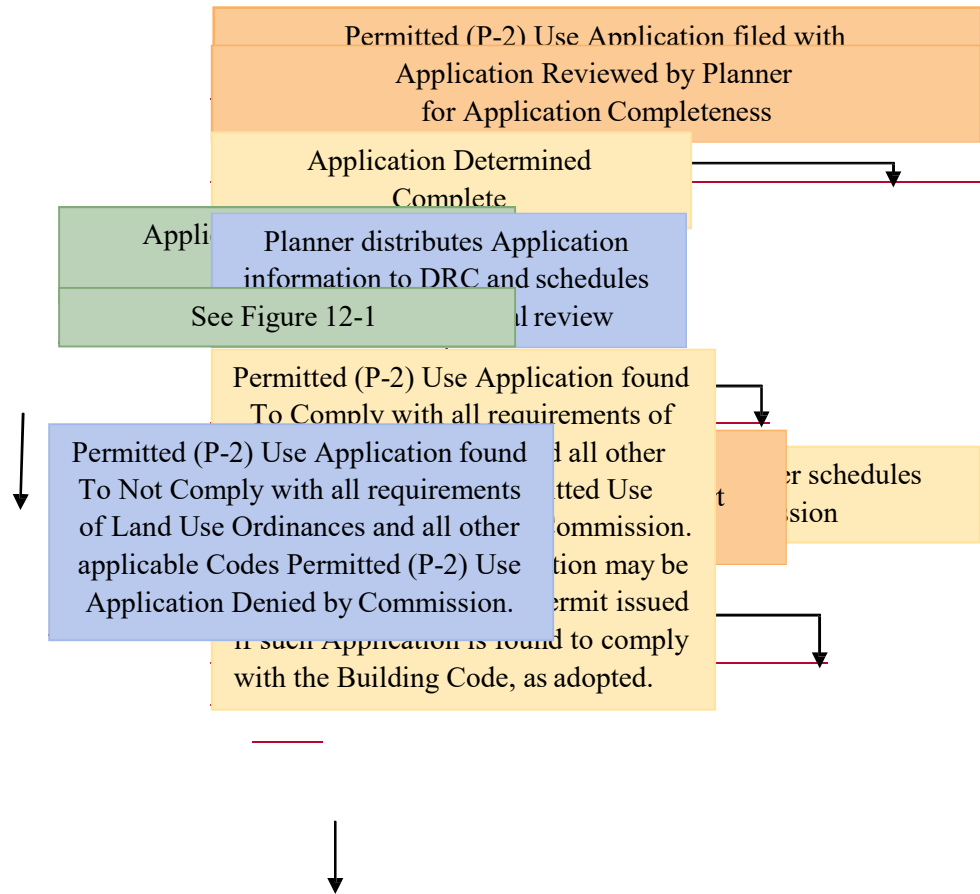


Exhibit D: Conditional Uses

CHAPTER 15

Conditional Uses

Section 1501—Purpose:

~~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.~~

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 planning commission ~~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 or designee, 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 ~~c~~Conditional ~~u~~Use ~~a~~Applications shall be provided to the town in an electronic PDF format and include ~~and provide~~ the following information:

1. A completed ~~Conditional Use a~~Application form, 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:~~

2. Title report and survey of the subject property.

3. Proposed plans, including a site plan, elevation drawings and building renderings which display the following information:

3.1. Property boundaries and the location of all existing and proposed buildings on the subject property and buildings located within three-hundred (300) feet of the subject property.

3.2. Building setbacks, heights and lot coverage dimensions to demonstrate compliance with dimensional standards of the site's zoning district.

~~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.~~

3.3. ~~Fences and Walls.~~ The location of all fences and walls, identifying proposed height, materials, and colors shall be shown.
~~Existing property lines and existing fence lines.~~

~~3.2.~~ 3.4 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 and sizes. The applicant shall demonstrate compliance with chapter 20 of this ordinance. ~~, including their locations and sizes.~~

3.5. Proposed vehicular and bicycle parking, loading and traffic circulation plan.

3.6. The location of all existing and proposed roads and streets serving the property, and including any permits as required by Utah County or the Utah Department of Transportation.

~~3.3.~~ 3.7. 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.

~~3.4.~~

~~3.5.~~ 3.8. 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.

