



**PUBLIC HEARING AND REGULAR MEETING
OF THE VINEYARD PLANNING COMMISSION,
Vineyard City Hall, 125 S Main St., Vineyard, Utah
Wednesday, December 5, 2018 at 6:00 p.m.**

PUBLIC NOTICE is hereby given that the Planning Commission of Vineyard, Utah, will hold a public hearing and regular planning commission meeting, on Wednesday, December 5, 2018 at 6:00 p.m. in the Vineyard City Hall, 125 S Main St., Vineyard, Utah. The agenda will consist of the following:

1. CALL TO ORDER

2. INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE

3. OPEN SESSION

“Open Session” is defined as time set aside for citizens to express their views for items not on the agenda. Each speaker is limited to three (3) minutes. Because of the need for proper public notice, immediate action cannot be taken in the Planning Commission Meeting. 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.

4. MINUTES REVIEW AND APPROVAL

Minutes from the June 20th, August 15th, September 19th, October 17th, November 7th and November 14th, 2018 Planning Commission meetings.

5. BUSINESS ITEMS:

5.1 Public Hearing and Consideration – Chapters 15.04, 15.06, 15.52, 15.46 of the Vineyard Zoning Ordinance and Repealing the Vineyard Development Code.

The City of Vineyard is proposing text amendments to the Vineyard Zoning Ordinance, include:

Chapter 15.04 Interpretation of Requirements- to add Land Use Hearing Officer as the appeal authority.

Chapter 15.06 Land Use Authorities and Other Officers – to delete provisions regarding the Board of Adjustments and adding provisions for a Land Use Hearing Officer to render decisions on variances, determination of legal nonconforming uses, legal noncomplying structures and appeals of zoning decisions.

Chapter 15.52 Appeal Authorities and Procedures – to remove reference to the Board of Adjustment and adding provisions for a Land Use Hearing Officer

15.46 Variances – to remove Board of Adjustment provisions and add provisions for Land Use Hearing Officer.

5.2 Planning Commission Special Meeting

The Planning Commission will consider a request to schedule a Special Meeting.

5.3 Planning Commission Chair and Vice-Chair Appointment

The Planning Commission will appoint a chair and vice chair.

6. Work Session

6.1 Vineyard Tree Manual and Tree Standards

The Planning Commission will discuss the standards for trees within the zoning ordinance.

6.2 Educational Video on Planning Topic

Staff will be showing the Planning Commission an educational video on city planning.

7. COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

8. STAFF REPORTS

9. ADJOURNMENT

The next regularly scheduled meeting is January 16, 2018.

This meeting may be held electronically to allow a commissioner to participate by teleconference.

The Public is invited to participate in all Planning Commission meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this public meeting should notify Elizabeth Hart, Planner, at least 24 hours prior to the meeting by calling (801) 226-1929.

The foregoing notice and agenda was emailed to the Salt Lake Tribune and Daily Herald, posted on the Utah Public Notice Website and Vineyard Website, posted at the Vineyard City Offices and City Hall, delivered electronically to city staff and each member of the planning commission.

AGENDA NOTICING COMPLETED ON: November 30, 2018

NOTICED BY: /s/ McKenna Marchant

McKenna Marchant, Planning Technician



**FIELD TRIP
OF THE VINEYARD PLANNING COMMISSION,
Located at:**

**The Exchange Clubhouse – 1833 N 3870 W, Lehi, UT 84043
Monday, December 3, 2018 at 4:30 p.m.**

PUBLIC NOTICE is hereby given that the Planning Commission of Vineyard, Utah, will attend a field trip to The Exchange Development, hosted by Edge Homes. The agenda will consist of the following:

- 1. MEET AT THE EXCHANGE CLUBHOUSE**
- 2. TOUR DEVELOPMENT AMENITIES AND RESIDENTIAL UNITS**
- 3. ADJOURNMENT**

The Public is welcome to attend. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this public field trip should notify Elizabeth Hart, Planner, at least 24 hours prior to the meeting by calling (801) 226-1929.

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AGENDA NOTICING COMPLETED ON: November 30, 2018

NOTICED BY: /s/ McKenna Marchant
McKenna Marchant, Planning Technician



**PUBLIC HEARING AND REGULAR MEETING
OF THE VINEYARD PLANNING COMMISSION,
Vineyard City Hall, 240 East Gammon Road, Vineyard, Utah
Wednesday, June 20, 2018 at 6:00 p.m.**

Present	Absent
Madam Chair Cristy Welsh	Commissioner Nate Carter
Commissioner Bryce Brady	Commissioner Shan Sullivan
Commissioner Anthony Jenkins	
Commissioner Jeff Knighton	
Commissioner Tim Blackburn	
(A) Commissioner Stan Jenne	

Staff Present:

Elizabeth Hart Planner; Morgan Brim Development Director, Don Overson City Engineer

Others Present: David Lauret, Resident and Bronson Tatton from Flagship

1. CALL TO ORDER

Madam Chair Welsh called the meeting to order at 6:04PM

2. INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE

Commissioner Blackburn offered the invocation

3. OPEN SESSION

Madam Chair Welsh opened the open session at 6:05 PM seeing no comments she closed the open session at 6:05 PM

4. MINUTES REVIEW AND APPROVAL

There are no minutes for review and approval.

5. BUSINESS ITEMS:

5.1 Waters Edge Windsor Preliminary Plat

Ms. Hart reviewed the preliminary plat application for the Waters Edge subdivision Windsor. She stated that the minimum lot size is 2400 square feet and the proposed lot sizes for the plat ranged from 2700 to 3500 square feet. She stated that the minimum lot widths were met and that the setback detail on the plat met all the minimum yard setback requirements. She added that there is no front yard setback for this subdivision, instead there is a five (5) foot public utility easement (PUE) in the front yard. There is a minimum of .5 guest parking stalls per unit requirement. There is a total of ninety (90) lots, which requires a total of forty-five parking stalls, the plat shows a total of forty-six (46). Ms. Hart went over where the trails are located next to the subdivision. She stated that after talking with the engineering department staff added a condition that Parcel E be shown as dedicated to the city as well as the trail on the east side and will need to maintain a fifteen (15) foot wide corridor. Staff would also like to see a plan for the trail on the north side of the property in order to clarify who is responsible for the putting the trail in to ensure that the Waters Edge trail plan is put into place.

There was additional discussion on the conditions for the trail to the east of the Alpine School District parcel.

Commissioner Jenkins asked what the off-street parking requirement were if there was no required front setback. Ms. Hart answered that there is a minimum requirement of .5 guest stalls per unit. The driveways are included to meet that standard guest stall standard but since there are no front yard setbacks the house can be built right up to that five-foot public utility easement, in this case the driveway wouldn't count. The applicant is proposing forty-six (46) guest parking stalls that are on-street. There is a minimum requirement of two (2) parking stalls per unit and they will meet this with the garage.

Commissioner Jenkins asked if on-street parking would take place in this neighborhood. Mr. Brim stated that they are private streets and it is up to them if they want on-street parking. Commissioner Blackburn asked what the width of the street was. Mr. Overson answered that the width of the street is forty (40) feet.

Mr. Brim commented that some of them meet fire access requirements and on a private street it's a little more difficult to restrict things because the city doesn't have a lot of authority over there. However, the lot itself has to meet fire access requirements and that's going to be up to the developer to assign one of the sides of the street.

Madam Chair Welsh asked if staff was sure that the center road was for (forty) feet.

Ms. Hart answered that the plans show forty (40) feet and some of the side roads show thirty (30) feet and twenty (20) feet. Mr. Overson, clarified that some of those are alleys.

Madam Chair Welsh stated that she remembered when these plans came through the first time there was a main road going through the subdivision to direct main traffic to the outskirts and not through alley ways.

Commissioner Jenkins stated that some of the smaller roads may need to require some signage so that no one is parking on one side of the street in order to meet the parking need.

Madam Chair Welsh responded that she didn't know where people would park because it's just going to be driveways.

Mr. Tatton stated that the forty (40) foot road and the perimeter ring road is all of the fire access and then the alleys are the ones that are smaller in between the houses. All of the garages will be feeding onto those alleys and those are the shared driveway products. They never were alleys they are shared drives and initially when I went through we talked about not allowing those to go all the way through and putting some landscape strip through it so that it divides it.

Madam Chair Welsh commented that she remembers talking at length about that and asked why they decided not to do it that way. Mr. Tatton answered that it was because of accessibility problems. People would be frustrated with a strip and they would probably drive over it.

Mr. Brim asked to be shown on the map where the proposed fire access. Mr. Tatton, (pointed to a map to show the main road coming in and where it would come into and out of the area).

Mr. Brim asked if he would be willing to have the main road for fire access to be signed for no parking. He added this was because they had had problems in Vineyard with internal roads that had parking on both sides not being fire accessible according to the fire marshal.

Madam Chair Welsh commented that the only space people should be parking is in the provided spaces or in their garage.

Mr. Brim commented that if someone was to then park on the street it would be the HOA's responsibility to contact a towing company.

Madam Chair Welsh asked Mr. Overson if these were private roads to which Mr. Overson responded that they are private roads.

Commissioner Knighton asked if that would mean that the HOA was in charge of snow removal to which Mr. Overson responded yes.

Commissioner Jenkins commented that there's been a lot of parking on Vineyard Loop Road going around and there's no parking allowed on Vineyard Road (pointing to site map) over here. All of the parking will be contained within this subdivision. Mr. Overson stated that was correct.

Commissioner Blackburn asked if on the east and west side if that would be development or if those would be storage or parking garages or units. Mr. Tatton answered that they would be single family detached homes. He continued that they are more traditional and are front loaded.

Commissioner Blackburn asked if that meant that they wouldn't have a driveway. Mr. Tatton responded that they may not. There is a five-foot PUE and no front setback so if there is no sidewalk it could potentially be right on the back of curb. He added that they haven't designed which home goes where yet with the spacing so they have a ten (10) foot backyard. He stated that this is the same product as the Springs subdivision but more traditional.

Commissioner Blackburn asked if these were typically going to be two-story homes. Mr. Tatton stated that he believed so.

Commissioner Blackburn asked what the net square footage of the home not counting the footprint.

Mr. Tatton, responded that in The Springs their smallest home is 1250 square feet and then it goes up. He added that they will have basements that'll be left unfinished.

Commissioner Knighton asked if for the alleyway products there will be a garage off the alley and then a sidewalk walkway between houses. Mr. Tatton, answered that there will be no sidewalks in the alleyways.

Commissioner Knighton asked where the front door will be facing. Mr. Tatton responded that the garage will be on the alley side and he added these will all have fencing in the backyard

Madam Chair Welsh asked if he would be providing the fencing. Mr. Tatton explained that what they had done in The Springs is they didn't put fencing in the individual lots they closed off the edges so

that you couldn't see through the middle. This would allow for access to the landscaping through the sites.

Madam Chair Welsh asked if there would be sidewalks in the project. Mr. Tatton answered that he wasn't sure but that he thought that there would be sidewalk on just one side of the road.

Madam Chair Welsh commented that there are no sidewalks shown on the plan. Mr. Tatton asked if the commission had been given construction drawings. Mr. Brim commented that the construction drawings aren't review by the Commission, staff only included what was being approved, the plat.

Madam Chair Welsh noticed that there is a five (5) foot side yard setback and asked if that meant there would be 10 ft between the homes. Ms. Hart responded yes.

Commissioner Blackburn asked if this would be between them or front to back. Madam Chair Welsh answered that it is between them so each side yard would have five (5) feet.

Commissioner Jenkins asked if on the open space area that would be used as a detention basin or if there are any amenities planned. Mr. Tatton answered that they couldn't do a detention basin there because there is a pipe that goes through that area. Mr. Brim asked if that area would just be open space. Mr. Tatton stated it would just be grass.

Madam Chair Welsh asked if the triangle shown on the map was the detention area. Mr. Tatton stated that yes Parcel C is the detention area. Madam Chair Welsh asked if they are going to do anything with it. Mr. Tatton stated they are just putting grass there.

Commissioner Blackburn asked if there were any kind of clubhouse or central gathering place. Mr. Tatton answered that they will have access to the Waters Edge clubhouse.

Commissioner Jenkins asked how many entrances into the neighborhood were required to meet fire access codes. Ms. Hart they're only required to have two.

Commissioner Brady made comments about some of the proposed lots sizes and widths. There was discussion on this topic.

Mr. Tatton stated that he wanted to go over some trail information. He explained that the trail on the south side, between Windsor and Bridgeport, is completed and there is landscaping on the south side. They've got a fence in on the Bridgeport side and then there is irrigation on the north side. The plan is to add some grass as soon as improvements come. He added that they didn't do landscaping because the curb is going to come on this edge. The plan is to do a split rail fence. He then went on to talk about a different trail. He stated that the trail along the old Vineyard road that used to be Mill will be landscaped and that there is a stubbed irrigation piece.

Mr. Brim asked if that road needed to be repaired anywhere? Mr. Brim mentioned he rode it recently and it seemed to have some pretty big cracks.

Mr. Tatton responded that's something they're going to look into before they're finished and potentially do a crack seal. He added that he would work with engineering to figure out what they want us to do. He then discussed the Alpine School District piece of land. He explained that the reason

why it's taking so long is because the piece was sold to Alpine School District and then Central Utah started construction in the back here through the pipeline so it became a little more complicated. Central Utah needs a fourteen (14) foot access back to their future well house and the plan is that there will be a trail corridor that will come to this corner and back, and Central Utah is going to build that access.

Mr. Brim asked how a trail would reach the road. Mr. Tatton answered that they can cross the school and come through the open space or cross the Windsor entrance and come through that way. He added that either way they can make it work.

Mr. Brim commented that if the trail went through Windsor you would have to put in an access easement through the trail.

Commissioner Blackburn asked if this would work for the CUP access. Mr. Tatton, answered yes and that he's talked to them and they wouldn't be allowed to close it down and it is an easement. He added that they've purchased that land back from Alpine School District and the land ended up being nineteen feet.

Ms. Hart asked if this is just for the north side. Mr. Tatton reiterated that it would be on the north side. He continued that they still needed to work some things out with them because they need to be able to gain access to their future well house. Mr. Tatton added that they needed to decide if they were going to build that out or if Central Utah will build out that last section to connect it to the regional trail.

Ms. Hart asked who would be working on the trail that goes along the east side of the school. Mr. Tatton stated that he has talked to Pete about it and Pete needs to go over the contract to see if Central Utah had agreed to build it or they had.

Mr. Brim stated that there is a similar issue to the north a bit and that's something that we need to address near the Lochs and Tucker Row.

He then asked Madam Chair Welsh if she wanted to add something for no parking signs on the fire access road as a condition.

Madam Chair Welsh agreed that she would like to have some no parking signs on the fire access road. She added that it might be a good idea to have no through traffic on the alleyways.

Mr. Brim commented that he felt that the only people who are going to go into that development are people who live there and those people will learn the easiest route to their house. He asked Mr. Tatton if he was concerned with cut through traffic. Mr. Tatton responded that it wasn't something he was concerned with.

Madam Chair Welsh commented that there will be a significant difference between the streets and people won't get confused.

Commissioner Brady added that the entrance is only twenty-five (25) feet wide so most people aren't going to think it's a through street.

Mr. Tatton stated that he felt that it wouldn't be very convenient for people to come through there but the first iteration of the plan doesn't have a loop road and so he doesn't know if the loop was on the approved plat. He added that the plat is approved and there were tweaks recommended and the plat reflects those tweaks and has added a circular drive around.

Madam Chair Welsh commented that and they had also added a retaining pond.

Mr. Brim commented that the condition could affect the roads that will be signed no parking by the Fire Marshall and the alleyway will be signed for that. He continued that he felt that people would just use the alleyways to get to the driveways not to park.

Mr. Tatton commented that in The Springs he has never seen anyone park in the shared drive and there is ample parking and that it shouldn't become a problem.

Commissioner Blackburn, asked if they could show him where the visitor parking is going to be. He added he felt that it was a long walk and that might be difficult for some people.

Discussion ensued regarding whether or not on-street parking should be allowed. Mr. Brim and Mr. Overson recommend that the Fire Marshall approve the parking plan and decide whether or not people park on the street. It was agreed that the commission add a condition for the Fire Marshall to approve a street parking and signage plan.

Madam Chair Welsh asked Mr. Tatton about Flagships fencing plan.

Discussion ensued regarding Flagships fencing plan. Madam Chair Welsh and Mr. Tatton discussed where the fencing could go. Discussion concluded with Mr. Brim concluding that they had to meet the master fence plan and the code. Discussion moved to the new road that goes into the elementary school.

Madam Chair Welsh asked if they could add a condition that road to the school be approved by staff. Mr. Brim explained that when the commission makes a motion, they can recommend all of the conditions that they are adding.

There was additional discussion regarding on-street parking and the trails.

MOTION: MADAM CHAIR WELSH IS ASKING FOR A MOTIION TO RECOMMEND APPROVAL OF THE PROPOSED PRELIMINARY PLAT FOR PHASE 6 WINDSOR AT WATERSEDGE WITH THE FOLLOWING PROPOSED CONDITIONS: THE APPLICANT SHOW THAT PARCEL E AND THE TRAIL ON THE EAST SIDE OF THE SUBJECT PROPERTY ARE DEDICATED TO THE CITY; SECOND THAT ALL TRAIL CORRIDORS ALONG THE SUBJECT PROPERTY MAINTAIN A FIFTEEN FOOT CORRIDOR THE WHOLE LANE; THIRDLY THAT THE APPLICANT SHALL PROVIDE A PLAN FOR THE TRAIL ALONG THE NORTH SIDE OF THE TRAIL LOCATED ON THE EAST SIDE OF THE PROPOSED ALPINE SCHOOL LOT AND WHO IS RESPONSIBLE FOR IT; FOURTHLY THAT THE LOT SIZES ARE ALL COMPLIANT WITH THE CORRECT STANDARDS AND MEASUREMENTS; FIFTHLY THAT A STREET PARKING AND SIGNANGE PLAN NEED TO BE APPROVED BY THE FIRE MARSHALL, AND LASTLY THAT STAFF APPROVE FENCING ON THE NORTHEAST SIDE THAT'S NOT CURRENTLY IN THE FENCING PLAN. COMMISSIONER BLACKBURN MADE A MOTION. COMMISSIONER KNIGHTON SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

Commissioner Brady asked if some of the lots would have to be redrawn to change the size then it would possibly change the layout. Mr. Brim answered that he would leave that up to the engineer and prior to the city council they will have to show that they meet the lot depth and we will go through and identify those lots. He stated that staff will be sure to check the lots to make sure they meet the standards.

Ms. Hart asked Madam Chair Welsh if they could move the Waters Edge Zoning Text Amendment up to business item 5.2. Madam Chair Welsh asked for a motion.