~~3.6.3.9.~~ 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.~~

~~3.7. 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.~~

~~3.8. 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.~~

~~3.9. 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.~~

3.10. The location and dimension of all trails, sidewalks and pedestrian and biking facilities, including ~~sidewalks and trails, if any.~~

3.11. All existing and proposed utilities, including 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.

3.12. Building plans and drawings shall be provided, as required, to meet the adopted building code. 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.

3.13. Lighting plan showing identifying proposed site and building lighting, type, design, location, intensity, height, and direction of all site and building lighting. All lighting shall utilize a full cut-off design and be directed downward and away from any adjacent residential uses.

3.14. The location of all associated mechanical and ancillary equipment 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.

3.15. An erosion control plan with Information identifying proposed temporary and permanent erosion control measures.

3.16. Information shall be provided identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s).

~~3.10.~~

137 4. Located on the Site and Building Plan sheet(s), or on separate sheets, as may be proposed by
138 the Applicant, or as required by the Planner for readability, the following information shall be
139 provided:

140
141 4.1. **Utility and Streets Plans.** All existing and proposed culinary water, secondary water, sanitary
142 sewer, storm drainage, power, gas, and telephone lines and facilities, streets and roads with
143 design plans for any new water, sewer and storm drainage lines and facilities, as applicable,
144 streets and roads, meeting the design and construction requirements of the Town, or other
145 agencies, as applicable, and prepared by a Licensed engineer, at a scale acceptable to the
146 Planner. Access to all utilities and points of utilities connections shall be shown.

147
148 ~~4.2.3.5. **Landscape Plan(s).** Landscape plan(s) shall be provided, prepared by a registered~~
149 ~~landscape architect, identifying all proposed landscape, screening and buffering~~
150 ~~features, including all proposed plant materials, including their locations and sizes.~~

151
152 ~~4.3.3.5. **Fences and Walls.** The location of all fences and walls, identifying proposed height,~~
153 ~~materials, and colors shall be shown.~~

154
155 4.4. **Building Plans.** Building plans and drawings shall be provided, as required, to meet the
156 adopted Building Code, as may be applicable. The exterior elevations of every side of all
157 proposed buildings and structures shall be provided, clearly showing proposed building
158 materials and colors proposed for all exterior building facades. This information shall include
159 a proposed building materials and colors board including color chips and material samples.

160
161 4.5. **Site and Building Signage Plans.** Information and plans shall be provided identifying all
162 proposed site and building signage including the design, height, size, materials, and colors of
163 all building and site signs.

164
165 4.6. **Site and Building Lighting Plans.** Information and plans shall be provided identifying all
166 proposed site and building lighting identifying the type, design, location, intensity, height, and
167 direction of all site and building lighting.

168
169 4.7. **Mechanical Equipment and Solid Waste Facilities.** The location of all associated mechanical
170 and ancillary equipment, if any, shall be provided, including any screening treatments
171 proposed. The location and dimensions of all proposed solid waste collection areas and
172 storage areas, including the proposed method of screening shall be identified.

173
174 4.8. **Erosion Control Plan(s).** Information and plans identifying proposed temporary and
175 permanent erosion control measures.

176
177 4.9. **Construction Plans.** Information shall be provided identifying the phases of
178 construction, a construction schedule, and a list of all Permits necessary for the
179 proposed use(s), as applicable.

5.4. A narrative, accompanied by necessary tables and other information, describing the proposed ~~c~~Conditional ~~u~~Use ~~a~~Application, to assist the ~~p~~Planner, DRC, ~~and c~~Commission, ~~and Council~~ in reviewing the ~~c~~Conditional ~~U~~se ~~A~~pplication identifying the following:

~~5.1.4.1.~~ A calculation, identifying all pervious and impervious areas.

~~5.2.4.2.~~ A description of all proposed uses and buildings, including the total site area and building square footage, by building.

~~5.3.4.3.~~ Projected increase in traffic trips.

~~5.4.4.4.~~ Projected water and sewer demand.

~~4.5.~~ How the proposed ~~u~~Use, and accompanying site and building plans comply with the ~~Town's g~~General ~~p~~Plan.

~~5.~~ Proposed materials board displaying all building, sign and fencing materials and colors.