MOTION: COMMISSIONER JENKINS MADE A MOTION TO MOVE THE PUBLIC HEARING IN CONSIDERATION FOR WATERSEDGE ZONING DISTRICT TEXT AMENDMENTS AHEAD OF OUR OTHER ITEM OF BUSINESS. COMMISSIONER BLACKBURN SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. THE MOTION PASSED UNANIMOUSLY.

5.2 Public Hearing and Consideration – Chapter 5.08 Waters Edge Zoning District Text Amendment:

Ms. Hart explained that Flagship homes is requesting a zoning text amendment to the maximum height allowed height allowed with the Waters Edge development. The current maximum height is thirty (30) feet and the request is to increase the maximum height to thirty-five (35) feet. Ms. Hart explained that with the Vineyard Zoning Ordinance the maximum height for the single family districts the height is thirty-five (35) feet. She stated that the change to the Waters Edge zoning ordinance would conform to the maximum standards through the rest of the city.

Ms. Hart went on to explain that Flagship is also requesting to change how the height is measured within the Waters Edge zoning ordinance. The current code states that height is measured from natural grade to the highest point on the structure. This is difficult because so much work has been to the land know what natural grade was is impossible. Flagship is proposing to measure the height from top of back of curb to the highest point. This is how the Vineyard zoning ordinance defines how height is measure.

Commissioner Blackburn asked what the city would be giving up by implementing this. Ms. Hart stated that Flagship has existing housing plans that use no changes will be made to those the change is to allow them to build in instances where the house height is higher due to how the land is graded. She gave an example of when a sewer line was high requiring the houses to be built higher.

Commissioner Blackburn asked if we would be giving up a view from any perspective. Mr. Brim explained that there have been instances where they couldn't tell where natural grade was even going off of the back of the curb line where the sewer elevation was. He also gave the example of when the sewer line was too high and the house therefore was higher. He added that from an administrative standpoint it is better that all the subdivisions be measured in the same way.

Commissioner Blackburn asked if this is standard with all other subdivisions and Madam Chair Welsh asked where this problem is being seen the most.

Mr. Tatton responded that he didn't know where exactly the issues were coming up because he isn't the one who does the site plans and gathers permits.

Ms. Hart commented that the Cascade neighborhood was where they were seeing issues.

Mr. Overson explained that when the sewer line was installed on this project, they come from a different direction than originally planned and because of this the sewer line was higher than the road, during this process they violated the height ordinance.

Mr. Tatton commented that it would help streamline the building process that they aren't trying to build taller buildings they are trying to make the approval process smoother. Mr. Tatton added that they already provide the top back of curb as a requirement for the site plan so it would be really just streamlining the process.

Mr. Overson commented that it will also make it easier for the building department to verify height because they can go off of the back of curb rather than having to estimate with natural grade.

Madam Chair Welsh asked for additional comments or questions. Hearing none she asked for a motion to open the public hearing.

MOTION: MADAM CHAIR WELSH MADE A MOTION TO OPEN UP FOR PUBLIC HEARING. COMMISSIONER BRADY SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

No comments were given and the commission proceeded with the next motion.

MOTION: COMMISSIONER BLACKBURN MADE A MOTION TO CLOSE THE PUBLIC HEARING. COMMISSIONER BRADY SECONDED THE MOTION AND ALL WERE IN FAVOR. THE MOTION PASSED UNANIMOUSLY.

MOTION: COMMISSIONER BRADY MOVED TO RECOMMEND APPROVAL OF THE WATERSEGE ZONING DISTRICT TEXT AMENDMENT. ROLL CALL COMMISSIONER KNIGHTON, COMMISSIONER BLACKBURN, COMMISSIONER JENKINS, COMMISSIONER BRADY AND MADAM CHAIR WELSH ALL APPROVED THE MOTION.

Madam Chair Welsh gave the time over to Ms. Hart to discuss the next business item.

5.3 Public Hearing and Consideration – Chapters 15.06, 15.34 and 15.48 Zoning Ordinance Text Amendment:

Ms. Hart explained that that staff was requesting zoning text amendments to the Accessory Dwelling Units (ADUs), Home Occupations and the Sign Code sections of the zoning ordinance.

Accessory Dwelling Units

Ms. Hart started with Accessory Dwelling Units. She stated that the current code states the following:

Permit: An accessory dwelling unit business license may only be issued follow the approval of a building permit.

Ms. Hart explained that staff wanted to remove this sentence so that an ADU does not require a business license. She stated the proposed amendment is as follows:

Application: An accessory dwelling unit may only be approved if the property meets the standards listed within this Section.

Ms. Hart explained that this allows staff to approve the property for an ADU and not the property owner. It makes it easier for staff and the applicant. The applicant no longer needs to go through the process of getting a business license with the state and there is no need for annual renewal with the city, once the property is approved it will always be approved.

Commissioner Blackburn asked why it was setup for someone to need a business license for an ADU.

Mr. Brim explained that they had closely followed what Provo does with ADU's. As Vineyard has been growing and as it's getting more ADU's that having the structure permitted and not having a business license would work better for our city. Having applicants do a business license and accessory dwelling unit application felt redundant.

Commissioner Blackburn asked if they are going to be doing business within an accessory dwelling unit if they need a business license. Mr. Brim answered that they would need a home occupation license.

Commissioner Blackburn asked why they would require a business license if there wasn't going to be a business in the accessory unit. Mr. Brim explained that they modeled it after Provo and Provo considers an ADU as a business because the unit is generating additional income.

Mr. Blackburn asked what would happen if they were to put a salon in there. Mr. Brim answered that they would then need a home occupation license. So, what this ordinance would do is if you are using it just as a rental you wouldn't need a business license but if you were using it for an at home business you would.

Commissioner Jenkins asked if the property standards referenced in the code would change. Ms. Hart explained the property standards wouldn't change the only thing that would be changing would be that require a business license is no longer required.

Madam Chair Welsh asked if once it's been approved if that house is sold to a new owner they could have an ADU as well. Ms. Hart answered yes and she explained that the only time a new owner would have to come in again is if they were making an addition to their basement or changing the exterior but that would all be caught through the building permit process.

Commissioner Blackburn commented that that would be assuming that all of our citizens would pull a building permit if they are going to be finishing or redoing their basement. He added that he knew a lot of basements in Vineyard were completed without a permit.

Mr. Brim responded that they were going to have that problem regardless of whether or not they required a business license. He added that some home owners do it on purpose but most just don't realize that they need to pull a permit. He continued that the reason that the ADU process is in place is that people were doing it anyway and we wanted to make sure that they were meeting building code and not sticking someone in a space that is dangerous and doesn't meet code requirements.

Ms. Hart explained that if they were to get a home occupation business license that George Reid, the building official, would review it and put in his comments in and the Fire Marshall would go through the process as well. She added that the only change in this ordinance would be that the city would no longer be requiring a business license.

Ms. Hart, asked if there were any other question regarding the ADU text amendment. Hearing none she moved on to Home Occupations.

Home Occupations

Ms. Hart stated that staff is requesting to repeal and replace the Home Occupation chapter. Ms. Hart explained that in the U.S., 52 percent of all businesses were Home Occupations. In Vineyard, it was 54 percent. She said the they were adding four different types of home occupations and including standards. The purpose was to make sure the residential use stayed the primary use, but still allowed commercial uses. The four types were: Home Occupation – Without Impact, Home Occupation – With Impact, Preschool, and Day Care.

Home Occupation - Without Impact

- No customers
- Non-impacting uses
 - Home-based office
 - Clerical Work
 - Sales
 - Crafting
 - Etc.

Home Occupation - With Impact

- Maximum of 1 non-resident working on the premises
- 1 customer at a time, between 8AM-8PM
- Uses that have impact
 - On-site Employee
 - Customers
 - Hair Salon
 - Tutoring
 - Music Lessons

Home Occupation - Day Care and Preschool

Vineyard Zoning Code Section [15.60.020 Definitions](#) “Home Day Care”

- The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit at least twice a week for more than 3 children, but fewer than 9 children. The total number of children being cared for shall include children under the age of 4 years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only 3 children under age 3, the group size, at any given time shall not exceed 6.
- Max 1 non-resident employee
- Daycare program shall be permitted between 7:00 a.m. and 8:00 p.m.

Vineyard Zoning Code [15.60.020 Definitions](#) “Home Preschool”

- A preschool program complying with all State standards and licensing for non-family members in an occupied dwelling unit, by residents of that dwelling unit, in which lessons are provided for not more than six (6) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any 24-hour period.
- Max 2 sessions permitted per day
- Only between 8:00 a.m. and 8:00 p.m.

Specific Uses and Activities Prohibited

- Veterinarian office
- Kennel or any similar animal services
- Medical practitioners
- Outdoor storage or use of accessory structures

Conditions for all Home Occupations

- Incidental/Secondary
- Exterior
- Storage
- Outdoor Activity
- Parking - must have a minimum of four on-site parking stalls
- Nuisances
- Signs
- Off-site Employees
- Multiple Home Business Licenses
- Floor Area – 25 percent of the home could be used, this includes the garage

Commissioner Blackburn asked about homes being rented out for commercials and films.

Discussion ensued between Commissioner Blackburn and Mr. Brim regarding film permits. Commissioner Blackburn was concerned about the community impact of this and Mr. Brim felt that it didn't fall under the home occupation ordinance but rather the short-term rental ordinance and possibly require a filming ordinance.

Commissioner Jenkins asked if someone is going to be having people come in and out of your home if you would need the home occupation to be ADA compliant.

Ms. Hart answered that you would have to meet whatever standards that the building department requires.

Mr. Brim added that they had someone come in who wanted to do haircutting in their garage and the building official wanted an accessible route that customers could get to and from where they park. It might be difficult to meet all of the building code requirements but it is possible for people to do.

Commissioner Jenkins asked what the protocol was for someone who didn't have a business license or was operating a prohibited use.

Mr. Brim explained that code enforcement is operated on a complaint basis. If the city gets a complaint then we would go out and if it was something of a large operation where there was visible impact then we would send someone from code enforcement out.

Discussion ensued regarding what was and wasn't considered a legal home occupation. Commissioners discussed unlicensed home occupations in their areas. Mr. Brim explained that the enforcement of home occupations was mainly on a complaint basis. Mr. Brim also explained the reason that preschools and daycares were the exception was because of state law.

Commissioner Jenkins expressed that he felt that the city should send out an FYI form informing residents of the home occupancy rules. Commissioners also discussed the code enforcement process with Mr. Brim. Mr. Brim explained that the city could order a cease and desist and the person could be taken to court if they did not comply.

MOTION: COMMISSIONER KNIGHTON MOTIONED TO OPEN THE MEETING UP FOR A PUBLIC HEARING. COMMISSIONER JENKINS SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

Resident David Lauret commented that he felt that there wasn't a difference between a half dozen kids going to preschool and a half dozen kids going to a gymnastics class in someone's home. He expressed that there could be a case made that this is unfair and he recommended that the city seek parity in those distinctions.

Commissioner Blackburn responded that if there is a licensing requirement for preschools or daycares then that would be the difference that he would see.

Mr. Brim stated that he appreciated Mr. Lauret's comment and that this ordinance was written as a team and they felt that it was necessary to draw the line somewhere and the code is really broad and they are trying to tighten it and create more regulations. He added that if the commission wanted they could break out a special category for things like a dance studio, music lessons, and things like that.

Discussion ensued regarding home occupations and their effect on the community. The commissioners felt that in general home occupation were a positive thing and they wanted people to have the ability to continue to have things like dance studios, and gymnastics classes, and music lessons. They discussed the need for businesses to have licenses for tax purposes. Mr. Brim, Madam Chair Welsh, and Commissioner Brady all shared their experiences with home occupations.

Ms. Hart reminded the commissioners that they were still in a public hearing. Madam Chair Welsh asked for additional public comment. There was none.

MOTION: MADAM CHAIR WELSH MADE A MOTION TO CLOSE THE PUBLIC HEARING. COMMISSIONER BRADY SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

Madam Chair Welsh asked the other commissioners for additional discussion or a motion.

Commissioner Jenkins commented that from his standpoint they want to encourage entrepreneurship but you also want to maintain residential neighborhoods.

Mr. Brim added that he felt making a category for home occupations with groups wouldn't be a bad thing because it would provide a starting point for people to then grow into a commercial space.

Commissioner Knighton commented that he felt that once people started getting more than five, ten people coming to your home then you'd want to move into a commercial space.

Commissioner Blackburn commented that the last bullet on the day care ordinance was confusing and Mr. Brim explained that it was state code. Commissioner Blackburn then asked about having dog breeders and Ms. Hart stated that that would be something that they would have to look into.

Mr. Brim stated that the commissioners didn't need to make a motion right now because all three codes fell under one ordinance.

Ms. Hart continued with the zoning text amendment presentation.

Signage

Ms. Hart stated that they have gone over the proposed sign ordinance a few times and that she would give a background and a review of any changes from the last time. Ms. Hart explained that they were changing the sign ordinance due to a 2015 Supreme Court ruling on content-based regulations for signage. This change would mean that sign code can't be content based and the regulations now have to be content neutral.

Ms. Hart went over the purpose and intent of the proposed sign ordinance.

Ms. Hart stated that one of the changes made from the last meeting is that Vineyard will be implementing a sign code waiver. The waiver would allow people to have signs that were bigger or different than what the code allows for. These waivers would require that a narrative explanation would be given and that they go through planning commission for approval.

Commissioner Blackburn asked if for the Heritage Day banners that they put on fences if they would need to come in and get a waiver for that.

Ms. Hart answered that those banners would go through a temporary sign permit for that and we allow temporary signs on fences.

Ms. Hart went on to explain how the waiver worked and what it would allow for. Commissioner Jenkins asked if the waiver would only be for permanent signs. Ms. Hart stated yes.

Madam Chair Welsh referred to the Utah Valley Home Builders Association that came in to the last meeting to discuss their sign and how it would have related to a sign standard waiver.

Ms. Hart reviewed the prohibited signs. Ms. Hart stated that after meeting with the mayor, she asked that we allow the flying banner signs to be allowed, she explained that these are the signs that you normally see with leasing now on them. The mayor felt that she wanted to give them an opportunity to advertise their leasing. Ms. Hart stated that she took that off the prohibited sign list.

Mr. Brim explained that how it's written in the code is that they aren't allowed in public right of ways or on parking strips they are required to be completely on private property.

Madam Chair Welsh asked if this meant they would have to be up behind the sidewalk.

Mr. Brim answered that they had to be completely on the site so the parking strip is not technically part of their property even though people try to take ownership of it. He added that if that's something the commission wanted back in that they could and it would be a council decision.

Commissioner Blackburn commented that he felt it should be put back in and the council should argue it out.

Mr. Brim recommended that they say that in their motion.

She stated that the only other change to prohibited signs is originally it said no signs attached, painted, or installed on fences. This has been changed so that people would be able to do attach a temporary sign to a fence.

Commissioner Blackburn asked what would be defined as temporary. Ms. Hart explained that a temporary sign is a sign not permanently attached to the wall or building and not intended or designed for permanent display.

Mr. Brim asked if there is a day frame on that. Ms. Hart, answered that there are day frames in the code.

Ms. Hart went on to talk about measuring signs. Measuring sign area hasn't changed. What has changed is how height is measured. Originally it was from the back of curb but it's been changed to the base of the sign.

Ms. Hart explained where signs are allowed to be located. She stated that signs are not allowed within the public right of way or parking strips adjacent to the road or within an easement. Signs shall not be located within five feet of a property line and they can't occupy a site triangle.

Ms. Hart moved onto sign illumination. She explained that as far as sign illumination goes the only thing that has been changed is the halo effect is not allowed except through a sign standard waiver. Madam Chair Welsh commented that that would allow them to come in and explain what they would be doing.

Ms. Hart went over freestanding signs. She stated that freestanding signs would have to be monument style. The one thing that was changed is permanent freestanding signs shall be located a minimum of fifty (50) feet from any other permanent freestanding sign on the same parcel. She added that the purpose of this is to help Vineyard from looking like State Street in Orem. She added that in residential districts it's more restrictive you get a twenty-five (25) foot maximum sign area and a maximum height of five (5) feet. In commercial districts a single tenant monument sign gets forty (40) square feet for the sign area and six

(6) feet in height, with the sign waiver that would go up to ten feet maximum. For multitenant it would be an area of eighty (80) square feet and then the waiver would be twenty (20) feet maximum.

Madam Chair Welsh asked if this was an effort to motivate people to combine signs. Mr. Brim stated yes.

Ms. Hart went on to wall signs. She stated that wall signs can be internally or externally illuminated. An awning and projecting signs are considered the same and one thing we did change is the maximum sign area says one (1) square foot for every one (1) linear front and that should say building frontage. They are not to exceed sixty (60) square feet per sign or a total of 120 square feet. They are allowed to have up to two signs and that would be one per elevation, this would include projecting signs.

Mr. Brim commented that it was also dependent on the size of the building.

Commissioner Jenkins asked if there was ever a case where a sign would be required.

Ms. Hart, answered that in the current code you can only have a temporary business sign for thirty days and then you would need a permanent sign. In the new code there is nothing in there about that. She mentioned that there are restrictions regarding things like grand opening signs being up past the date of the event.

Ms. Hart discussed awnings signs, she stated that the biggest change is that the maximum awning allowed per building so it can't take up more than 50% of the frontage.

Ms. Hart went over projecting signs, she stated that they are included in with the total wall sign area and you're only allowed one per storefront entrance and you have to have a clearance of eight (8) feet.

Commissioner Brady, asked how big those signs can be. Ms. Hart responded that they have to have a clearance of eight (8) ft and it can't be located above the second-floor windows.

Commissioner Brady asked if it could stick out over the sidewalk. Ms. Hart answered that you could have up to sixty (60) square feet which is a six (6) foot by ten (10) foot sign at its biggest. Mr. Brim commented that on private property like the Megaplex development you'll see some bigger ones but the offset is the wall sign.

Ms. Hart continued with signage ordinance stating that window signs were going to be staying the same and changeable copy signs are allowed to have static displays that change every 8 seconds. She added that things like video and animation effects wouldn't be allowed.

Commissioner Jenkins asked if there would be a waiver provision to allow that. Ms. Hart stated no. Madam Chair Welsh stated she thought that the waiver did allow for this. Ms. Hart went back to the sign standard waiver uses that are allowed to apply for a waiver. Discussion ensued regarding the sign waiver with animation and video effects.

Commissioners felt that it was important that a waiver process be possible for changeable copy signs. Mr. Brim and Ms. Hart discussed adding it into the code.

Ms. Hart discussed drive-thru lane signs. She stated that no more than two (2) signs are allowed within a drive-thru lane with a total maximum sign area of fifty (50) square foot. This means that the fifty (50)

square feet would have to be split between the two signs. They also need to be constructed with a solid base and then the computer display may be used.