~~6.~~ If required by the commission, DRC or town engineer, a traffic impact analysis will be required. At a minimum, unless additional information is required, a traffic impact analysis shall be prepared by a licensed engineer and include the following information:

~~6.1.~~ Projected traffic from the proposed development project,

~~6.2.~~ The area within the general vicinity of the proposed project as outlined by the town engineer,

~~6.3.~~ Potential traffic to be generated by other undeveloped sites within the established study boundaries, and

~~5.5-6.4.~~ Recommendations of land use and/or appropriated traffic engineering modifications to mitigate traffic impacts and maintain an acceptable level of service.

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

The ~~commission~~ Council shall review the ~~c~~Conditional ~~U~~se ~~A~~pplication and determine if the ~~A~~pplication, from the materials presented by the ~~A~~pplicant complies with the following:

1. The proposed use is an allowed ~~c~~Conditional ~~U~~se within the ~~Z~~oning ~~D~~istrict.
2. The proposed ~~c~~Conditional ~~U~~se and the accompanying site plan complies with all requirements of the ~~Z~~oning ~~D~~istrict, as applicable, including minimum area, front, rear and side-yard setbacks, building and structure height, and all other requirements applicable in the ~~Z~~oning ~~D~~istrict.
3. Complies with all ~~S~~ite ~~P~~lan requirements. ~~as may be applicable, as provided herein.~~
4. Complies with all applicable dedication requirements of the ~~t~~Town and provides the necessary infrastructure, as required.
5. The proposed ~~c~~Conditional ~~u~~Use meets, and will be conducted in compliance with the requirements of this ~~o~~Ordinance, all other applicable ~~L~~and ~~u~~Use ~~o~~Ordinances, and all applicable ~~F~~federal, ~~S~~state, or ~~L~~local requirements.

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 ~~commission~~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 Commission Council:

1. If the ~~commission Council~~ finds that the ~~C~~conditional ~~U~~se ~~A~~pplication complies with all the requirements of this ~~O~~rdinance, the adopted ~~B~~uilding ~~C~~odes, and all other applicable ~~L~~and ~~U~~se ~~O~~rdinances, the ~~C~~conditional ~~U~~se ~~A~~pplication shall be approved, with or without reasonable conditions necessary to comply with this ~~O~~rdinance, the adopted ~~B~~uilding ~~C~~odes, and all other applicable ~~L~~and ~~U~~se ~~O~~rdinances. Following the approval of a ~~C~~conditional ~~U~~se ~~A~~pplication, with or without conditions, a ~~B~~uilding ~~P~~ermit ~~A~~pplication may be reviewed and a ~~B~~uilding ~~P~~ermit issued if such ~~A~~pplication is found to comply with the ~~B~~uilding ~~C~~ode, as adopted.
2. If the ~~commission Council~~ finds that the ~~c~~Conditional ~~u~~se ~~A~~pplication does not comply with all the requirements of this ~~o~~rdinance, the adopted ~~b~~Building ~~c~~Codes, and all other applicable Land ~~U~~se ~~O~~rdinances, the ~~C~~conditional ~~U~~se ~~A~~pplication shall be denied and no ~~A~~pproval, ~~P~~ermit, or ~~L~~icense issued by the ~~T~~own, including a ~~B~~uilding ~~P~~ermit.

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

Approval of a ~~c~~Conditional ~~u~~se ~~a~~pplication by the ~~commission 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 ~~c~~Conditional ~~u~~se ~~a~~pplication shall not be deemed an ~~a~~pproval of any other ~~A~~pplication, ~~p~~ermit, or ~~L~~icense.

Section 1511—Appeal a Decision of the Commission Council:

Any person aggrieved by a decision of the ~~commission Council~~ regarding a ~~C~~conditional ~~U~~se ~~A~~pplication may appeal the decision, as provided by Chapter 26, herein.

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

1. A ~~c~~Conditional ~~u~~se approved in accordance with the provisions of this ~~o~~rdinance may be revoked by the ~~commission Council~~ if any of the conditions of approval are not met, or if the ~~P~~ermit is used to violate any law or ~~O~~rdinance.
2. The ~~p~~lanner shall notify the approved ~~c~~Conditional ~~u~~se 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 ~~c~~Conditional ~~u~~se approval may be revoked by the ~~commission Council~~, if the ~~commission Council~~ finds that one or more of the following circumstances exists:
 - 2.1. The ~~C~~conditional ~~U~~se 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.