Ms. Hart went on to flags. She stated that we cannot regulate American Flags, we can only regulate commercial speech flags. We can regulate is flag poles and the size of the flag area. The maximum sign area of a commercial flag in a residential district is twenty-five (25) square feet and in a commercial district its thirty-five (35) square feet with a maximum of 35 ft and 50 ft respectively. Three (3) allowed per commercial lot and two (2) per residential lot. Ms. Hart went back to the flying banner signs. She stated that what staff came up with after talking with mayor was that there is a maximum of four (4) per parcel or business with a maximum sign area of twelve (12) square feet with a maximum height of fifteen (15) feet and shall not be located within public right of way or parking strips along roads.

Commissioner Jenkins asked if they would be able to get a bigger one through the sign waiver process.

Commission Knighton asked if we only regulated the flag pole but not if it's an American Flag. Ms. Hart answered yes, it's strictly limited to regulating commercial speech. Discussion ensued regarding flags.

Ms. Hart reviewed temporary signs. She stated that there are two (2) types of temporary signs. Temporary signs intended to be displayed for 30 days or less can only be displayed two times per calendar year for a total of 30 days and these don't require a permit. Temporary signs intended to be displayed for more than thirty days do require a permit and the permit shall be issued for one (1) year and renewed annually. Once the event the sign is intended for is complete the permit shall not be allowed to renew and the sign shall be removed within forty-eight (48) hrs. Ms. Hart stated that for political signs you still have to go through the permit process to tell us where the signs are going to be located. but you don't have to pay for it.

Mr. Brim commented that in reality people getting political signs are not going to come in and get a permit but if someone is putting them in the right-a-way this at least gives us something to go back on.

Ms. Hart stated that the temporary signs can't be illuminated and they have to be constructed out of durable, rigid, material, and they shall be promptly removed at the date of expiration or forty-eight (48) hours after the event has ended. Residential signs must have an area less than six (6) square feet with four (4) feet height maximum, and two (2) signs are allowed per lot. For commercial districts and they can be thirty (30) feet in area and eight (8) feet high with a maximum of two (2) per lot and can be bigger if they get a sign standard waiver.

There was additional discussion on time allowed for temporary signs.

Commissioner Blackburn asked if you could put political signs anywhere. Mr. Brim answered that the city still controls the right of ways and medians so they wouldn't be allowed in those areas.

Commissioner Blackburn asked if there are any signs currently up that are not in compliance. Ms. Hart yes, the ones on Center Street are not in compliance.

Mr. Brim explained that when pulling political signs, you have to be careful, you would have to do a sweep of all of them at once for parties to not feel attacked.

Madam Chair Welsh asked if staff would then tell people not to put signs in the median but rather to put them in the planter because then they're not in the area where people are mowing every week.

Mr. Overson commented that he would like to have the model home signs prohibited because they leave them up all weekend and when the public works guys go out to mow, they are always hitting the lath that breaks off when you pull them out.

Commissioner Jenkins asked if there is any recourse for that. Ms. Hart answered that it is a zoning violation. There was discussion on how to enforce temporary signs.

Ms. Hart continued, she explained that there are some small changes that needed to be made to the draft. She stated that on page three (3) that talks about the sign standard waiver it states that prohibited signs are excluded from receiving a sign standard waiver but we're going to allow a sign standard waiver for changeable copy and video signs. She continued that they were going to be removing the word sign from gateway feature in that list of uses and developments. On page five (5) for prohibited signs the wall box cabinet just to add after that not including projecting signs. Projecting signs could do like a cabinet type sign if it was projecting.

On page six (6) for sign location we will be removing the words permanent from subsections A and D and then adding park strip, public right of way and easements to where signs are not permitted. On page ten (10) on the sign standard table we need to add PF for public facility to the commercial district section. She added that in definitions on page twelve (12) to add the word box in front of cabinet sign, to say box cabinet sign.

Madam Chair Welsh commented that they had talked before about sending an email out to the developers about taking their signs out.

Mr. Brim answered that Vineyard is in the process of hiring a planning tech who's going to do code enforcement as well so they would be able to do that.

Commissioner Jene commented that real estate signs, and missionary and military return signs are up for more than thirty (30) days.

Ms. Hart asked if his worry was that they have to go through the permit process without knowing how long the sign is going to be up for or if it was the size of the sign.

Commissioner Jene answered that he just wanted to bring it to the attention of the planning commission because those signs are often up for more than 30 days.

Discussion ensued regarding the different types of temporary signs and whether or not they should be permitted. Commissioners determined that there would always be problems but that they would get as close as they could to following the code. Mr. Brim reminded them that the code is a living ordinance and as court decisions come out changes will be made.

MOTION: COMMISSIONER BRADY MADE A MOTION TO OPEN IT UP FOR PUBLIC HEARING. COMMISSIONER BLACKBURN SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

Madam Chair Welsh asked for any public comment. Hearing none she asked for a motion to close the public hearing.

MOTION: COMMISSIONER BRADY MADE A MOTION TO CLOSE THE PUBLIC HEARING. COMMISSIONER JENKINS SECONDED THE MOTION. ALL WERE IN FAVOR. THE PUBLIC HEARING CLOSED.

Madam Chair asked for additional discussion on the zoning text amendments. There was none.

MOTION: MADAM CHAIR WELSH MADE A MOTION TO RECOMMEND APPROVAL THAT THE ZONING ORDINANCE TEXT AMENDMENTS BE APPROVED WITH THE CONDITIONS OF ADDING THE FLYING BANNER SIGNS BACK TO NOT BEING PERMITTED AS WELL AS ALLOWING MOVING SIGNS THROUGH A SIGN STANDARD WAIVER PERMIT PROCESS. COMMISSION KNIGHTON SECONDED THE MOTION.

ROLL CALL ON A MOTION: COMMISSIONER JENKINS AYE. COMMISSIONER BLACKBURN AYE. COMMISSIONER KNIGHTON AYE. MADAM CHAIR WELSH AYE. COMMISSIONER BRADY AYE. MOTION CALL PASSED UNANIMOUSLY.

6 COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

Madam Chair Welsh reported that there will be the party for the grand opening of the splash pad park, which includes a mayor's breakfast, and that all the commissioners are invited to participate in.

Commissioner Knighton, asked when the park will be completed. Mr. Overson explained that Flagship hadn't requested enough inspections and tried to push through things that were not approved and needed to be fixed. The main problem is the restroom and they are also waiting on a health inspection for the splash pad.

7 STAFF REPORTS

Morgan Brim, Community Development Director

Mr. Brim reported that they are going to be having the first Work Group meeting with the General Plan consultant Design Workshop next Thursday. The working group contains two commissioner which are Madam Chair Welsh and Commissioner Blackburn, two council members who are Mayor Fullmer and Councilmember Flake, as well as people from UVU and UTA. The group will work directly with the consultant and there are going to be break out projects like parks and economic development that the commissioners can participate in and provide feedback. The project will be going for the next ten (10) to twelve (12) months.

Mr. Brim also reported that the city is working with several retailers who are looking to come into the city. Mr. Brim attended the ICS conference which is a conference for retailers. He talked to restaurants, grocery stores, among others. The Commissioners wanted to know what exactly would be coming into Vineyard and Mr. Brim talked about a distribution center, a medical practitioner, and there are restaurants going in around the Megaplex.

Don Overson, Public Works Director and City Engineer

Mr. Overson discussed the RFP for the train station. He stated that they are putting together a committee that includes two (2) people from city staff, a UDOT member, and a UVU member.

Commissioner Blackburn asked when the project would start and how long it would take to finish. Mr. Overson answered that he didn't know because they didn't have a consultant on board yet. The consultant's first objective will be to try to masterplan the town center area.

Mr. Overson reported that they have received the UTA permit for the Center Street overpass but they don't have the Union Pacific permit. He announced that they were going to put the project out for bid without the Union Pacific permit because they want to start moving materials over there.

Mr. Overson also announce that the city would be getting a dump truck and a sweeper truck coming and the public works facility area in Lindon will be ready soon.

Commissioner Jenkins asked if there will be bike lanes or arrows with the restriping of Mill Road.

Mr. Overson answered yes, they found that they had enough room in the cross section to put bike lanes in so when we restripe there will be bike lanes.

Commissioner Jenkins commented that one of the reasons he brings it up is because a lot of the trails are fragmented but if we can show that it will connect to the overpass then we'll have full connectivity for grants and things. He added that the general rule of thumb is that anything over 20 miles per hour needs to have shared lanes or bike lanes.

Mr. Overson responded that that wasn't in the original standards but it is now. The last thing that he wanted to update the commissioners on is that Anderson is doing a large lot subdivision. Meaning that the parcel on 800 North/Vineyard Connector and east of the UVU parcel is going to be subdivided into four parcels.

8 ADJOURNMENT

MOTION: COMMISSIONER BRADY MADE A MOTION TO CLOSE. COMMISSIONER JENKINS SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY AT 8:40PM

CORRECTED BY: /s/ Claire Hague
Claire Hague, Permit Technician

MINUTES OF THE VINEYARD PLANNING
COMMISSION SPECIAL SESSION
Vineyard City Offices, 125 S. Main Street, Vineyard, Utah
Wednesday, November 14, 2018 at 5:06 PM

Present	Absent
Madam Chair Cristy Welsh	Commissioner Jeff Knighton
Commissioner Tim Blackburn	Commissioner Nate Carter
Commissioner Bryce Brady	
Commissioner Anthony Jenkins	
Others Present	
Commissioner Stan Jenne	
Commissioner Shan Sullivan	

Staff Present: Community Development Director Morgan Brim, Public Works Director/City Engineer Don Overson, Assistant City Engineer Chris Wilson, City Recorder Pamela Spencer

5:06 PM SPECIAL SESSION

Chair Welsh opened the special session at 5:06 PM. Commissioner Jenkins gave the invocation.

OPEN SESSION

Chair Welsh called for public comments. Hearing none, she closed the public session.

MINUTES REVIEW AND APPROVAL

There were no minutes submitted for approval.

BUSINESS ITEMS:

5.1 Preliminary Plat – The Yard Plat B

The applicant is requesting preliminary and final plat approval. The subject property is currently platted as the 400 North Commercial Subdivision, and is located on Mill Road, south of the Megaplex development and north of Edgewater Townhomes. The subject property is within the Regional Mixed-Use (RMU) zoning district and contains approximately twenty-three (23) acres of land. The applicant is proposing to subdivide the subject property into a total of eight (8) lots. A private lane runs from south to north centrally through the property connecting 400 North to the southern leg of the round-about serving the Megaplex development.

Chair Welsh turned the time over to Community Development Director Morgan Brim.

Mr. Brim reviewed the request. He mentioned that they were the same owners and had changed the name from “Mill Town” to “The Yard.” He said that they would be developing the 23 acres in conjunction with their retail area. He explained the they were breaking the lot into nine parcels, one of which would be set aside for future light rail.

Mr. Brim stated that staff was recommending approval. He explained that it was a simple plat amendment to cup up the parcels, and that the roadways were being preserved.

Commissioner Jenkins asked if splitting up the lots would limit economic development. Mr. Brim replied no and explained that they were designed for specific uses.

Commissioner Blackburn asked if on Lots 5, 6 & 7 they had anticipated meeting the needs of perspective occupants. Mr. Brim replied yes. He explained that they had set aside parcels for professional and medical offices.

Commissioner Blackburn asked where the parking stalls and access in and out of the development would be located. Mr. Brim replied that there would be a shared parking agreement across all of the parcels. He added that conceptual plans met the parking code.

Commissioner Blackburn asked if Lot 8 could be further subdivided. Mr. Brim replied no and explained that it was a proposed build and lease lot. He further explained that the code allowed for multiple buildings on one lot. He felt that part of the reason they were breaking up the lots was to potentially sell off some of the parcels and to also have the ability to use them as collateral on loans, etc.

Chair Welsh asked if Lot 2 went across the road. Mr. Brim replied that it did. He explained that it was a private lane. He added that there would be two access points off of Mill Road.

Commissioner Blackburn asked if the roads would remain private or become city owned.

Assistant City Engineer Chris Wilson explained that this was only a proposed road alignment.

Mr. Brim stated that this was a simple subdivision and that the owners would still have to go through a site plan and conditional use permit process.

Chair Welsh called for further comments. Hearing none, she called for a motion.

Motion: COMMISSIONER BLACKBURN MOVED TO APPROVE RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR THE YARD B PRELIMINARY PLAT WITH THE CONDITIONS AS PROPOSED. COMMISSIONER BRADY SECONDED THE MOTION. CHAIR WELSH, COMMISSIONERS BLACKBURN, BRADY, AND JENKINS VOTED AYE. COMMISSIONER KNIGHTON WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

82 **5.2 Planning Commission 2019 Calendar**

83 The commission will discuss and take action on the 2019 Planning Commission Calendar.

84
85 There was a discussion about the proposed calendar. The consensus was to keep the September 4
86 meeting as a regularly scheduled meeting and to remove the January 2, July 3, and December 18
87 meeting dates.

88
89 Chair Welsh called for a motion.

90
91 **Motion:** COMMISSIONER JENKINS MOVED TO APPROVE THE 2019 PLANNING
92 COMMISSION MEETING SCHEDULE WITH OFF DATES OF JANUARY 2, JULY 3, AND
93 DECEMBER 18 AND KEEPING SEPTEMBER 4 AS A REGULARLY SCHEDULED
94 MEETING. COMMISSIONER BLACKBURN SECONDED THE MOTION. CHAIR WELSH,
95 COMMISSIONERS BLACKBURN, BRADY, AND JENKINS VOTED AYE.
96 COMMISSIONER KNIGHTON WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

97
98 **COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE**

99 No commission reports were given.

100
101 **STAFF REPORTS**

102 No staff reports were given.

103
104 Commissioner Jenkins asked about the installation of signs on new buildings for which they had
105 not seen sign permit applications and if they were meeting the code. Mr. Brim asked everyone to
106 let staff know if they see signs on buildings that had not gone through the sign permit process.
107 There was further discussion about sign permitting and code enforcement.

108
109 **ADJOURNMENT**

110 Chair Welsh called for a motion to adjourn the meeting.

111
112 **Motion:** COMMISSIONER BRADY MOVED TO ADJOURN THE MEETING AT 5:23 PM.
113 COMMISSIONER JENKINS SECONDED THE MOTION. CHAIR WELSH,
114 COMMISSIONERS BLACKBURN, BRADY, AND JENKINS VOTED AYE.
115 COMMISSIONER KNIGHTON WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

116
117 The next regularly scheduled meeting is December 5, 2018.

118
119
120 MINUTES APPROVED ON: _____

121
122 CERTIFIED CORRECT BY: /s/ Pamela Spencer
123 PAMELA SPENCER, CITY RECORDER



**VINEYARD PLANNING COMMISSION
REGULAR MEETING**

**Vineyard City Hall, 125 S Main Street, Vineyard, Utah
Wednesday, October 17, 2018 at 6:00 p.m.**

Present	Absent
Madam Chair Welsh	Commissioner Tim Blackburn
Commissioner Stan Jenne	Commissioner Nate Carter
Commissioner Bryce Brady	Commissioner Shan Sullivan
Commissioner Anthony Jenkins	
Commissioner Jeff Knighton	

Staff Present: Planner Elizabeth Hart, City Manager Jake McHargue, City Engineer Don Overson

Others Present: City Councilmember Tyce Flake, Resident David Lauret

1. CALL TO ORDER 6:05 PM

Madam Chair Welsh called the meeting to order at 6:05 PM

2. INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE

Madam Chair Welsh initiated the pledge of allegiance and Commissioner Knighton gave the invocation.

3. OPEN SESSION

Madam Chair Welsh opened up the open session up at 6:06PM and seeing that there were no comments she closed the open session at 6:07PM.

4. MINUTES REVIEW AND APPROVAL

Commissioners reviewed the minutes from the May 2nd and May 16th Planning Commission meetings. Commissioner Jenne mentioned that his name was spelled wrong on the May 16th meeting and this was noted by Ms. Hart.

Motion: Commissioner Brady motioned to approve the minutes with the correction of Commissioner Jenne's name. Commissioner Jene seconded the motion. All were in favor and the motion passed unanimously.

5. Work Session:

Mr. Brim started the work session by explaining that they were going to be working on cleaning up a lot of small zoning text amendments. He explained that they are looking for

36 feedback from the commissioners regarding the changes. Mr. Brim then turned the meeting
37 over to Mr. McHargue to go over the remediation project at Geneva Steel.

38 Mr. McHargue gave a presentation about the CAMU or Contaminated Area Management
39 Unit. He explained that they are doing a CAMU because they didn't have the funds to take it
40 all off site and having a CAMU onsite to the best option. They have selected a contractor
41 and equipment will be brought in on the east side December 1st and construction will begin
42 the beginning of January or February. The project will take two years and cost a total of 82
43 million dollars with Vineyard paying a small percentage and US Steel and the RDA are
44 footing the rest of the bill.

45
46 Mr. McHargue went into detail about how the project would be completed and explained
47 that after it was finished there would be a mound that would slowly feather out to the east.
48 The project will be overseen by the EPA and the Utah Department of Environmental Quality.
49 It's currently a conditional use permit in Vineyard's zoning code so we're proposing a zoning
50 amendment to change it to a permitted use.

51
52 Mr. Brim, explained that the area is secluded and there are regulations imposed on the
53 project site at both the federal and state level. This includes things like odor control and
54 dust control and representatives from the EPA come out weekly to go out on the site. Mr.
55 Brim explained the city is nervous about sending it through a conditional use permit process
56 because there are already so many requirements for it on the state and federal level that
57 adding a local layer could potentially conflict with their standards.

58
59 Commissioner Jenkins- asked if the project needs to be cleaned up before work can begin
60

61 Mr. McHargue- answered that once the contamination has been taken care of a *no further*
62 *action letter* will be given to the city by the developer. He explained that it's a two year
63 project so he doesn't anticipate development happening before then.

64
65 Commissioner Jenne, asked about restrictions that would be put in place after the property
66 has been decontaminated.

67
68 Mr. McHargue, after it's been completed you can't penetrate the ground so there can't be
69 any homes or businesses there. He added that they have been in negotiations with UVU
70 about possibly putting a parking lot in there.

71
72 Commissioner Jenne asked if that would just apply to the CAMU area
73

74 Mr. McHargue, responded that it doesn't apply to where it's feathered out only the area
75 that is directly over the CAMU.

76
77 Commissioner Knighton asked how big the CAMU footprint is
78

79 Mr. Overson, responded that it is 17 acres

80
81 Discussion ensued among Mr. McHargue and the Commissioners regarding what would be
82 put in place of the CAMU. Commissioner Knighton talked about potentially putting in a park
83 and Madam Chair Welsh brought up that Anderson had mentioned a baseball field. Mr.
84 Overson explained that it wouldn't be within the city's purview for another few years as
85 Anderson and US Steel still own it and have to maintain it and they retain ownership after it
86 becomes a CAMU.

87
88 Mr. McHargue, let the commissioners know that there is a meeting scheduled with US Steel
89 and Anderson Geneva for City Council on December 12th and they will be able to explain
90 what it looks like and answer questions.

91
92 Resident David Lauret, asked how deep they are going to go and Mr. McHargue answered
93 three feet.

94
95 Madam Chair Welsh, asked if there would be any conflict if Planning Commission added any
96 conditions to it. Mr. Brim, explained that the purpose of a conditional use permit is to add
97 conditions that previously weren't on there but because this project is regulated at the
98 federal and state level there is no need for conditions. He added that adding conditions at
99 the local level could potentially have a detrimental effect.

100
101 Commissioner Jenne, commented that he is worried that if there is a big grass park there it
102 will be a big cost to the city. He added that the city needs to be careful about how it's
103 developed and who is going to be taking care of it.

104
105 Mr. McHargue, responded that that is happening at this point and would be a decision that
106 would be made once the CAMU is complete.

107
108 Commissioner Knighton, asked what would need to happen after the project has been
109 completed.

110
111 Mr. Brim, explained that it isn't giving them a permit in the way we normally do it's just a
112 use category that refers to the clean-up of the land. Once the clean-up is done it will be
113 owned and controlled by Anderson Geneva and if the city were to eventually take it over
114 than the commission could discuss turning it into a park and whether or not the city would
115 have the budget for that.

116
117 Commissioner Brady, asked how high the CAMU would be and if it could potentially slope
118 dangerously.

119
120 Mr. Overson, answered that at the railroad track abatement would be a 2:1 slope and 20-
121 25ft tall and it would slope east at 2% grade.

City Attorney David Church, asked Mr. Brim if it would be advisable to create another zoning district for it without having to change anything else.

Mr. Brim, explained that changing to the zoning will affect the entire area which is between 500-800 acres and the CAMU is just a small portion of that so it's better to have it as just a use so that it won't affect so much land. Mr. Brim then addressed the planning commission and said that if there were no further questions he would draft up a conditional use permit.

Madam Chair Welsh, asked if anyone had additional questions. Seeing that no one did the commission moved on to the zoning ordinance amendments

5.1 Zoning Ordinance Amendments

- **Small Wireless Facilities**

Mr. Brim, explained that technology in cities is moving away from the use of large poles and is becoming more wireless. Because of this, state code now allows wireless providers to attach to public infrastructure. This means they would be able to attach a repeater onto a street lamp or other public utility line. Vineyard has the option to put in guidelines to require that these blend in with the infrastructure. He added that there can be additional standards but in place so that it can't block walkways and has to be integrated efficiently. Other cities have such as Ogden and Salt Lake have already implemented standards that Vineyard can use as an example.

Commissioner Jenkins, asked Mr. Brim if this would be a conditional use. Mr. Brim, responded that it has to be a permitted use because state code restricts the amount that we can regulate and essentially says that the city can't say no. What the city has control over is the administrative process. By putting in code standards they can be taken through a checklist and there can be a design them especially in the downtown area so that they'll fit in. He added that he felt this would likely be a longer project.

Commissioner Jenne, asked if the state code allows the city to have a say in where these things go.

Mr. Brim, answered that they can't block travel ways and walkways

Madam Chair Welsh, commented that it was her understanding that they were put on stop signs or light poles.

Mr. Brim, responded that they can be regulated to a certain degree but we can't tell them no and we can develop a franchise agreement but it's pretty limited.

Commissioner Brady, asked is it is possible to require them to say Vineyard City on them

Mr. Brim, what you're going to see is that it's going to be Vineyard City's light and instead of having giant antennas they will be smaller units that will be spread out throughout the city.

Madam Chair Welsh, commented that we can regulate it so they have to paint it black or whatever color the pole is so that it blends in.

Mr. Brim, responded yes and Ogden and Salt Lake have requirements that is has to look like it's part of the structures. He added that we can look at examples from those other city.

Madam Chair Welsh, commented that we need to set a precedent with the first one so that the next one that comes in will follow the set precedent.

- Trailers

Mr. Brim, explained that there are a lot of small lots in Vineyard and we are starting to see a lot of trailers on these small lots. These trailers are on driveways and many are starting to overlap the sidewalks. He continued that it wouldn't be so bad if there were only a few but when you get a large number on a street it starts to become a problem. He explained that Vineyard's current code requires that RV's motorhomes, camping trailers, and other similar trailers be parked in a side yard behind a fence or in the backyard on a pad. He noted that he realizes that a large portion of the city is not in compliance now which is why the code needs to be changed to be very clear. Mr. Brim talked about adding to the code to specify landscaping type trailers so that it mitigates confusion.

Commissioner Brady, asked what the current code is for those parking on the street to which Mr. Brim responded two days.

Commissioner Brady, asked what would happen if they just move it for the day and then come back.

Mr. Brim, answered that the idea is that they would need to move it further than a quarter of a mile

Commissioner Brady, commented that there are a lot of landscapers that their cars aren't parked there all the time they are only there when those people aren't working.

Mr. Brim, explained that it would count if it's a consistent presence because it's in a residential area and that landscaping trailer would be intended for commercial use. If you're a landscaper you should be parking that trailer in a landscaper's yard or an outdoor storage facility. He added that this is intended to keep the neighborhood from turning quasi commercial.

Madam Chair Welsh, asked if these types of trailers could be stored on your property if they are behind a fence or inside of a garage.

Mr. Brim, yes and you can put it on your driveway for 48 hrs if you need to winterize it or you need to prep it before a trip. He noted that he knows that city employees aren't going to be driving around and checking that it's on a complaint basis. The city doesn't want people using their front yard as storage and it creates the issue of blocking the sidewalk. What we are trying to mitigate is people leaving things out on their driveways for long periods of time and creating problems.

Commissioner Brady, commented that we should consider that people will be bringing are those cargo pods when they move.

Mr. Brim, there are a couple of neighborhoods where they have moving stuff in there for months and there are the type of situations we want to be looking for when we put it in the code. He added he would have to look into what other cities have in their code in order to create something that would work in Vineyard.

Commissioner Jenne, commented that he had two concerns with things being parked on the streets. One that the streets in Vineyard really aren't meant to accommodate traffic that's going in both directions and parking on the street can create problems driving through neighborhoods and in addition creates safety issues. The safety issues being that there are a lot of kids in neighborhoods and they could run out behind these trailers and you would never see them. The second concern that he had was that he doesn't want to be so hard on what people can and can't put on their own driveways. He added that as long as they aren't blocking the sidewalk he doesn't want to take away too many individual property rights.

Mr. Brim, addressed commissioners and said that they could potential go the other way and make code looser. His concern is that in communities that are really dense the way Vineyard is you have to think about the aesthetic impact this code would have on the community. The city's preference is treating all trailers the same and right now the code says RV's and motorhomes and there is a lot of gray area so staff's preference is that we keep all trailers the same.

Commissioner Jenne, reiterated that he would just hate to see too many restrictions

Mr. Brim, responded that he agrees and that there is a potential to create a break-out use but at the moment the code isn't very clear. If we wanted to allow for people to put them in their driveway what we're seeing more and more of is these trailers blocking the sidewalk.

Commissioner Jenne, responded that he agreed that it is a problem

Mr. Brim, concluded that staff could do research into this code but that the majority of communities treat them the same.

- Residential Driveway Slope

Morgan, this is so we don't have driveways that are really steep and we've gotten a couple of those.

Ms. Hart, explained that they wanted to give driveways a maximum suggested slope of 8% because that is what was suggest by both the engineering and the building department. This came about because in Cascade and Providence there's a sewer line that they built in a different direction that raised the houses higher and it caused the driveways to become very steep. That is why the height was changed to 35ft so that we could prevent slopping.

Mr. Brim, added that 8% is still quite a bit of a slope. What we're are trying to do is to prevent people from sliding down their driveway. He explained that they don't want to have a snowmelt under the driveway.

Madam Chair Welsh, asked if some of the driveways in the gardens are more than 8%.

Mr. Overson, responded that some of them are. He added that the there are two things that contribute to this problem walk-out basements narrow lots. Mr. Overson explained that because so many people want walk out basements they have to raise foundation because the lot is so narrow. It is in part due to so many of the Homestead properties wanting walk-out basements which raises the foundations and causes steep slopes. He concluded that is a combination of problems and having a maximum slope will make a big difference.

- Height Exemptions – Flagpoles

Ms. Hart, addressed commissioners and said that in our sign code they decided on regulating the height of flagpoles to 35ft in residential areas. In the current sign code it says that flagpoles and church steeples are exempt and we want to clarify that flagpoles are not exempt and must meet the 35ft height requirement.

Mr. Brim, commented that is a little higher in commercial districts. He went on to explain that this code is already in place but when the sign code was adopted the exemptions weren't amended so we wanted to go back through and make that clear.

Commissioner Jenne, commented that the height of the buildings are 35ft above curb so basically we're saying that flagpoles can't be higher than that.

Mr. Brim, responded yes and it provides some height that is reasonable in a residential district and doesn't allow people to put large flagpoles in residential areas.

- Parking Table – Drive Thru

Mr. Brim, stated that they are going to be changing the parking table in the drive thru ordinance but not the drive thru standards. This parking table historically had the lane distances for the drive thru's and we want that to reference the drive thru code because that code has all of the drive thru regulations. He added that this is just clean-up and doesn't involve any changes in the standards.

- Building Code Reference

Ms. Hart, explained that there's a section in Vineyard's code saying that you have to follow the building codes that are adopted. They are going to take that out and reference just the municipal code that actually talks about what is adopted for the building code.

Mr. Brim, commented that you have to follow the building code anyway this is just clean-up

- Regional Mixed Use (RMU) Height standard

Mr. Brim, talked about the dimensional standards table that includes all heights and setback for each district. The RMU code itself has a separate height that than the one we adopted in the code. Mr. Brim then goes on to read from the code "allowable building height shall be 52 ft. with the maximum number of stories shall be four for a stand-alone residential use or four stories for a non-residential and vertical mixed use buildings. We don't want there to be two different methods of building height so before and as before it was measured by stories that has been changed to 60ft so however many stories they could fit into that would be a decision made by a designer or architect.

Commissioner Knighton and Madam Chair Welsh discussed that this made it possible for them to have more than four stories within their buildings.

- District Use Table – RMU Home Occupation

- Home Occupation – Groups

Mr. Brim, started off by saying that he knew there was concerns with this but an official decision had never been made.

Commissioner Knighton, stated that under the current code it doesn't allow for things group lessons like guitar or dance and he wanted to know if there was any way to change the code to allow for certain uses. He added that these lessons were a way to provide these types of services at a more economical benefit to those taking lessons

and provides additional income to those giving lessons. He felt the code could be changed to encourage small positive uses but that would prevent someone from turning their home into a place where 30 kids were coming for dance lessons.

A discussion ensued on the positive effects of home occupations and the commissioners were concerned that they current code was discouraging of something that is very appealing about the community in Vineyard. Ms. Hart brought up the idea of requiring a conditional use permit. Mr. Brim, agreed that this could work as long as there was a minimum lot size. He explained that in certain group lessons parents tend to stay and watch and if there is not enough space in can create higher levels of traffic as well as parking issues. Mr. Brim, explained that the point of home occupations is to give a place for businesses to grow and when they got large enough they should move to a commercial space.

Mr. Brim, explained that they could look into the possibility of these uses to be similar to a preschool in that if it went above a certain number of kids it would need to be moved to a commercial use.

Commissioner Knighton, commented that a conditional use permit would be the best solution in this scenario.

Commissioner Brady researched the possibility of using your accessory structure as part of your home occupation. He reported that Orem, Provo, Lehi, Pleasant Grove and Sandy all allow you to use your accessory structure as part of your home occupation but there are stipulations. He added that he doesn't think that you should be able to look at a home and be able to tell that someone is running a business out of their home. He continued that he does however think that you should be allowed to store things for your business in there.

Mr. Brim, asked the commissioners were all in agreement on that. He added that on Staff's research with Provo they had a lot of issues with non-official mechanics storing parts outside and they would like to be more on the conservative side. It could however be opened up as a possibility if someone wanted to include that shed as part of the 25% square footage that you get when using your house for a home occupation.

All the commissioner were in favor of researching more on the issue.

- Towing

Mr. Brim, explained that in their current zoning ordinance that was just adopted towing yard and towing businesses are not allowed because they are not a permitted use within any of the zoning districts in vineyard. He continued that staff feels that it would be beneficial as parking becomes more of a problem it could be a benefit to the city to have

379 a towing yard in the FOI or industrial district. This is because currently if you get towed
380 your car could potentially be really far away.

381
382 Madam Chair Welsh, asked if this means that within Vineyard there is no allowance for
383 a towing yard.

384
385 Mr. Brim, answered that currently it is not allowed and staff wanted to see what your
386 take on it was. He added that if the commission is interested then staff could look into
387 allowing it in the manufacturing district and develop some design guidelines.

388
389 Commissioner Knighton, asked if they were typically found in manufacturing districts to
390 which Mr. Brim responded yes.

391
392 Madam Chair Welsh, asked if there is any way they could restrict them

393
394 Mr. Brim, responded that you could restrict them by district but not by individual
395 number. He added that the commissioner could do a break out session and look at it
396 more closely.

397
398 Discussion ensued regarding allowing a towing company and the benefits that would
399 bring to the city. Commissioner discussed whether this would bring additional tax
400 revenue into the city and concluded it didn't bring much additional revenue but did
401 provide people with easier access to their cars if they were towed. Mr. Brim, talked
402 about the current code requiring a towing yard be within five miles of the city and
403 commissioners discussed that potentially being an issue. City Council Member Tyce
404 Flake commented that the five miles was put in by City Council and it couldn't be
405 change.

406
407 Commissioners clarified that Mr. Brim wasn't asking if the city would be over a tow yard
408 he was just asking if there could be zoning for it.

409
410 Discussion concluded with Mr. Brim saying that they could have another work session
411 and look into some best practices.

412
413 • Short Term Rentals

414
415 Mr. Brim, explained that there isn't anything being proposed tonight they just wanted
416 to discuss the issue and given an update. He added that they are going to have a
417 workshop with city council about possibly allowing it because it's currently not
418 permitted in any district.

419
420 Commissioner Jenkins asked what the definition for a short-term rental is to which Mr.
421 Brim responded any rental fewer than 30 days

Madam Chair Welsh asked about residents being grandfathered in to the old code and Mr. Brim explained that after the meeting held no one came in to get a zoning verification letter in order to be grandfathered in. They still have the opportunity to do that, they would just need to bring in proof that they had the short-term rental prior to the change and then we would send out a zoning verification letter.

Mr. Brim, then went on to explain that residents who wanted to be grandfathered in would be considered a lawful non-conforming use. This means that at the time they were within their rights but the zone then changed and so they would need to prove that and get a zoning verification letter from the city. He then continued and said that they were considering the possibility of allowing short-term rentals to some degree and that would be what the joint meeting with city council would be about.

City Council Member Tyce Flake, talked about what has been going on with the Utah League of Cities and Towns and the legislative committees. He explained that the legislature is in favor of short-term rentals as a means to provide low-cost housing. They want to use ADU's, High-Density housing, and short term rentals as a means of providing low cost housing. They are hoping to get a set amount of required low-cost housing. They are proposing to limit cities from getting road taxes, grants, and sales taxes unless they provide a certain amount of affordable housing. They are doing this all based on a mathematical equation and cities are fighting back saying each individual city is different.

Madam Chair Welsh, asked if there was a push to get consensus on the code

City Councilmember Tyce Flake, stated that for Vineyard the problem is that there is high density housing but we as a city have no control over.

Mr. Brim, commented that from a housing standpoint because we allow ADU's Vineyard does pretty well with providing affordable housing. His concern was allowing short-term rentals could potentially take away a unit that could be used as a regular ADU. The owner of the unit might rent out the basement as a short term rather than long if they see more profit and we don't want to be taking away from the rental pool. He then added that staff just wanted to let the commission know and that they will all be invited to the meeting.

- Hearing Officer

Mr. Brim, explained that all appeals would go to one person instead of a board. It would go to one person who is trained in land use law. Our code is currently written that the City Manager is the Hearing Officer because it creates conflicts of interest. We could contract out with someone who is a land use attorney or a couple attorneys.

465

466 • Accessory Dwelling Units

467

468 Ms. Hart explained solution about restricting ADUs based on lot sizes to be 4500 square
469 foot lots or less would not be allowed to have ADUs. This is mostly for ensuring that
470 exterior entrance goes straight into the ADU. The interior access must come from the
471 primary residence, not from the garage. If an ADU does not meet the driveway
472 standards they cannot have an ADU – many of the smaller lots do not meet the
473 driveway standards.

474

475 Mr. Brim, Orem requires 8,000 square feet. If we did that many of our current ADUs
476 would not be permitted. Vineyard would probably need a 5,000-6,000 square foot
477 space. There are a lot of very small lots in the city. The concern is that when you start
478 putting two units onto lots that 3,400-4,000 square feet it creates a lot of traffic and
479 parking. Orem requires 5 onsite spaces. Vineyard requires 4. Staff is unclear if 5 parking
480 space would work. Many properties would probably be unable to find 5 parking spots.

481

482 Commissioner Brady, also voice concern about parking. The garage parking and
483 driveway are counted as 4 parking spots, but he said he does not know anyone who
484 parks in their garage and then allows someone to park behind them.

485

486 Mr. Brim, replied that if you are going to count the garage spaces as ADU parking, one of
487 the spaces must go to the tenants so that they can park behind themselves. Vineyard
488 doesn't want to make the process so hard that people stop doing it, but we are at a
489 point where we make sure we don't have too many.

490

491 Commissioner Jenkins, do ADUs need to have a separate mailing address?

492

493 Ms. Hart, the code does state they need to have a unique mailing address. Engineering
494 does the addressing so they've been assigning ADUs an address.

495

496 • Landscaping – Vineyard Tree Manual

497

498 Commissioner Jenkins, Vineyard should look into some water wise solutions. There was
499 a state of emergency called for the State of Utah because this has been the driest year
500 in recorded history in the second hottest year in recorded history. Whatever Vineyard
501 can do to encourage and set an example, we should do.

502

503 Mr. Brim, Staff has a nonofficial planning committee that meets once a week. Staff has
504 looked at these kinds of issues and one thing Staff is going to do is adopt landscaping
505 standards for smaller spaces. Parking strips and medians below 4 feet would better to

506 have something that doesn't use water (rock, etc.). Standards are coming forward to
507 address those situations.

508
509
510 Mr. Brim asked for any questions.

511
512 Commissioner Jenkins, Is Vineyard doing any proactive code enforcement?

513
514 Mr. Brim, the city is doing a little bit. Staff does code enforcement on a complaint basis,
515 but if there are similar situations in the neighborhood Staff addresses them.

516
517 Discussion ensued about implementation of code enforcement.

518
519 Commissioner Jenne asked about compliance with the sign ordinance.

520
521 Mr. Brim, the code is a lot clearer about what you can and can't do.

522
523 Commissioner Jenne, asked if there has been more sign enforcement with developers.