327
328 2.3. One (1) or more of the conditions of approval have not been met.
329

330 2.4. Additionally, the ~~commission~~Council, following a public hearing, may modify the conditions
331 under which the ~~u~~Use approval was originally approved if the ~~commission~~ Council finds that
332 the use or related development constitutes or is creating a nuisance.
333
334

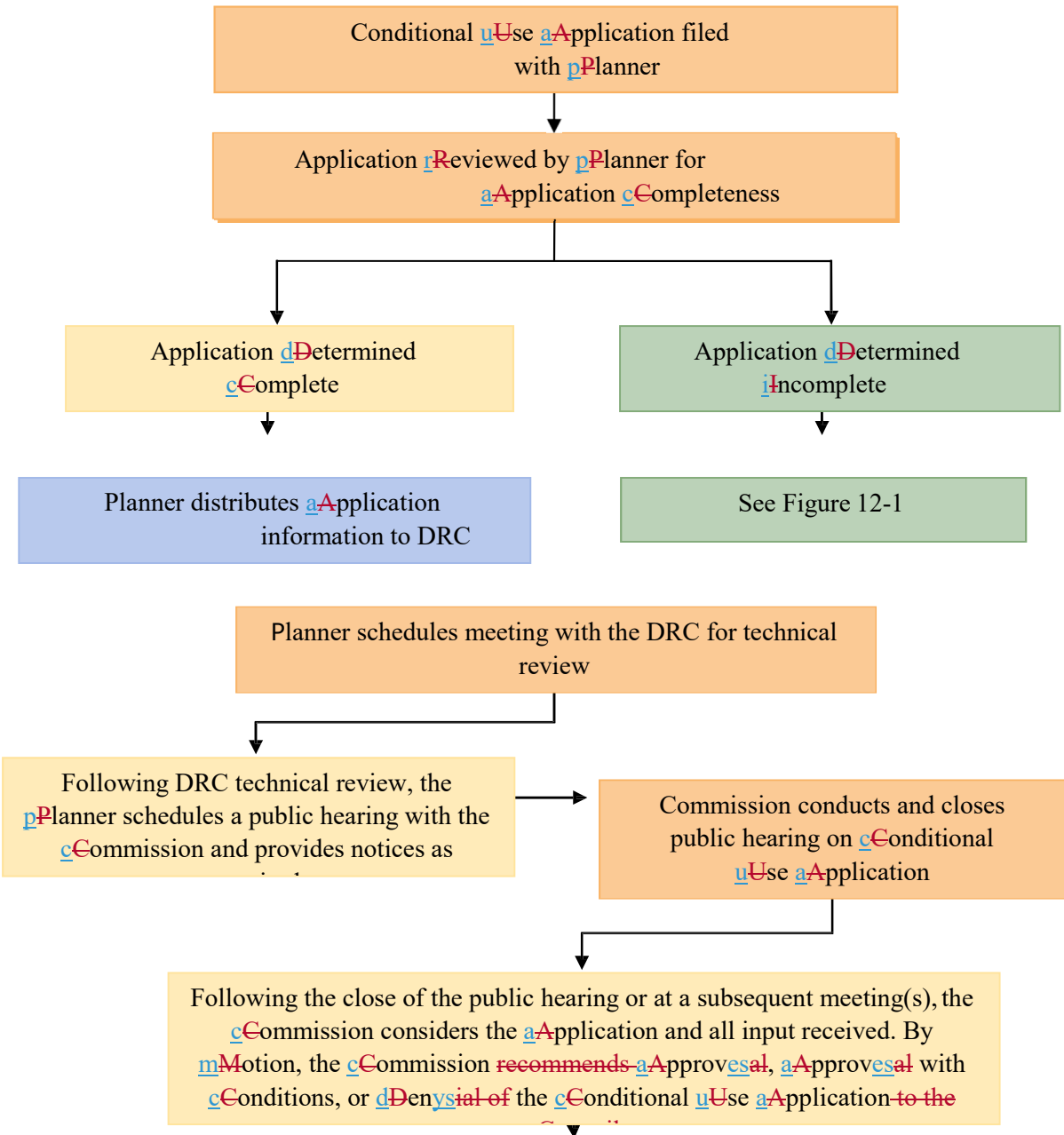
335 **Section 1513—Conditional Use Approval Amendment:**

336 The procedure for amending any ~~C~~conditional ~~U~~use ~~A~~application approval shall be the same
337 procedure as required to approve the ~~C~~conditional ~~U~~use ~~A~~application. ~~in the first instance.~~
338
339

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

341 A ~~C~~conditional ~~U~~use ~~A~~application approval shall expire and shall be invalid if a building, activity,
342 construction, or occupancy, as authorized by the approval, is not commenced within one hundred
343 eighty (180) days from the date of approval. If work has not commenced, or a use established within
344 one-hundred eighty (180) days from date of approval, the approval shall be void and a new
345 ~~c~~Conditional ~~u~~Use ~~a~~Application required.