524
525 Ms. Hart, that is something the City will have McKenna as she incorporates her role
526 more. There's a lot of temporary signs that need to be remedied.

527
528 Further discussion ensued about sign code enforcement.

529
530 Joseph Smith, resident from Sleepy Ridge, asked clarification questions about double
531 sided park of the street. The ordinance for parking is that you can't park more than 48
532 hours. On a short-term rental like that are there any restrictions on parking?

533
534 Mr. Brim, the current code does not allow for short-term rentals. So you can go to our
535 online portal and you can submit a complaint. The city can start with a letter stating the
536 code they're in violation of and action that will be taken. After that we can send our
537 police officers out, who will go by the rental and ask questions. They can only ticket cars
538 if there's signage up. There is a winter parking code, but you have to provide space for
539 emergency vehicles.

540
541 Further discussions ensued about Sleepy Ridge streets and parking.

542
543 Mr. Smith asked a follow-up question if there is an ordinance that states that homes
544 need to be landscaped.

Mr. Brim, the City does have a weed ordinance. It basically says you need to maintain your lot and whatever weeds there are. If you're a vacant lot you're not required to landscape. If you're a house you need a maintained lawn.

Discussion ensued about regulations requiring landscaping.

COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

- Commissioner Jeff Knighton: Report on APA conference
 - Toured Holladay Village Center,
 - This has been facilitated by the city by moving their facilities into that area. They have found what was old in the city and turned it into something new. Vineyard doesn't have old things yet.
 - Demographics in Utah Session
 - By 2065 the metropolitan area from Santaquin to north Ogden will be the same size as Seattle, Tacoma area. That's all coming in the next 45 years. There will still be a lot of population growth, which in this corridor will mean density population because we're squished between the mountains and the lake.

6. STAFF REPORTS

- Morgan Brim, Community Development Director
 - Vineyard has bid on two projects:
 - Light Manufacturing: 85 employees. They really like the Forge. The employees like the area. The employees are pushing this area. The bid is showing what we have to offer.
 - Project Hemlock: IT company. They want to be in Utah county area. 1,000 employees. They're pretty far out from the decision on this project.
 - Many shops are coming
 - Puppy Barn
 - Rocket Fizz
 - Chubby's
- Don Overson, Public Works Director/City Engineer
 - Overpass – UP has thrown another wrench. Public Works has had to suspend the bid process until those issues are resolved. Hopefully the bids will begin again in November and we will start work in December.
 - Vac truck – has been delivered. This will help clean sewers, land drains, and storm drains.

7. ADJOURNMENT

Motion: COMMISSIONER KNIGHTON MADE A MOTION TO ADJURN THE MEETING. COMMISSIONER CARTER SECONDED THE MOTION. ALL WERE IN FAVOR. THE MEETING WAS ADJURNED AT 8:09PM.

MINUTES APPROVED ON:

589
590
591
592

CORRECTED BY: /s/ McKenna Marchant
McKenna Marchant, Planning Technician

DRAFT



**MINUTES OF THE VINEYARD
PLANNING COMMISSION MEETING
Vineyard Council Chambers, 125 S Main Street, Vineyard, Utah
Wednesday, November 7, 2018 at 6:02 p.m.**

Present	Absent
Madam Chair Cristy Welsh	Commissioner Anthony Jenkins
Commissioner Shan Sullivan	Commissioner Jeff Knighton
Commissioner Bryce Brady	
Commissioner Tim Blackburn	
Commissioner Nate Carter	
Others Present	
Commissioner Stan Jenne	

Staff Present: Community Development Director Morgan Brim, Public Works Director/City Engineer Don Overson, City Recorder Pamela Spencer, Councilmember Tyce Flake

Others Speaking: Scott Mansfield with Starbucks

6:02 PM REGULAR SESSION

Chair Welsh called the meeting to order at 6:02 PM and led the Pledge of Allegiance.

OPEN SESSION

Chair Welsh called for public comments. Hearing none, she closed the session.

MINUTES REVIEW AND APPROVAL

There were no minutes presented for approval.

BUSINESS ITEMS:

4.1 Sign Standard Waiver Application – Starbucks

The applicant, Scott Mansfield with Starbucks, is requesting approval for a sign standard waiver. The applicant is proposing a total of three (3) wall signs on the Starbucks building located at 748 E. Mill Road within the Regional Mixed Use (RMU) district. A sign standard waiver may be approved by the Planning Commission as an alternative to the standards set forth in Chapter 15.48 Signs of the Vineyard Zoning Ordinance.

Chair Welsh turned the time over to Community Development Director Morgan Brim.

Mr. Brim introduced Scott Mansfield with Starbucks and then explained the sign waiver process and the sign code. The applicant was asking for approval to exceed the maximum allowed number of wall signs, as well as the total maximum sign area. The applicant was proposing a 3rd sign on the North (front) elevation of the building and a total sign area of 133 SF. Mr. Brim explained that the current code allowed for one sign per elevation with a maximum of two signs. It also allowed for one square foot of sign per every one linear foot of building frontage not to exceed 60 square feet or a total of 120 square feet. He said that the drive-thru and logo was being counted as one sign. He reviewed the signs listed in the application. He stated that staff was recommending approval of the waiver.

Commissioner Sullivan asked about the lighting of the signs. Mr. Brim replied that it would meet the code.

Chair Welsh stated for the record that she had met Mr. Mansfield several years ago.

Chair Welsh asked why the front of the building had to have a drive-thru sign. Mr. Mansfield stated that it was so people would know which way to go. Chair Welsh felt that they did not need that sign. She said that the people coming into the parking lot would be coming from the east and west and would already have seen the signs. Mr. Brim stated that both sides had drive-thru signs. There was a discussion about the drive-thru signs. Mr. Brim stated that this was a request to go above and beyond the signage. The consensus was that they did not need the extra drive-thru sign at the front of the building. Mr. Mansfield also felt that there was no need to have the extra drive-thru sign. Mr. Brim recommended that the commission be specific in their motion if they wanted to remove that drive-thru sign.

Commissioner Brady asked if the menu board would have a logo on it. Mr. Brim explained that the menu board and monument sign were not under consideration at this time.

Chair Welsh asked if it would be better to put the Starbucks sign on the south side of the building. There was a discussion about sign placements. Mr. Brim mentioned that the only access would be from Mill Road and the sign could be relocated in the future if necessary.

Commissioner Carter asked if the sign design was coming from Starbucks. Mr. Mansfield stated that Starbucks knew this was a conditional use and would be happy to just have their logo included. He added that there was no logo on the menu board.

Chair Welsh called for further questions. Mr. Brim recommended they open the discussion up for public comment.

Chair Welsh called for public comments. Hearing none, she closed the public comments and called for a motion.

Motion: COMMISSIONER BLACKBURN MOVED TO APPROVE THE SIGN STANDARD WAIVER FOR ONE ADDITIONAL WALL SIGN FOR THE STARBUCKS PROJECT WITH AN AMENDMENT TO DELETE THE DRIVE THRU SIGN ON THE NORTH ELEVATION. COMMISSIONER SULLIVAN SECONDED THE MOTION. CHAIR WELSH, COMMISSIONERS BLACKBURN, BRADY, CARTER, AND SULLIVAN VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

4.2 Public Hearing and Consideration of Ordinance 2018-16 - Zoning Text Amendments

The City of Vineyard is proposing text amendments to the Vineyard Zoning Ordinance including:

- **Section 15.12.050 District Use Table** – to allow home occupations within the RMU, to allow environmental remediation activities as a permitted use and clarifying occupancy of dwelling units.
- **Section 15.32.120 Exception to Maximum Height Limitations** – to remove flagpoles.
- **Section 15.34.060 Accessory Dwelling Units** – to clarify where the exterior and interior entrances must be located.
- **Section 15.38.030 Parking Requirements** – to add a maximum driveway slope, removing drive-thru standards and changing parking standards for medical offices and clinics.
- **Section 15.40.080 Design Standards and Requirements** – to refer planting installation and materials to the approved Vineyard Tree Manual and to change street tree requirements.
- **Section 15.60.020 Definitions** – clarifying one family occupancy per dwelling unit.
- **Section 2.08.5 Development Standard – Building Height** – to refer to the District Use Table for the RMU district.
- **Chapter 15.44** – to delete in its entirety and reference Title 11 in the Municipal Code.

Chair Welsh turned the time over to Community Development Director Morgan Brim.

Mr. Brim reminded the commission that they had discussed these items in a previous meeting. He reviewed the amendments.

Section 15.12.050 District Use Table –

Residential⁸ – added a clarification that: 8. A dwelling unit shall be occupied by one (1) family, as defined herein.

Mr. Brim explained that this would limit dwelling units to one family and help with the occupancy part of code enforcement. Commissioner Carter asked if there was anything in the code that stated what a family was. Mr. Brim replied yes and read the definition of a family.

Commissioner Blackburn asked if someone renting out a portion of their home was in violation of the code. Mr. Brim replied that they had recently added Accessory Dwelling Units (ADU) to the code and explained the reason behind it. There was a discussion about ADUs. Commissioner

Blackburn asked for clarification that those who were renting out their basement should have a permit to do so. Mr. Brim replied yes.

Chair Welsh asked for clarification that four students could live together. Mr. Brim explained that they were not changing the definition of family, but stating that they were only allowing one family, according to the definition of family, per dwelling unit. There was further discussion about the family unit. There was a discussion about parking requirements for an ADU and parking enforcement.

Chair Welsh asked if the ADU had to have a kitchen to qualify and an ADU. Mr. Brim replied that they would have to meet the definition of dwelling.

Chair Welsh asked about the support staff, domestic help, etc., portion in the definition of a family. Mr. Brim replied that it was what the state qualified them as. There was further discussion about the definition.

There was a discussion about other changes that were being made because of errors made when the code was migrated to the new online software program. These items did not need approval as they were already part of the code.

Environmental remediation – permitted in the BP, RC, FOI, M, PF Zoning Districts. Mr. Brim explained that it would be a longer process for the company doing the remediation if they had to meet the state and federal code and then go through the conditional use process as well. He mentioned that US Steel would be doing a presentation next month.

Home Occupations – Mr. Brim explained that the current code did not allow for home occupations in the RMU district and they needed to change it.

Section 15.32.120 Exception to Maximum Height Limitations – flag poles.

They needed to remove the exemption for flag poles to meet the sign code.

Section 15.34.060 Accessory Dwelling Units – clarifying regulations.

Mr. Brim explained that they were changing the requirement from “must” to “shall” provide an entrance from the outside of the building for emergency services. He added that ADUs had to have an interior entrance as well. Commissioner Blackburn clarified that ADUs had to have two entrances. Mr. Brim replied yes.

Section 15.38.030 Parking Requirements –

Grade/Slope – adding an 8% maximum driveway grade/slope requirement to residential lots.

Drive-thru Standards – There were drive-thru standards in two locations so they were removing them from the parking standards.

Medical Office and Clinics – parking requirement change.

Mr. Brim explained that the city had a high requirement at one space per 150 square feet. He said that they were proposing a change to one space per 250 square feet. There was a discussion about parking spaces for business.

Commissioner Carter asked about the change on the restaurant use, in the District Use Table, from N to P³ in the Flex Office Industry District (FOI). Mr. Brim explained that this change would allow for businesses to offer a campus café or cafeteria for their employees.

Section 15.40.080 Design Standards and Requirements

Landscaping – changes made to refer to the city’s tree manual. Mr. Brim explained the process for the use of the tree manual.

Commissioner Blackburn asked if the trees would be planted in the public space or on private property. Mr. Brim replied that it was only a recommendation for the types of trees on private property and a requirement for the public rights-of-way.

Commissioner Brady asked what would happen if someone had already installed a tree that was not on the approved list. Councilmember Flake replied that they could require them to pull it out if it was in the public right-of-way. Councilmember Flake explained what was stated in the manual.

Commissioner Brady asked how long someone had to plant the required trees in the park strips. Mr. Overson replied that the standard said that they had one growing season to plant them and if they could not, then they had to bond for it. Commissioner Brady mentioned that there were no trees planted by the developer in most of The Homesteads development. There was a discussion about landscaping in the Homesteads development.

Street Frontages – Mr. Brim explained that the spacing of trees was set at 20 feet, which was too close. The recommended spacing was 40 feet, which they felt was appropriate. Chair Welsh expressed concern about the spacing of the trees in the promenade. Mr. Brim explained that the Town Center had its own tree standards. Councilmember Flake explained the landscaping in the Town Center. He felt that they would not fall within the standards of the parking strip and they could adapt the code standards. Mr. Overson felt that they should address that Town Center code now because they were getting ready to design and build Main Street and would need to address the infrastructure and decide where to plant trees. He added that the train station was also in the design phase. Chair Welsh asked if the code they were discussing tonight would affect the Town Center. Mr. Overson replied that it would have its own requirements. Mr. Brim mentioned that The Forge development had its own landscaping requirements as well.

Chair Welsh expressed concern about a limited number of trees being planted in commercial areas. There was a discussion about the spacing of trees. Chair Welsh felt that it should be more specific about the type of trees.

Mr. Brim suggested that they could approve the recommendation of the ordinance with the exception of the tree spacing and have further discussion about it at another meeting.

Chapter 15.44 Building Codes – Building Codes were now included in the Municipal Code and needed to be removed from the Zoning Code.

Section 15.60.020 Definitions – Dwelling Unit – occupied by no more than one (1) family as defined herein...

Section 2.08.5 Development Standard – Building Height in the Special Service Districts – RMU Special Use District – conflicting regulations. Removed height and referenced the Dimensional Standards Table.

Mr. Brim explained that the city’s development code had never been repealed. (This will be included in a future code amendment.)

Mr. Brim stated that staff was recommending approval of the Zoning Code amendments.

Chair Welsh called for a motion to open the public hearing.

Motion: COMMISSIONER BLACKBURN MOVED TO OPEN THE PUBLIC HEARING AT 7:05 PM. COMMISSIONER CARTER SECONDED THE MOTION. CHAIR WELSH, COMMISSIONERS BLACKBURN, BRADY, CARTER, AND SULLIVAN VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Chair Welsh called for public comments.

Motion: COMMISSIONER BLACKBURN MOVED TO CLOSE THE PUBLIC HEARING AT 7:06 PM. COMMISSIONER BRADY SECONDED THE MOTION. CHAIR WELSH, COMMISSIONERS BLACKBURN, BRADY, CARTER, AND SULLIVAN VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Chair Welsh called for a motion.

Motion: COMMISSIONER SULLIVAN MOVED TO MOVE FORWARD WITH THE RECOMMENDATION ORDINANCE 2018-16 WITH THE EXCEPTION OF THE TREE SPACING, WHICH WE WILL REVISIT AT A LATER DATE. COMMISSIONER CARTER SECONDED THE MOTION. CHAIR WELSH, COMMISSIONERS BLACKBURN, BRADY, CARTER, AND SULLIVAN VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

4.3 Planning Commission Special Meeting

The Planning Commission will consider a request to schedule a Special Meeting.

Mr. Brim explained what a special meeting was. He said that they had a request by an applicant for a special meeting. He was proposing they hold it on November 12. He explained that it was for the next phase of the Mill Town development, which was 23 acres south of the Megaplex. There was a discussion about the date and time.

Chair Welsh called for a motion.

Motion: COMMISSIONER BRADY MOVED TO HOLD A SPECIAL PLANNING COMMISSION MEETING ON WEDNESDAY NOVEMBER 14, 2018 AT 5:00 IN THE COUNCIL CHAMBERS. COMMISSIONER BLACKBURN SECONDED THE MOTION. CHAIR WELSH, COMMISSIONERS BLACKBURN, BRADY, CARTER, AND SULLIVAN VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

4.4 Chair and Vice Chair Appointment

The Planning Commission will appoint a chair and vice chair.

Chair Welsh suggested that this item be postponed to another meeting. The Commissioners present agreed. There was a discussion about the process.

COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

There were no reports given.

STAFF REPORTS

Community Development Director Morgan Brim – Mr. Brim reported that Maverik had submitted an application for a conditional use permit for the southern portion of their property to accommodate trucks and campers. He reported that The Vineyard Shores site plan would be presented in December or January. There was a discussion about the name of The Shores. Mr. Brim reported that the Mill Town development would have nine buildings included with their site plan and conditional use permit. He mentioned that they had changed the name from “Mill Town” to “The Yard.”

Public Works Director/City Engineer Mr. Overson – Mr. Overson reported that there was a delay with the bidding of the Center Street overpass. He explained that Union Pacific had laid off several employees and the project manager working on the overpass permit was one that was let go. He said that staff was hopeful that they would be assigned a new project manager soon. Chair Welsh asked about the timeline on the overpass. Mr. Overson explained that he wanted the bid process reinstated by December so they could do the winter work and stay on the original timeline. Mr. Overson reported that they had the third stakeholder meeting for the Town Center train station and that they were moving forward with options for the site plan. There was a discussion about landscaping on Main Street. Mr. Overson hoped that the train station design would be approved by April to start construction on the platform and parking. He reported that they were hoping to bid the extension of Main Street at the same time. He said that they hoped to have the construction of the overpass, the train station and Main Street all done a year from April 2019.

Commissioner Blackburn asked if there would be a problem with the restaurants in front of the Megaplex staying open during construction of the new buildings. Mr. Overson replied that most of the construction would be done from the back and hoped to have the road widened when they did the reconstruction. There was a discussion about the traffic pattern near the Megaplex and other developments.

Commissioner Brady asked about the budget to delineate the wetlands near the City offices and the timeline for that project. Mr. Overson replied that they would have the bid in in February and delineation would be done in April. They would then verify plant life in the fall. The discussion about wetlands continued.

There was a discussion about the 3- and 6-acre parks in the Waters Edge development. Mr. Overson thought that they would prep the land now for planting in the spring. The discussion continued.

Commissioner Blackburn asked about the installation of the sign by the Maverik introducing people to Vineyard. Mr. Brim replied that the Maverik had agreed to include it with their conditional use permit.

ADJOURNMENT

Chair Welsh called for a motion to adjourn the meeting.

Motion: COMMISSIONER BRADY MOVED TO ADJOURN THE MEETING AT 7:29 PM. COMMISSIONER CARTER SECONDED THE MOTION. CHAIR WELSH, COMMISSIONERS BLACKBURN, BRADY, CARTER, AND SULLIVAN VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

The next regularly scheduled meeting is December 5, 2018. A special meeting may be scheduled at a non-regularly scheduled time and date.

MINUTES APPROVED ON: _____

CERTIFIED CORRECT BY: /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER



VINEYARD PLANNING COMMISSION MEETING
Site Visit: 330 E 1750 N, Vineyard, Utah at 5:30 PM
Regular Meeting: Vineyard City Hall, 125 S Main St.
Wednesday, August 15, 2018 at 6 PM

Present	Absent
Madam Chair Cristy Welsh	Commissioner Shan Sullivan
Commissioner Bryce Brady	
Commissioner Anthony Jenkins	
Commissioner Tim Blackburn	
Commissioner Jeff Knighton	
Commissioner Stan Jenne	
Commissioner Nate Carter	

Staff Present: Engineer Don Overson, Planning Director Morgan Brim, Planner Elizabeth Hart, Planning Technician Joshua Smith

Others Present: Mark Wadsworth, Hadsworth, LLC; Steve Maddox, Edge Homes; Jacob Holdaway

1. CALL TO ORDER

Madam Chair Welsh called the meeting to order at 6:11 PM

2. INVOCATION

Invocation given by Commissioner Tim Blackburn

3. OPEN SESSION

Madam Chair Welsh opened the open session at 6:13 PM and asked for public comment on items not on the agenda. No comment was given and the session closed at 6:13 PM.

4. MINUTES REVIEW AND APPROVAL

April 18 and May 2 minutes for approval.

Before making a motion, Commissioner Blackburn asked to make editorial modifications to the May 2nd minutes. Specifically, line 40 - words were possibly missing creating confusion on what the sentence was; line 43 - when speaking about elevations Commissioner Blackburn recommended adding the phrase "which is difficult to determine with accuracy in many situations" because he felt it didn't make a lot of sense the way it was previously stated; & line 294 - words missing that did not make the sentence complete.

Mr. Brim recommended to Madam Chair Welsh to not approve the May 2nd minutes but to leave them for another time and only approve the April 18th minutes.

MOTION: COMMISSIONER JENKINS AMENDED HIS MOTION TO APPROVE ONLY THE APRIL 18th MINUTES AND COMMISSIONER BLACKBURN SECONDED THE MOTION AND ALL WERE IN FAVOR.

5. BUSINESS ITEMS:

5.1 Site Visit and Consideration – Hadsworth Ph. 2 Site Plan

The applicant, Mark Wadsworth, is requesting site plan approval of a second warehouse building on a lot within the Flex Office Industry (FOI) district with an existing building.

Madam Chair Welsh mentioned the site visit to the Hadsworth property and asked if Mark Wadsworth would like to speak.

Ms. Hart gave a quick zoning overview of the site. This included showing the site plan, zoning district (FOI), & describing the applicant's proposal.

Building - (warehouse-21,700 sq. ft., which includes office/warehouse space). The building does meet all set back requirements for the FOI district.

Parking - House staff calculated the parking as combining the square footage for both buildings and then calculating the 1 stall per 1,000 sq. ft. of warehouse and 1 stall per 300 sq. ft. of office space which came to a total of 68 parking stalls, which they meet.

Landscaping - Mostly existing. 1 tree and 10 shrubs are required for every 20 ft. street frontage. In front of existing building they have about 111 ft. of street frontage, they are required to add 3 additional trees to that street frontage per condition by staff.

Madam Chair Welsh clarified that there are 6 current trees and Ms. Hart added that 3 additional trees need to be added to the new building side.

Ms. Hart mentioned other conditions from staff. First, that the applicant provides a plant schedule for any new landscaping. Second, the landscaping plan that was submitted showed existing landscaping that was not on site, so that would need to be put in. Lastly, the storage in the back will need to be removed and parking put in place. These would need to be met before a Certificate of Occupancy is issued.

Staff is recommending approval of this site plan.

Madam Chair Welsh asked about the last condition and whether or not it is written down. Ms. Hart cited Number 4, "the applicant must install all of the required parking stalls prior to the issuance of a Certificate of Occupancy".

Madam Chair Welsh asked if that includes cleaning up the storage and that it is assumed and Ms. Hart says yes it does.

Madam Chair Welsh asked if there are any questions concerning the property.

Commissioner Blackburn stated that he didn't have any questions but he did compliment the owner and developer and say that it looked really good. He spoke of the style and design of the buildings and how impressed he was with everything that he saw.

Commissioner Knighton asked about the name, saying the owner is Mark Wadsworth but it's still Hadsworth, was that a typo? Mark Wadsworth explained that his wife is a Haddock and he's a Wadsworth and so they just combined the two names to make the LLC.

Madam Chair Welsh states that she likes it even more because of that. Continuing that she also enjoyed seeing the facility and mentions that the company has been a part of Vineyard for eight years.

Madam Chair Welsh asked for a motion.

MOTION: COMMISSIONER BRADY MADE A MOTION TO APPROVE THE PROPOSED SITE PLAN FOR THE HADSWORTH PHASE 2 WITH THE PROPOSED CONDITIONS LISTED. COMMISSIONER KNIGHTON SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

Mr. Brim then explained the next steps for the applicant, stating that they will need to contact the Building Department and submit a building permit.

5.2 Vineyard Shores Preliminary Plat

The applicant, Edge Homes, is requesting preliminary plat approval for the Vineyard Shores. The subject property is located within the Town Center Lake Front Residential district. The subject property extends north from 400 North to just south of the Vineyard Connector and extends west from the Waters Edge subdivisions, the Preserve and Villas to the edge of the existing Vineyard Road and Utah Lake. The applicant is proposing fifteen (15) Single-Family Lots, forty-one (41) Condo buildings and fifty-five (55) Townhome buildings for a total of 695 residential units.

Madam Chair Welsh asked Ms. Hart to give a review of the Vineyard Shores Preliminary Plat. Ms. Hart said that they are having some technical difficulties and asked if the applicant can go first. Madam Chair Welsh invited Steve Maddox from Edge Homes to the podium.

Mr. Maddox began by introducing himself to the commission and states that he brought a team with him to answer any questions that the Commission might have. He also stated that they have brought several displays in case any questions need further information.

Mr. Maddox gave a brief history on how they acquired the parcel and discussed the meetings held with Mr. Brim, Mr. Overson and other staff.

Discussion ensued detailing what they needed to do concerning infrastructure, roads and what the plan was of the area before their involvement.

Madam Chair Welsh asked for clarification of what constituted questions about minute

Mr. Maddox stated that he believed what they were presenting tonight was what would be most beneficial to the community and the main item to which Edge Homes had asked for and believe has consideration for is the new road alignment. Mr. Maddox and his partner walked along the shoreline and road and found the environment to be uncomfortable and felt that if they can pull that road into the community, build a brand-new road and run the utilities down the center of

137 the project for future and current the City would be able to preserve a shoreline. There are a
138 couple of cracks at this as the shoreline is developed that became the paramount focus on what
139 we wanted to do was to create accessibility to the shoreline for the general public and for our
140 community. We have spent time working on what our proposal will be as we come forward with
141 final on what that shoreline renovation would look like, we have met with the appropriate
142 agencies on what our rights are with wetlands and what they are not and were given a warm and
143 welcome reception on how and what we would need to do, we reached out to the consultants
144 and we will be presenting that to you in the future.

145
146 There was a consideration on the north of the property to make sure our road alignment worked
147 with the future promenade. They believe they have shown and exhibited how they would tie into
148 the north with the road alignment and they hoped that this will work with what the ideas are on
149 the promenade and how this will tie into the project. They are open to consider whatever detail
150 the City wants even though it isn't on the project. They certainly want to be in congruent the next
151 item on the south of the property.

152
153 On the south of the property the developers want to put in some single-family dwelling units.
154 There will be an amenities package included. The developers did not anticipate the aging
155 population in Utah would live there. They had predicted it would be students who would live
156 there. Another item is the elevations of the project. They will be presenting brand new elevations.

157
158 Morgan sent an email about the parking problem. The developers have included more parking in
159 their plan than what the city code requires and they would like to do a work session with staff to
160 see what should happen. Not what the ordinance calls for, but what should happen. They want
161 to find a long-term solution.

162
163 Mr. Maddox asked for general questions and requested that they not get into the minute details
164 of the plan.

165
166 Madam Chair Welsh asked for clarification of Mr. Maddox's request to not get into the minute
167 details.

168
169 Mr. Brim clarified that this was a preliminary plat and they will have a site plan coming forward in
170 January that will address specifics (open space, elevations, bike lanes, etc.). There are specific
171 design standards built into the code to regulate form. They wanted to focus on the preliminary
172 plat, but the applicant was prepared to answer. Mr. Brim asked for them to keep questions to the
173 10,000 ft level and not get into questions about the window design and where front doors are.

174
175 Mr. Maddox added that one of the items that is not included is the powerlines. He explained cost
176 and placement of the powerlines.

177
178 Madam Chair Walsh turned the time to Ms. Hart for the staff report.

179
180 Ms. Hart said that this property is located in the Town Centre and is the area called Lake Ridge
181 Residential. The subject property is 51 acres, which includes 13.38 acres of open space. For
182 projects within the Town Centre it does require 20% of the project to be open space. The
183 developers have exceeded that with 26.2%. It does not include the Utah Lake improvements – it
184 is only what is within the project. The Lakefront Residential area allows for residential. The

185 developer proposed three different types of residential: small lots single family dwellings, condo
186 buildings, and townhome buildings. There will be a total of 695 residential units in this property.
187 It comes to 13.61 units per acre. There is no maximum density for this area. Within the district
188 there are two different street types: 1. A side street (proposed for 88 feet, 30 total parallel parking
189 spaces proposed). 2. Lakefront Street (extension of 300 North, proposed for 100 feet, proposed
190 100 alternate parallel parking along the street.

191
192 Staff has a few conditions: 1. Applicant works with staff on the northern extension of the Lakefront
193 Street. 2. Applicant must provide documentation from the State regarding the improvements to
194 Utah Lake to give confirmation to the City that the State will allow them to do this.

195
196 Ms. Hart asked for any zoning questions.

197
198 Commissioner Jenkins asked a question concerning the parallel parking on the extension of the
199 street if allowing parallel parking on one side of the street, but not the other is justifiable.

200
201 Mr. Brim intersected and said that because it's in the Town Centre it must follow the specifications
202 from the city code and also from the Town Centre code. Even though that street is an extension
203 of another street it still is a special design street from the code. The street is designed so that
204 parking is built into the street. The graphic didn't show the extension very well, but the extension
205 will have the parking built into the street. The applicant knew that by providing such a great
206 amenity more than just the townsfolk will use that. Street parking is a good thing if you actually
207 build it into the street so it doesn't block traffic.

208
209 Madam Chair Walsh asked how bike lanes will work.

210
211 Mr. Maddox answered that what they have planned is to push the parking out so that the bike
212 lane will still continue in the street. The only conflict will be when people back out of the parking
213 lane to ensure there are no bikes behind them.

214
215 Mr. Overson interjected that another thing they could look at, which would take up more room,
216 is called slip parking with 45-degree parking. It takes the lane plus the parking so it's a little bit
217 deeper, but if you don't have enough room it doesn't make sense. With the amenity the developer
218 is talking about putting at the Lakefront, public parking will be necessary so the public doesn't go
219 onto private parking.

220
221 Commissioner Brady asked about the trail on Loop Road making sure it will continue.

222
223 Mr. Overson responded that yes, it would continue.

224
225 Commissioner Brady also asked about the alleyways.

226
227 Mr. Overson answered that those alleyways will stop there.

228
229 Another commissioner asked if it was possible to connect the road with the Vineyard Connector
230 Road because adding those additional units will increase traffic.

231
232 Mr. Overson remarked that the road will continue up and connect at 1200 N

233
234 The commissioner added a follow-up question asking why they don't connect them sooner so that
235 you won't have to cross any roads in the Promenade.
236

237 Mr. Brim inserted that if you look at the design of Promenade it follows it pretty closely and shows
238 a surfaces crossing. He said that Mr. Overson had done a good job working on the crossings for
239 other places in Vineyard. They're trying to do overpasses and decrease potential conflicts with
240 pedestrians, but due to costs staff pinpointed Main Street as a hub of activity because that's were
241 the train will be.
242

243 Commissioner Brady asked if it would be easy to turn that road east and connect it to Vineyard
244 Connector.
245

246 Mr. Overson said that the problem with that would be that the road would be 12 or 15 feet about
247 the existing freeway. You would have to wait for it to come back down to grade.
248

249 Commissioner Brady asked if there would be confusion about the amenities for the lake being
250 mistaken as something only residents could use.
251

252 Mr. Maddox answered that with appropriate management and signage there should not be
253 confusion about the area.
254

255 Commissioner Brady asked if there would be any retail.
256

257 Mr. Maddox answered no there won't be.
258

259 Commissioner Brady asked if there has been any resistance from the county or state.
260

261 Mr. Maddox answered that there hasn't been and there is actually funding from the state to help
262 improve that area. They envision a lot of native sand in that area being reclaimed.
263

264 Mr. Overson mentioned that north and south of this project the City plans on incorporating the
265 shoreline in future projects.
266

267 Mr. Maddox foresees that residents will be the future eyes of this area.
268

269 Commissioner Blackburn clarified that there will be future presentations on shoreline
270 improvements. He was concerned that there may not be any tie-in with the mayors of other cities
271 and their plans on what they will do with their shoreline. He encouraged the developer to stay
272 and take part in those conversations to make sure they're moving forward as one unified force.
273 He's concerned that the condos and townhomes will block a lot of the view of the lake. The only
274 people who will have a view of the lake will be the people who live on the lakeshore. It felt high-
275 density to the commissioner. He projected it will be three to four thousand people. He was very
276 concerned about that. He would prefer density reductions as developers move closer to the lake.
277

278 Mr. Maddox said that they have tried to be creative and examine many different areas that are
279 high and low density. Their buildings will put a damper on the view-scape, but they felt that they
280 are justified because they are trying to make the powerlines and such more accessible. He

281 thanked Commissioner Blackburn for his concern of the land and said they will try to care for the
282 land as they build as well.

283
284 Madam Chair Walsh asked a follow-up question to Commissioner Blackburn's comments. She
285 advocated to get rid of a line of condos by the pool so that residents who are driving east to west
286 will have a view of the lake. It would open that whole section and stated that otherwise there will
287 be no moment to glimpse the lake while driving that road.

288
289 Mr. Maddox replied that that is in their notes.

290
291 Madam Chair Walsh asked another question about parking.

292
293 Discussion ensued about parking and high density.

294
295 Commissioner Jenkins asked staff about the amenities. Will they be deeded to the city, county or
296 who?

297
298 Mr. Brim responded that his understanding is that the city would lease the property from the
299 state so it would be a public amenity that the city would control but be lease through the state.
300 The city would also need to work closely with the HOA about security, etc.

301
302 Commissioner Jenkins responded that cool amenities are also expensive to maintain. He
303 questioned the approach of building 10 parking spots per unit and added that he felt the better
304 approach is to clearly let renters and buyers know how many parking stalls have been allocated
305 and approved per unit and enforce that. He felt that was the best way to go.

306
307 Discussion ensued about parking expectations and public transit.

308
309 Ms. Hart asked a question for Mr. Maddox. She asked if it was the developer's plan to only have
310 two phases.

311
312 Mr. Maddox replied that those are macro and there will be two more phases within those.

313
314 Commissioner Knighton added his thoughts to the parking/public transit/density discussion
315 saying that he agreed that public transit is the future. He said that density done wrong has a lot
316 of bad ripple effects. He said that many places over the valley have done density wrong so many
317 people are worried about it. Other places in the county have succeeded in their density planning.
318 He asked for strong connections to the lake from the roadway. He also asked about the parking
319 area by the clubhouse.

320
321 Madam Chair Walsh asked for clarification for the public amenities.

322
323 Mr. Maddox showed all the public amenities on the map. They expect very low maintenance area
324 that is beautiful.

325
326 Other commissioners voice their support of Madam Chair Walsh's opinion that the condo blocking
327 the lakeview needs to go.

Madam Chair Walsh stepped in and voiced her support of the product and all the public space that will be in this project. Other commissioners agreed.

Discussion ensued about the connections (roads and trails) to the public amenities.

Commissioner Jenne mentioned how he felt like this will only be an amenity to the people who live there.

Further discussion ensued about whether these amenities will feel like a public amenity or just for the use of those who live in that area.

Mr. Brim recommended that public comment be included in this plan because it is affecting so much.

Madam Chair Walsh opened up the meeting to public comment.

No comments were made.

Madam Chair Walsh gave appreciation to the developers and what they have brought. She spoke briefly on the actual product that will be there. She hoped that the shorelines and lake will attract buyers from a less transient population.

Mr. Maddox replied yes, they are taking into consideration how to attract more stable buyers.

Madam Chair Walsh asked for a motion.

MOTION: COMMISSIONER JENKINS MADE A MOTION TO APPROVE THE PROPOSED SITE PLAN WITH STAFF RECOMMENDATIONS AND TO REMOVE THE SITELINE BY REMOVING THE BUILDING NEAR THE CLUBHOUSE AREA. COMMISSIONER BRADY SECONDED THE MOTION. ALL WERE IN FAVOR EXCEPT COMMISSIONER BLACKBURN. THE MOTION DID NOT PASS UNANIMOUSLY.

5.3 Jacob Holdaway – Walkara Way Conservation Project Presentation (Slides into official minutes)

Mr. Holdaway stood to present the idea of a Walkara Way Conservation Project. He has had previous experience in these types of conservation projects throughout the nation. He began by going over the history of Vineyard. The city was organized by Mr. Holdaway's grandfather and uncle. He gave a little background on himself and then gave a little background on Vineyard.

There are 1,024 acres of land that are not underwater from Provo Boat Harbor to Lindon Boat Harbor. It's famous for the migratory status and animals that have been housed there. The lower slew used to be the number one hunting area for duck and geese when Mr. Holdaway was a child. In 1970 the State made a mistake and thought the shoreline belonged to them. All the farmers were forced to leave their land for a period of about 30 years. The phragmite really grew and invaded during this time. It wasn't until about

12 years ago that the State came back and said "Wait, there a lot of land here." It's deemed Wetlands so it can never be developed. The only thing the owners can do is graze cattle. Over the years many fires happen and so the fence lines that used to be there are no longer there.

The only place on the upper slew that is left for wildlife to go is the Sleepy Ridge Golf Course. That's a danger to the golfers and you can't do anything about the wildlife that's there. Only if the area floods will it go underwater, but most of it is dry ground.

In November of last year, the government went in that area and sprayed for weeds. The weeds are already 15 feet tall. The Lake Commission rotates through each area every 5 years so they're not coming back for another 5 years to spray those weeds.

One of the biggest resources on this land is the hunting, fishing, and wildlife. The litigation destroyed much of the beach property that the phragmites when over. The cattle grazing kept the weeds down. The State has invested 2.5 million dollars in phragmite removal and that's for a six-year process. From Lindon to Provo there is a mosquito habitat like no other.

The deadfall from all the foliage and weeds every year is so high and the fire danger is so high there too. That area is so close to homes and clubhouses.

There are grinding stones and arrowheads that have been found on the property. Chief Walkara build wickiups on the east side of the lake somewhere between Lindon and Spanish Fork. There is a remnant of those remains there. The state wants to connect from their trails all along the lake. The sandy beaches would take 3-4 years of heavy grazing to get back to their sandy state. These projects are hard. There's a lot of government entities and private owners that would take part in this project. The property owners do have hard feeling of their legacy being taken away for so long.