Figure 15-1
Conditional Use Application
Procedures



363
364

~~The Council shall consider the Commission Recommendation, the Application, the DRC report, an all other input received. By Motion, the Council Approves, Approves with Conditions, or Denies the Conditional Use Application.~~

Exhibit E: Project Site Planning and Building Design Requirements

CHAPTER 18

Project Site Planning and Building Design

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 – Authority:

1. The planning commission is hereby authorized to review and render a decision for all of the following site plan and subdivision applications:
 - 1.1 Nonresidential site plan applications.
 - 1.2 Detached single-family residential developments with ten (10) or more units.
 - 1.3 Attached residential and multifamily residential developments.
2. The town planner, in conjunction with the development review committee, is hereby authorized to review and render a decision for site plans and subdivision applications of detached single-family residential developments of nine (9) or less units.

Section 1803~~2~~—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:

- 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.”
- 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:

- 2 1. **Subdivision and Project Features.** All subdivisions and other projects shall include subdivision and
3 project features that add visual interest and attractiveness to the subdivision or project area and
4 the Town. Such features may include subdivisions and project entry features, public art pieces,
5 streetscape designs, pedestrian and biking facilities and trails, consistency in design features,
6 protection of sensitive lands features including drainage ways and wetlands areas, and useable
7 parks and open spaces.
8
- 9 1.1. **Building Design.** Vineyard Town encourages creative and varied architectural forms
10 reflecting its historic rural character. The goal is that all man-made structures blend
11 harmoniously with the natural environment. The following building design requirements
12 shall apply:
13
- 14 1.1.1. **View protection.** Care shall be taken to control the proportion and massing of
15 buildings to minimize the obstruction of all views. Vertical design elements
16 exaggerating building height and dominant rooflines shall be avoided.
17
- 18 1.1.2. **Building massing.** In order to maximize the integration of all man-made structures and
19 features with the natural environment and to minimize undesirable distractions, all
20 Land Use Applications shall incorporate techniques for reducing the apparent size and
21 bulk of proposed buildings and structures. The following methods shall be required:
22
- 23 1.1.2.1. **Coherent building design.** All sides of a building may have a visual or other impact,
24 and shall be coherently designed and treated. A facade not related to the rest of
25 the building shall be avoided. A consistent level of detail and finish on all sides of a
26 building shall be provided.
27
- 28 1.1.2.2. Continuous building wall surfaces shall be relieved with variations of wall planes or
29 overhangs that create shadow areas and add visual interest.
30
- 31 1.1.3. **Reduced roof mass.** The roof of a building is often the single greatest contributor to its
32 mass and most obvious obstacle to the views from adjacent properties. Visual impact is
33 minimized when the roof is a very shallow pitch, or a hip roof formation (sloping from
34 the sides as well as the front and back) rather than a gabled formation (sloping from
35 the front and back only).
36
- 37 1.1.4. **Varying roofline.** Variation in the roofline is an effective means of harmonizing buildings
38 with their surroundings by blending its line and form.
39
- 40 1.1.5. **Visual patterns.** All buildings shall have shadow relief created by recesses and
41 projections. Recesses may include courtyards, entryways, or boxed window openings,
42 along the exterior of the building. Projections may include stairs, balconies, entrances,
43 or bays. Covered walkways, porches, breezeways, patios, trellises, landscape areas, and
44 wide roof overhangs are encouraged to produce shadow effects. Large, unbroken
45 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.