Mr. Holdaway has created a general plan for all three cities and properties owners. 1st all property owners must be brought together and create a special land use contract for the entire project from Lindon to Provo. It would public use policy, not private use. 2nd Establish an entity that would retain the revenue sources needed to create a long-term maintenance of the entire project. There's state money, federal money and grants for this conservation efforts. There could be camping for various groups. Eventually we could get to a point where this would be self-sustaining. 3rd Once the entity is created go back to the 100-year-old plan that worked. Put a boarder fence up and divide the entire project into sections for cattle to graze on over time. It won't be a cattle operation so

you just move the cattle to the areas to other areas. Vineyard area has the best beach area. 4th Go into the nine field drains that were dug over 100 years ago that are under 15 feet of phragmites. Each city gets to designate and design their own purposes for their beach property. Once all of that has been done you can go into Phase Two: Introducing the public. You'll pass a cattle grate so that the area can provide clear accessible area. Ensure there are access area. Property owners can continue to graze on the property. Everybody wants different things. Things just need to be hashed out to see what everybody wants, and the project needs funding.

Madam Chair Walsh thanked Mr. Holdaway for his presentation.

Mr. Brim added that Edge wanting to do a project right along the shoreline and that may be something they want to include in the project.

Discussion ensued about the importance of the lakefront property and grazing.

Vineyard can help by bring people together and bringing more voices to the table. Ultimately Phase 1 is to clear the property, Phase 2 is to bring the owners to the table and figure out what everybody wants. Vineyard can help with political support.

Discussion ensued about when the Planning Commission could agendize this and see the property.

6. COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

7. STAFF REPORTS

- Morgan Brim, Community Development Director
 - General Plan
 - Citizen Open House: 18 September at 5:30pm. It is open to the general public. There will be questions on the screen and everyone will vote on a keypad.
 - Business Community Scoping Session: 18 September at 2:30pm for businesses owners and community leaders.
 - Working Group: 19 September at 9:00am to review results.
 - Bicycle Friendly Community
 - People need to take the survey in order for us to be qualified as a bicycle friendly community.
- Don Overson, City Engineer

- City is moving forward with the bidding on the over pass. The UP permit is 90 days out and they will soon begin building all the offsite construction so that everything will be ready once they do get the UP permit.
- The train station design and master plan has chosen CRSA, which is a very good company – the best out of the four companies that proposed on it. It is a Utah company with offices nationwide. This is the office that will design it. The design has two phases.
 - 1st Phase: The masterplan of the train station area (train station, parking, and first buildings around the train station).
 - 2nd Phase: Construction of the platforms and parking.
- Approved to purchase two large pieces of equipment (the largest purchases Vineyard has ever made). \$400,000 for a vactruck (sewers, land-drain, etc.) and \$100,000 for a street sweeper.

8. ADJOURNMENT

MOTION OF APPROVAL (Who gave, who second, who approved/denied) Bryce, Jeff Second, all in favor

MOTION: COMMISSIONER BRADY MADE A MOTION TO ADJURN. COMMISSIONER KNIGHTON SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

MINUTES APPROVED ON:

CORRECTED BY: /s/ McKenna Marchant

McKenna Marchant, Planning Technician



VINEYARD PLANNING COMMISSION MEETING
Site Visit: 300 W and 400 N at 5:30 PM
Regular Meeting: Vineyard City Hall, 125 S Main St. at 6 PM
Wednesday, September 19, 2018

Present	Absent
Madam Chair Cristy Welsh	Vice Chair Anthony Jenkins
Commissioner Jeff Knighton	Commissioner Tim Blackburn
Commissioner Bryce Brady	Commissioner Nate Carter
Commissioner Stan Jenne	
Commissioner Shan Sullivan	

Staff Present: Liz, Morgan, Don, Sullivan

1. CALL TO ORDER

Madam Chair Welsh called the meeting to order 6:10 PM

2. INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE

Pledge of Allegiance given by Madam Chair Welsh

3. OPEN SESSION

Madam Chair Welsh opened the open session at 6:10 PM and asked for public comment on items not on the agenda. Ajax Trueblood (lives in Cascade area) stood to speak about his concern about density in Vineyard. He was concerned about Vineyard's rapid growth and what will happen with traffic, public safety, etc. He was particularly concerned about the 6-acre park. He was concerned it will never be finished and will never be finished in an esthetically pleasing way. He expressed concern about a backslide situation concerning the 6-acre park. He said that the plans Flagship is now working toward for the park are much more industrial and not as ethically pleasing as the first plans. He was concerned about time, the standard the park will be held to, and the maintenance of the park.

Madam Chair Welsh thanked Mr. Trueblood for his comments.

Mr. Brim interjected that the park plans would be addressed later in the meeting tonight.

Madam Chair closed the open session.

4. MINUTES REVIEW AND APPROVAL

No Minutes to review/approve.

5. BUSINESS ITEMS:

5.1 Site Plan Amendment – East Lake Warehouse

38 The applicant is requesting approval for a site plan amendment to the architectural design of the
39 building.
40

41 Ms. Hart gave an overview of what staff found in the staff report. Staff did a final planning
42 inspection and found the site plan elevations had changed which is why the amendment is going
43 through Planning Commission. Ms. Hart gave a description of the building and what has been
44 built. Some of the esthetics of the building had been changed. Ms. Hart turned the time over to
45 the applicant to discuss the changes.
46

47 Davies, owner of Davies Design Build, discussed why they changed the architectural designs. The
48 building was originally supposed to be an insulated steel building. When they were going into
49 Geneva Anderson changed the covenants of that area. Geneva Anderson changed to require a
50 building that was more expensive to build: a CMU building or concrete panel building. Other
51 changes were taking place at the time as well. The corrugation is included in the elevation.
52 Davies Design Build explains that Geneva Anderson was threatening litigation at the time and
53 the builders were just trying to make everybody happy. The building that was built is more
54 valuable. Even though it is simpler and cleaner cut it is much more valuable. The process took
55 two years to complete.
56

57 Mr. Brim added his comments on the situation explaining that there wasn't much staff oversight
58 from beginning to end since there were so many staff changes taking place in Vineyard at that
59 time. He didn't want to fault the builders, but stated that when the building plans changed it
60 should have been brought back to the City for approval. He stated that the focus of the meeting
61 today is that there was supposed to be a metal awning over every door on every site plan. The
62 builders need to get approval to not include the awnings.
63

64 Madam Chair Welsh asks questions about current design. Davies responds. Ms. Hart says that
65 the awnings are encouraged, but not required.
66

67 Stan asks questions to owner. Davies responds to questions saying that Geneva Anderson went
68 through five changes in their CCNRs as the builders were building that Davies was trying to keep
69 up with on the building.
70

71 Mr. Brim said the building does look good. But the processes must be followed. Staff does not
72 have the power to waive these processes which is why the commission must decide if they will
73 waive the site plan.
74

75 Public comment is made by Alex Trueblood. Chris Judd, resident, made another comment.
76 Owner explained that many of the intended designs and materials were lost in the process.
77 Owner explained that they thought the building changes were building communicated with
78 staff. There were multiple inspections and visits by staff so the builders thought the comments
79 exchanged, but not recorded, were noted by staff. Ms. Hart shows that staff really researched
80 what was submitted and shows what was stamped and approved.
81

82 Jeff made a comment on value of concrete, but ultimately the concrete makes it looks
83 unfinished. Christy makes a comment concerning the awnings. Owner asks for a compromise to
84 put awnings on the corners. Fewer awnings than the original site plan. Madame Chair Welsh

indicates that she would be fine with that, but also asks for the front of the building to have two awnings in the center.

MOTION: COMMISSIONER JENNE MADE A MOTION TO APPROVE PLAN WITH SIX AWNINGS. FOUR CORNER AWNING AND CENTER TWO AWNINGS ON FRONT. COMMISSIONER SULLIVAN SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

5.2 Site Visit and Consideration – 3-Acre Park and 6-Acre Park

Flagship Homes is requesting site plan approval for the three (3) acre Utah Lake Shoreline Park and the six (6) acre Community Park that is part of the Waters Edge Master Plan. The 3-acre park is located at 300 West and 400 North, above the James Bay subdivision and right up against Utah Lake, and the 6-acre park is located at Main Street and Vineyard Loop Road.

6-Acre Park

Bronson, Flagship Homes, gave an overview of the park. The design intent is a passive park. It will share parking with private HOA clubhouse. Design Elements: 1. Pond 2. Upper pond. 3. Bridge going over the stream 4. Four small pavilions. 5. Pump house. 6. Detention basin. 7. Playset 8. Medium Size Pavilion 9 and 10 have already been reviewed.

Ms. Hart addresses landscaping along fencing along Providence neighborhood. Recommended council add requirements for landscaping since landscaping is pretty sparse. Proposed lighting would not meet the downlighting standard, shield cuts the upward light. Recommended condition on the light and automated sensors.

Mr. Brim asks further questions about the shield on the lights and if it would actually point the light down.

Bronson responded that he is unsure, but can ask the manufacturer.

Madam Chair Welsh clarifies that the lights have the capabilities to have the automation and sensors, but the system that will be installed does not have the capability to control that.

Bronson responds that she's correct.

Ms. Hart pointed out the red dots on the site plan are the lighting.

Bronson interjects that the site plan also shows the restroom.

Staff moved to commenting on Landscaping. Ms. Hart pointed out that there are trees on the site plan that are not on the tree manual. Those trees need to be approved by the public works dept and meet spacing standards within tree manual.

Mr. Love (Water, Trail, Parks) mentioned his concerns about certain things in the 6-acre park. His first concern is the two-stream litter receptacles. Public Works dept. is already having trouble with those receptacles because there is not active participation in the recycling part of the receptacles. He proposed that they just have single-stream receptacles and replace the wood insert with a stainless-steel insert. They are concerned about the longevity of the wood insert. Another issue is that the Clubhouse agreement to share water needs to be ironed out.

Clubhouse and park need to decide if park and clubhouse will need to share a dumpster. Sidewalks have been enlarged to provide access for maintenance vehicles. He mentioned his concern that the trees and benches may not provide enough clearance for maintenance vehicles. He also mentioned concern about types of grass. The grass mix at the 18-acre park has been difficult to maintain so he suggested to just do Kentucky Bluegrass for the 6-acre park.

Madam Chair Welsh opened the 6-acre park to public comment:
Sharise, resident, asked when the completion date will be.

Bronson responded that the park completion should be mid-November of 2018. The thing that would carry into next year would be the grass. All the plans are out to bid. The pavilions have been shipped and the play equipment will arrive in October. Everything has been purchased and all things have been contracted.

Madam Chair Welsh asked Bronson to explain play equipment.

Bronson explained play equipment. Resident questioned the heat of the slides. Bronson said that the City had already expressed concern on that and proposed to coat it with a white color.

Resident expressed concern about the mayflies, plans for abatement, and what the City can do.

Don addressed the residents concern. He stated that the different between treatment for mosquitoes and mayflies is when you treat them. Mayflies you treat during the morning and mosquitoes you treat at night. The contract cost to do that is astronomical so right now the City is trying to get the equipment for itself so as to get better coverage. City is wanting to eventually customize it (treatment plan).

Madam Chair Welsh mentioned that she has seen a noticeable different at the other park that has been finished because the City has contracted treatment for.

Resident expressed concerns about restrooms location and asks if they can move it. She said that homeowners don't want to look at a restroom.

Don responded that sewage is difficult to change. He commits to looking into changing the location of the restrooms and see if there is another location it can be without having to tear up any residents' yards to adjust that location.

Discussion ensued about possible locations for the restroom.

Residents asked about the pond and current algae growth. She said that right now the pond is stinky and not a place people would like to hang out. She suggested moving the benches.

Madam Chair Welsh responded that they will be putting a bubbler system in to keep the pond cleaner.

Mr. Love further clarified the situation, stating that the water is irrigation water. The pond water will never be pretty crystal-clear water. The aeration system should help clear that water as well as the upper basin system. He stated that he is investigating further solutions.

Chris McKolgise, resident, asked if the upper basin will consistently be drained so that algae won't have the chance to grow.

Madam Chair Welsh asked Mr. Love to explain how it works and he elaborated. He said that it is the City's first treatment of something like this and they are experimenting with what will work.

Mr. McKolgise responded that he has further concern about the smell, bugs, and the resident had been told it would be turned into an ice-skating rink in the winter.

Staff informed him ice-skating may or may not be true. There is no official plan for that.

Mr. McKolgise expressed further concerns about the height of the park and the retaining walls that were put up around the residents' homes. The retaining wall is thicker on the side of the residents. He would like someone to move the wall.

Discussion ensued about the retaining walls. This is a civil issue between the Builders and home owners.

Chris Judd, resident, asked for an update about the talk of shade structures in previous meetings.

Bronson responded and said that the shade structures are not cheap and they are already over budget.

Commissioner Brady questioned the bathroom style. He said that everything else in the park looks very modern, but the bathrooms look like something from the 80s.

Bronson responded that the picture is not accurate. He proposed that it would look more like the pump rooms. He added that he recommends that it has grey pillars and black roof. He also added that there are options for everything.

Commissioner Brady also asked if there's a way they can avert the lights from the park going directly into people's homes.

Bronson responded that they can look at taking the lights out or changing the design. He said the shields will definitely minimize the amount of light, and that the control panels can be added that will dim the light.

Discussion ensued about design of shields.

Commissioner Sullivan asked about the materials that will be used.

Discussion resumed about lights.

Commissioner Jenne asked a follow-up question to the water: Will it be a concrete channel? Because that is not very esthetically pleasing.

Resident added that BYU's streams could be emulated. They have rocks, plants, and flowers that make it very pretty.

Mr. Brim asked Bronson to let them know now in the meeting if it's already too far into planning or over budget to change that so that the meeting wouldn't lose time over something that wouldn't happen.

Bronson responded that there are things he would do differently if he had more money.

Commissioner Knighton returned to lighting asking if there would be lighting in the trails and corridors that goes down to the park.

Don addressed the lighting at night during the summer and cost. The park will be closed at 11 so there should not be anyone in the park after that time. If there is, the police will escort them out. Lighting up the whole park all the time is too expensive. There will be enough lighting to keep it safe.

Resident commented about other unlit trails in Vineyard saying that people just need to make sure they are traveling safely and smartly through those areas.

Madam Chair Welsh brought up the concern about the large pavilion close to homes. She is nervous about the lights that are in there and the people that will be there.

Bronson addressed the concerns about the pavilion. He addressed certain restrictions and constraints about the area they're working with.

Discussion ensued about the pavilion.

Madame Chair Walsh recommends scraping the large pavilion if they can't move it or changing it for a smaller size. She then moved onto landscaping. The playground to the Vineyard Loop Road needs more landscaping.

MOTION: COMBINED WITH CONDITIONS IN THE STAFF REPORT AND THE FOLLOWING: LITTER RECEPTACLES SHALL BE SINGLE STREAM AND HAVE STAINLESS STEEL INTERESTS INSTEAD OF WOOD. GRASS WILL ALL BE KENTUCKY BLUEGRASS WITH NO EDGING. THE PROPOSED TREES AND SPACING NEED TO BE EITHER IN THE TREE MANUAL OR APPROVED THROU THE PUBLIC WORKS DEPARTMENT DIRECTOR. ALL LIGHTING SHALL BE DOWNCAST. AGREEMENTS WITH SHARING WATER AND USE OF DUMPSTER AREA SHALL BE ESTABLISHED WITH THE CITY. FLAGSHIP SHALL WORK WITH STAFF TO ENSURE VEHICLE CLEARANCE. REDUCE THE SIZE OF THE PAVILION AND CONSIDER ADDING A SECOND PAVILION. MATERIAL BOARD SHALL BE PROVIDED TO STAFF AND THE BATHROOM SHALL MOVE WEST. THE ENCLOSUREMENT OF THE DUMPSTER SPACE SHALL MATCH THE BATHROOMS. COMMISSIONER KNIGHTON MADE A MOTION TO APPROVE. COMMISSIONER BRADY SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

3-Acre Park

Bronson explained the location of the park and gave an overview of the park. 1. There are 62 stalls because a 2. sidewalk has been added, providing connectivity, and losing 5 stalls. 3. It is

the same size large pavilion as the Vineyard Grove Park. 4. There will be the same restrooms as the 6-acre park. 5. There will be 3 sand volleyball courts and a play area. 6. Is a sand water play area. 7. Is more play equipment with the main feature being a slide tower. 9. Open Lawn area. 10. Amphitheater area. Can remove the amphitheater or shrink it so it's not as big. The west side of the park will be a much more manageable slope 11. Is beach access. The beach is on hold because they need to work with the city, county and state to get access to that.

Commissioner Knighton asked about bike parking.

Bronson and Staff responded there is an area with 16 bikes and repair stations.

Commissioner Brady asked if the trail is continuous.

Discussion ensued about the continuation of the trail (which will be 10-feet across).

Commissioner Jenne has a concern about the pieced fitting together (James Bay emergency regress). He asked about the owner of the road, owner wouldn't build until the road is corrected. Timing is scheduled for this year.

Bronson responded that the roads will connect and gave further details. Vineyard City owns the road. Once they have the approved plans, they will start the trail, but it will most likely be in the spring that they start paving.

Madame Chair Walsh asks if the park will be finished before the lots in James Bay are finished?

Bronson responded that he believed they were going to start paving James Bay in October. He said that they should have the parking lot in by then and the idea that this is a park.

Commissioner Brady asked about the water drainage and if there will be a retaining wall.

Bronson responded that that is something they will have to work with Edge Homes on because it's not all in their property lines. He imagines there will be some terracing so it can be a place where you can go and sit.

Commissioner Sullivan asked about the trees near the amphitheater.

Discussion ensued on the trees that are invasive or dead that they will be clearing out, and that the trees need to remain consistent.

There is no lighting in the park. Discussion ensued about park lighting.

Madam Chair Walsh stated that there do need to be lights in the park.

Mr. Love mentioned there needs to be emergency access, and storage rooms for maintenance vehicles. He also mentioned a concern about the tree plan.

Madam Chair Walsh replied that the tree plan will need to go through the public works department.

MOTION: COMMISSIONER BRADY MADE A MOTION TO APPROVE THE PLAN WITH THE CONDITIONS LISTED BY STAFF AND THAT THE APPLICANT ADD ADDITIONAL LANDSCAPING OR BERM TO THE PARKING LOT. THE APPLICANT PROVIDES A DETAILED SHOWING THAT THERE IS A TWO FOOT SHOWING INTO THE LANDSCAPE STRIP OR WALKWAY FOR THE PARKING STALLS. LIGHTING SHALL BE APPROVED BY STAFF AND SHALL BE DOWNCAST. A SINGLE STREAM TRASH RECEPTACLE BE USED WITH STAINLESS STEEL INSERTS. FLAGSHIP SHALL WORK WITH STAFF CONCERNING VEHICLE CLEARANCE THROUGHOUT THE PROPERTY. THE DUMPSTER ENCLOSURE AND BATHROOM AND STORAGE ROOM SHALL BE CONSISTENT WITH THOSE APPROVED FOR THE SIX ACRE PARK. THE TRAIL SHALL BE CONTINUOUS ASPHALT THROUGH THE PARK AND ALIGNMENT SHALL BE APPROVED THROUGH STAFF. COMMISSIONER KNIGHTON SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

6. COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

There was nothing to share.