- 88 5.2. All project and building plans shall provide for the integration of the existing, or
89 planned, pedestrian and vehicular circulation patterns, protect views, and be
90 harmonious with the adjacent building designs, styles, and size.
91
- 92 5.3. All project and building plans shall allow for, and provide interconnected streets,
93 walkways, trails, and parking areas, as applicable.
94
- 95 5.4. All buildings shall have an orientation to the street to encourage a pedestrian relationship.
96 Building placement shall allow interconnected walkways and shared site accesses, as
97 applicable, for increased convenience, accessibility, and enhanced safety for pedestrians.
98
- 99 6. **Pedestrian Scale.** Regardless of overall building size, elements and facades at the pedestrian level
100 shall achieve a sense of human scale and create visual interest at eye-level.
101
- 102 7. **Building Materials and Textures.** Exterior building materials shall be similar to and compatible
103 with those found in a rural setting. Restraint should be used in the number of different exterior
104 building materials selected. Masonry, wood siding, board and batten, lap siding and exposed
105 wood structural members are encouraged in natural colors or earth tone finishes.
106
- 107 8. **Building Material Color.** Color is an important and effective way to create harmony with the
108 natural landscape and minimize the visual impact of structures. Color variation using compatible
109 hues can reduce the apparent scale and building mass.
110
- 111 8.1. All building materials and colors shall minimize the impact of buildings on the natural
112 setting. All exterior building colors shall be subdued earth tones and muted colors that blend
113 and do not contrast with naturally occurring colors. Retaining walls, wall extensions from
114 buildings, and all walls and fences shall be the same or compatible color and materials, as
115 the main building.
116
- 117 8.2. Building Finishes. High gloss paints, factory finished metals or other materials which increase
118 visual impacts, and aluminum, white or reflective roofs are prohibited. Matte finishes are
119 recommended. Chimneys, flues, vents, gutters, down spout, mechanical and electrical
120 equipment, railings, window shading devices and other exterior devices shall be similar in
121 intensity of color to surrounding surfaces of the building, unless they are a special building
122 design feature. In such cases, a subdued accent color may be acceptable. Bright, glossy,
123 fluorescent color schemes and mirrored or other highly reflective glass is strongly
124 discouraged.
125
- 126 9. **Subdivision and Site Design and Layout.** All subdivision and site plans shall recognize and
127 preserve, as much as practicable, the natural features and sensitive areas occurring on the site.
128 All subdivisions and other projects shall demonstrate efficiencies in the provision of
129 infrastructure, including reductions in hard-surfaced areas, land disturbance, and the retention
130 of existing vegetation, as practicable.

131 9.1. Subdivision and site design and planning shall include the following principles:
132

133 9.1.1. All buildings and structures shall be arranged to preserve and provide open space
134 and to protect views. The locations of all buildings and structures shall recognize
135 the existing topography and natural features of the site. All natural features shall
136 be preserved, as practical, and integrated into the subdivision or site plan design.
137

138 9.1.2. Provide an interconnected system of open space areas. The locations of all
139 buildings and structures shall allow and provide areas of open space and
140 landscaping to connect with similar open spaces and landscaping areas
141 existing, or planned to be located, on adjacent properties.
142

- 143 10. **Site Access.** The location and number of access points to the site, the interior circulation pattern,
144 and the separation between pedestrians and vehicles shall be designed to maximize safety and
145 convenience, and should be harmonious with proposed and neighboring buildings.
146
- 147 11. **Noise Impact.** Subdivision and site design shall include provisions for limiting noise, particularly to
148 adjacent property. The occupants of a development should be protected from noise from both
149 outside and within the site through screening, setbacks, and building materials. Noise generating
150 uses and equipment shall be located and buffered to minimize site and off-site impacts.
151
- 152 12. **Views.** Due to the community quality and character created by the surrounding scenic
153 beauty, it is essential that the Town and all subdivision and site plan designs preserve
154 general access to significant views. These views include Mount Timpanogos, Provo Canyon,
155 West Mountain, and Utah Lake.
156
- 157 13. **Landscaping Design Standards.** Landscape improvements shall be an integral element of all
158 subdivision and site plan designs. Landscaping shall complement the architecture of all proposed
159 buildings and structures and provide visual interest and variety, provide screening elements,
160 provide year round site beautification, blend with the natural landscape and highlight building
161 design features. Landscape designers shall recognize the following landscape design principles
162 with Landscape Plan(s):
163
- 164 13.1. **Landscape Buffers.** Landscape buffers between dissimilar or conflicting land uses shall be
165 provided. Landscape buffers shall be provided for off-street parking and service areas
166 and these areas shall be screened from public streets.
167
- 168 13.2. **Transitional Landscaped Areas.** Where new development adjoins areas of natural open
169 space, a soft transitional edge shall be provided to create a gradual transition between
170 the natural open space area and the new development.
171
- 172 13.3. **Landscape Materials.** All proposed plantings and site materials should be consistent with
173 (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

CHAPTER 18

Project Site Planning and Building Design Requirements

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.

Exhibit F: Section 1706 Accessory Dwelling Units

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

Purpose: The purpose of the accessory dwelling unit ordinance is to promote areas in the city to accommodate an expanding population, establish regulations to address the health, safety and welfare of the community, to provide flexibility for changes in household size associated with life cycle and to enable a level of financial security for home owners.

1. Location: Accessory dwelling units are allowed as an accessory use to a single-family detached residence and are limited to the following development configurations:

1.1. Over a detached garage, provided the parking within the garage is not eliminated or converted to living space, stairs or otherwise disrupts required parking;

1.2. Within the home through an internal conversion of the housing unit maintaining an internal connection between living areas; or

1.3. An addition to the home, containing an internal connection between the accessory dwelling unit and the principal part of the dwelling unit; provided, that the addition will not alter the single-family character of the structure.

2. External appearance: The accessory dwelling unit shall not alter the appearance of the structure as a single-family residence. There shall be no external evidence of occupancy by more than one (1) family, such as two (2) front doors. The architectural style, building materials and building colors of an accessory dwelling unit shall be compatible and consistent with the architectural style, materials, and color of the primary building. Mobile homes, travel trailers, boats, or similar recreational vehicles shall not be used as an accessory dwelling unit.

3. Sale of principle dwelling: An ~~a~~Accessory ~~d~~Dwelling ~~u~~Unit ~~for an Owner or Employee~~ shall not be ~~rented, leased, or~~ sold separately from the ~~rental, lease, or~~ sale of the ~~principle~~mary building dwelling located on the same lot.

~~4.~~4. Owner occupied: The principle dwelling of the property shall be the primary residence of the property owner.

5. Number of units: A maximum of one (1) ~~a~~Accessory ~~d~~Dwelling ~~u~~Unit ~~for an Owner or Employee~~ may be established ~~as a secondary use to a detached single-family dwelling. on each individual, separate lot, such lot meeting all requirements, including minimum lot size, for the Zoning District in which the lot is located.~~

~~2.~~6. Unit size: Accessory dwelling units shall not exceed the greater of 50% of the size of the principle dwelling or habitable 1,200 square feet. In no case shall the accessory dwelling unit contain a habitable square footage less than 300 square feet.

~~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.~~7. Dimensional standards: Accessory dwelling units shall ~~comply with~~meet the required building height, setbacks and all applicable dimensional standards ~~listed in Chapter 32 Table of Uses and Development Standards~~ for attached or detached accessory buildings. ~~and uses as required by~~

the Zoning District in which they are located.

~~5.8. Utilities:~~ An ~~a~~Accessory ~~d~~Dwelling ~~u~~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 ~~a~~Accessory ~~d~~Dwelling ~~u~~Unit ~~for an Owner or Employee~~.

~~6. 9. Parking:~~ A single-family dwelling with ~~A~~an ~~A~~accessory ~~D~~dwelling ~~u~~Unit ~~for an Owner or Employee~~ shall provide a minimum of ~~four~~~~two~~ (4) off-street parking spaces located on a paved surface or approved driveway. A minimum of two (2) off-street parking spaces shall be designated for the use of those residing in the accessory dwelling unit. The number of off-street parking spaces shall not be less than the number of vehicles maintained on the property.

10. Addresses: The single-family dwelling and accessory dwelling unit shall have unique addresses.

11. Entrance: The entrance to the accessory apartment shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

12. Permit: Prior to issuance of a building permit, the owner of the property shall obtain an accessory dwelling unit permit from the city. An accessory dwelling unit shall not be authorized on a property that has outstanding ordinance violations or unpaid taxes.

~~7.13. Compliance with adopted codes:~~ ~~The construction of an~~ ~~a~~Accessory ~~D~~dwelling ~~U~~nits ~~for an Owner or Employee~~ shall meet all requirements of the adopted Building Code, and other applicable city ordinances and regulations. ~~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.~~