7. STAFF REPORTS

- Morgan Brim, Planning Director
 - General Plan Results will be shared soon. The surveys will be online for the next two weeks for people to fill out
 - There is a little in the budget for two commissioners to attend training APA Conference and they should talk to Mr. Brim after the meeting.
- Don Overson, City Engineer
 - A contractor will be selected by October 24th for overpass. They are hopeful to begin construction on November 1st construction.
 - There has been a lot concern over the ponds, it will take a couple years to work out all the bugs. A system like the City's is roughly 1.6 million dollars. They're taking dirty irrigation water. Madame Chair Welsh stated it might be a good idea to have some community education/tours to understand that it's not just a water feature, it's a saving system.

8. ADJOURNMENT

MOTION: MADAM CHAIR WELSH MOTIONED TO CLOSE THE MEETING. COMMISSIONER BRADY SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MEETING CLOSED AT 8:43 PM.

AGENDA NOTICING COMPLETED ON: November 20, 2018

NOTICED BY: /s/ McKenna Marchant

McKenna Marchant, Planning Technician



Date: December 5, 2018
Agenda Item: Public Hearing and Consideration of Ordinance 2018-17 Hearing Officer ZTA
From: Morgan Brim, Community Development Director
Department: Community Development
Subject: Public Hearing and Consideration – Chapters 15.04, 15.06, 15.52, 15.46 of the Vineyard Zoning Ordinance and Repealing the Vineyard Development Code

This text amendment proposes replacing provisions, duties and responsibilities of the Board of Adjustment (BOA) with a Land Use Hearing Officer. The primary difference between a hearing officer and the BOA, is a hearing officer position is constituted by one person with knowledge of land use law and planning, whereas the BOA consists of seven members residing in the city boundary. The hearing officer will be provided authorization to review land use appeals and zoning variances. The proposed ordinance allows the Administrative Law Judge of Section 2.26.070 of the Municipal Code to fulfill the duties of the hearing officer. This code amendment affects several sections of the zoning ordinance, including:

- Chapter 15.06 land Use Authorities And Other Officers
- Chapter 15.46 Variances
- Chapter 15.52 Appeal Authorities and Procedures
- Section 15.60.020 Definitions
- Repealing Vineyard Development Code

The proposed Ordinance 2018-17 is attached with associated text amendments are attached.

RECOMMENDATION:

Staff is recommending approval of Ordinance 2018-17.

PROPOSED MOTION:

"I move to forward a positive recommendation of Ordinance 2018-17 to the City Council."

ATTACHMENTS:

- Proposed Ordinance (Includes all text amendments)

**VINEYARD
ORDINANCE 2018-17**

AN ORDINANCE OF VINEYARD, UTAH, AMENDING THE VINEYARD ZONING ORDINANCE INCLUDING SECTION 15.06.030 VINEYARD PLANNING COMMISSION REMOVING APPEAL AUTHORITY, REPLACING THE WORD TOWN WITH CITY; SECTION 15.06.040 VINEYARD BOARD OF ADJUSTMENT TO REPLACE SECTION TITLE AS LAND USE HEARING OFFICER, PROVIDING HEARING OFFICER POWERS AND DUTIES, REPLACING BOA WITH HEARING OFFICER, AMENDING APPOINTMENT AND TERMS PROVISIONS, MEETINGS AND HEARING PROCEDURES, COMPENSATION FOR HEARING OFFICERS AND UPDATING HEARING OFFICER RECORDING SECRETARY PROVISIONS; AMENDING CHAPTERS 15.46 VARIANCES AND CHAPTER 15.52 APPEAL AUTHORITIES AND PROCEDURES TO ADD PROVISIONS FOR THE LAND USE HEARING OFFICER, REPLACING TOWN WITH CITY AND UPDATING PROCEDURES GRAPHIC; SECTION 15.60.020 DEFINITIONS TO AMEND VARIANCE DEFINITION TO REPLACE BOARD OF ADJUSTMENT WITH LAND USE HEARING OFFICER; AND REPEALING VINEYARD DEVELOPMENT CODE ADOPTED IN FEBRUARY 1992 AS AMENDED.

WHEREAS, Title 10, Chapter 9a Municipal Land Use, Development, and Management Act of the Utah Municipal Code, permits 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, Vineyard is authorized to amend the City's Zoning Ordinance pursuant to Utah Municipal Code § 10- 9a-102(2); and

WHEREAS, the Planning Commission held a public hearing on December 5, 2018, and after fully considering public comment and staff recommendations, recommended approval to the Vineyard City Council; and

WHEREAS, the Vineyard City Council, having reviewed the proposed text amendments, held a public hearing on December 12, 2018; and

WHEREAS, the Vineyard City 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 Council of Vineyard, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "Hearing Officer And Procedures" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

~~Hearing Officer~~ 15.52 Appeal Authorities And Procedures

SECTION 2: **AMENDMENT** "15.06.040 Vineyard Board Of Adjustment" of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

15.06.040 Vineyard ~~Board Of Adjustment~~ Land Use Hearing Officer

The ~~Vineyard Board of Adjustment~~ Land Use Hearing Officer (hereinafter the “~~BOA~~ Hearing Officer”) was heretofore created and established pursuant to LUDMA, or prior enactments of LUDMA. The hearing officer shall replace in all respects the previous duties of the city's board of adjustment.

1. Powers and Duties. The ~~BOA~~ Hearing Officer shall hear and decide:

- a. ~~Provide suggestions to the Council and Commission amendments to the General Plan, as the BOA considers necessary.~~
- b. ~~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.~~
- c. Hear and decide ~~a~~ Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official or planning commission in the enforcement or interpretation of this title or of any ordinance adopted pursuant thereto, including conditional use decisions. Appeals may not be used to waive or modify the terms or requirements of this title.
- d. Hear and decide ~~a~~ Appeals from decisions made by an administrative official or the planning commission concerning subdivisions or subdivision amendments pursuant to Title 14 of this code.
- e. ~~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 VZC 15.46.~~ Requests for variances from the terms of the city's land use ordinances.
- f. ~~Render a decision on a~~ d Determinations of a legal nonconforming uses and noncomplying structures, as provided by VZC 15.42.
- g. Any other request or appeal of a decision delegated to the land use authority by title 16 and 17 of this code.
- h. ~~Render a decision on a determination of a legal noncomplying structure, as provided by VZC 15.42.~~
- i. ~~Render a decision on any other legal nonconformity, as provided by VZC 15.42.~~
- j. ~~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.~~
- k. A hearing officer, serving as the appeal authority, shall:
 - i. Act in a quasi-judicial manner;
 - ii. Serve as the final arbiter of issues involving the interpretation or application of city land use ordinances subject to appeal to the Utah district courts as provided in section 10-9a-801 of the Utah code.

2. No Authority. The hearing officer ~~BOA~~ shall have no power, jurisdiction or authority to consider any of the following:

- a. 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.
- b. To hear any amendments, waivers or modifications to the General Plan, any element or map thereof, or any provision or requirement of any Land Use Ordinance, including any Zoning Districts Maps and Official Maps.
- c. To make any decisions or determinations that would have the effect of authorizing a use, which is not identified in the Tables of Uses, VZC 15.64.
- d. To hear or decide any matter or Application not expressly identified herein.

3. **Hearing Officer**~~BOA Membership~~, Appointment, Terms, Removal, and Vacancies.
- a. ~~The BOA shall consist of five (5) members. Each hearing officer shall be appointed by the city manager with the advice and consent of the city council.~~
 - b. ~~BOA members shall be appointed by the Mayor, with the advice and consent of the Council. The manager may appoint more than one hearing officer, but only one hearing officer shall consider and decide any matter properly presented for hearing officer review.~~
 - c. ~~Members of the BOA shall be residents of Vineyard. No hearing officer member of the BOA shall be an elected official or employee of Vineyard.~~
 - d. ~~Hearing officers~~ All members of the BOA shall serve at the discretion of the Mayor and Council shall serve for a term of four (4) years. No member shall serve more than two (2) consecutive terms. Terms shall begin on January 1 of each calendar year. ~~Members' terms are to be staggered to so that no more than one (1) term shall expire each year on January 1. A BOA member shall not be automatically reappointed to a second term.~~
 - e. Hearing officers ~~BOA members~~ may be removed by the Mayor, with the advice and consent of the Council.
 - f. ~~A BOA member may be removed by the Mayor, with the advice and consent of the Council, if three (3) consecutive or twenty-five (25) percent of the BOA meetings in a calendar year are missed. If the absence of a BOA member is due to an extended illness or vacation, the BOA member is responsible to provide written notice to the Mayor prior to the time the absence will occur. If such notice is given, these removal requirements do not apply. The manager may designate the Administrative Law Judge to serve as the hearing officer as specified in section 2.26.070 of this code.~~
 - g. Hearing officer ~~BOA~~ vacancies occurring for any reason shall be filled by the city manager ~~Mayor~~, with the advice and consent of the Mayor and Council. Hearing officer ~~y~~ Vacancies on the BOA occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.
4. **~~Quorum and Necessary Vote:~~**
- a. ~~No meeting of the BOA shall be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the BOA. All actions of the BOA shall require the vote of a majority of the total members of the BOA. The BOA shall transmit reports of its decisions and recommendations to the Council. Any member of the BOA may also make a concurring or dissenting report or recommendation to the BOA.~~
5. **Effective Date of Decisions.**
- a. All hearing officer decisions ~~of the BOA~~ shall become effective on the date of the meeting when the decision is made unless a different date is designated, in the rules of the BOA, or the BOA designates a different date when the decision is made.
6. **Meetings, Hearings, and Procedure.**
- a. Hearing officer meetings shall be scheduled on an as-needed basis, following certification of submission of a complete application for hearing officer review. The BOA shall establish a regular meeting schedule.
 - b. ~~Special meetings may be requested by a majority vote of the BOA, or by the chair of the BOA.~~
 - c. ~~When a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available BOA meeting. The Recording Secretary shall notify all interested parties and all members of the BOA of the date when the BOA will hear the rescheduled matter.~~
7. **~~BOA Organization:~~**

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

8. BOA Compensation.

- a. ~~Members of the BOA shall serve without compensation, except that the Council may fix per diem compensation for members of the BOA, based on necessary and reasonable expenses and on meetings actually attended. The Council shall provide for reimbursement to BOA members for actual expenses incurred, upon presentation of proper receipts and vouchers.~~ Each hearing officer shall be compensated for their services on a reasonable, uniform basis applicable to all the city's hearing officers. The basis and rate of compensation shall be determined by the manager in consultation with the mayor and the city attorney.

9. BOA Members Volunteers:

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

10. BOA Hearing Officer Recording Secretary.

- a. The Mayor shall assign the City Clerk ~~Town Recorder~~, or designee, act as the Recording Secretary to serve the hearing officer ~~BOA~~. The Recording Secretary shall keep the minutes of all proceedings of the hearing officer ~~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 hearing officer ~~BOA~~ shall be filed in the office of the City ~~Town~~ Clerk ~~Recorder~~. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act.
- b. The Recording Secretary shall be compensated as approved by the Council.

SECTION 3: AMENDMENT "15.06.030 Vineyard Planning Commission" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.06.030 Vineyard Planning Commission

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

1. **Powers and Duties.** The Commission shall be an advisory body to the Council on legislative matters pertaining to the City ~~Town~~'s General Plan and Land Use Ordinances. The Commission shall:
 - a. Prepare, or cause to be prepared, the General Plan, any proposed plan element, any amendments thereto, and to submit the proposed plan, element, or amendments to the Council.
 - b. Prepare or cause to be prepared all Land Use Ordinances, including this Ordinance, Zoning Districts Maps, Official Maps, and any amendments thereto, and to submit such Land Use Ordinances, or amendments thereto to the Council.

- c. Review and recommend approval or denial of all Applications for a General Plan Amendment and Land Use Ordinance Amendment to the Council.
 - d. Review and render a decision of approval, approval with conditions or denial regarding conditional use applications.
 - e. Review and recommend approval, approval with conditions, or denial of all Subdivision Applications to the Council, as authorized by the Vineyard Subdivision Ordinance.
 - f. Determine and render a written interpretation of the boundary of a Zoning District, as provided by VZC 15.04.030.
 - g. ~~Act as an Appeals Authority, as provided by VZC 15.52.~~
 - h. Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, for the consideration of Applications and for any other purposes deemed necessary by the Commission, provided that such bylaws, policies, and procedures are approved by the Council before taking effect.
 - i. Advise the Council on other matters, as the Council may direct.
- 2. Commission Membership, Appointment, Terms, Removal, and Vacancies.**
- a. The Commission shall consist of five (5) REGULAR members AND UP TO THREE (3) ALTERNATE MEMBERS.
 - b. Commission members shall be appointed by the Mayor, with the advice and consent of the Council.
 - c. Members of the Commission shall be residents of Vineyard. No member of the Commission shall be an elected official.
 - d. 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 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.
 - e. Commission members may be removed by the Mayor, with the advice and consent of the Council.
 - f. 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.
 - g. 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.** No meeting of the Commission shall be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the Commission being present. The chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the Commission. All actions of the Commission shall require the vote of a majority of the total members of the Commission. The Commission shall transmit reports of its decisions and recommendations to the Council. Any member of the Commission may also make a concurring or dissenting report or recommendation to the Council.
- 4. Effective Date of Decisions.**
- a. All decisions of the Commission shall become effective on the date of the meeting when the decision is made unless a different date is designated in the rules of the Commission, or the Commission designates a different date when the decision is made.
- 5. Meetings, Hearings, and Procedure.**
- a. The Commission shall establish a regular meeting schedule.

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

6. Commission Organization.

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

7. Commission Compensation.

- a. The Council may fix per diem compensation for members of the Commission, based on necessary and reasonable expenses and on meetings actually attended. The Council shall provide for reimbursement to Commission members for actual expenses incurred, upon presentation of proper receipts and vouchers.

8. Commission Members Volunteers.

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

9. Commission Recording Secretary.

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

SECTION 4: **AMENDMENT** "15.46.020 Authority" of the Vineyard Municipal Code is hereby amended as follows:

A M E N D M E N T

15.46.020 Authority

- 1. The ~~Land Use Hearing Officer~~~~BOA~~ is hereby authorized to approve, approve with requirements, or deny all Variance Applications.

SECTION 5: **AMENDMENT** “15.46.030 Initiation” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.030 Initiation

1. Requests for a Variance shall be made on a Variance Application, as provided by the ~~city~~~~Town~~.
2. A property owner may present a Variance Application for review and decision. An agent of the property owner, or a lessee of the property, may present a Variance Application for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.
3. A Variance Application shall be determined complete by the Planner, as provided by VZC 15.24.060. For Variance Applications determined to be incomplete, the Planner shall comply with the requirements of VZC 15.24.070.

SECTION 6: **AMENDMENT** “15.46.070 Approval Standards For A Variance Application” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.070 Approval Standards For A Variance Application

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

SECTION 7: **AMENDMENT** “15.46.080 Required Findings For Approval Of A Variance Application” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.080 Required Findings For Approval Of A Variance Application

1. In determining whether or not enforcement of this Ordinance would cause an unreasonable hardship, as required by Section VZC 15.46.070, the ~~hearing officer~~~~BOA~~ shall not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on, or associated with the property for which the Variance is sought; and

- b. Comes from circumstances peculiar to the property, and not from conditions that are general to the neighborhood.
2. In determining whether or not enforcement of this Ordinance would cause an unreasonable hardship, as required by this Section, the hearing BOA shall not find an unreasonable hardship if the hardship is self-imposed or economic.
3. In determining whether or not there are special circumstances attached to the property, as required by this Section, the hearing officer BOA may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties in the same Zoning District.

SECTION 8: **AMENDMENT** “15.46.090 Variance Requirements Authorized” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.090 Variance Requirements Authorized

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

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

SECTION 9: **AMENDMENT** “15.46.100 Use Variance Prohibited” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.100 Use Variance Prohibited

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

SECTION 10: **AMENDMENT** “15.46.110 Effect Of Variance Application Approval” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.110 Effect Of Variance Application Approval

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

SECTION 11: **AMENDMENT** “15.46.120 Effect Of Approval A Variance Application” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.120 Effect Of Approval A Variance Application

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

SECTION 12: **AMENDMENT** “15.46.140 Appeals” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.140 Appeals

Any person aggrieved by a decision of the ~~hearing officer~~BOA regarding a Variance Application may appeal the decision to the District Court, as provided by the LUDMA, and VZC 15.52.

SECTION 13: **AMENDMENT** “15.52.020 Appeal Authorities” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.020 ~~Appeal Authorities~~Appointed Hearing Officers

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

1. District Court.

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

2. ~~Council~~Land Use Hearing Officer.

- a. Any person aggrieved by a decision of the Commission ~~or City Planner~~ in administering or interpreting the ~~Tow~~City's Land Use Ordinances may file an Appeal Petition with the ~~Council~~Land Use Hearing Officer.

3. ~~Commission:~~

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

SECTION 14: **AMENDMENT** "15.52.030 Maximum Time Allowed To File Appeal" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.030 Maximum Time Allowed To File Appeal

1. Any person, including the Applicant for any Land Use Application Approval, License, or Permit, and any board or officer of the ~~Town~~City, aggrieved by a decision of a Land Use Authority's decision administering or interpreting the ~~Town~~City's Land Use Ordinances may, within ten (10) days of the decision, appeal the decision to the Appeal Authority identified by this VZC 15.52.020, except as may be further provided by Subsection (2) and (3) below.
2. Any person, including the Applicant for any Land Use Application Approval, License, or Permit, and any board or officer of the ~~Town~~City, aggrieved by a decision of the Council, acting as a Land Use Authority, may file an Appeal Petition for the review of the Council's decision with the District Court within thirty (30) days after the land use decision is final, as provided by VZC 15.52.120.
3. Any person, including the Applicant for any Land Use Application Approval, License, or Permit, and any board or officer of the ~~Town~~City, aggrieved by a decision of an Appeal Authority may file an Appeal Petition for review of the decision with the District Court within thirty (30) days after the decision is final, as provided by VZC 15.52.120.

SECTION 15: **AMENDMENT** "15.52.040 Requirements For An Appeal Petition" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.040 Requirements For An Appeal Petition

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

SECTION 16: **AMENDMENT** "15.52.050 Condition Precedent To Judicial Review, Appeal Authority Duties" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.050 Condition Precedent To Judicial Review, Appeal Authority Duties

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

SECTION 17: **AMENDMENT** "15.52.060 Application Required" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.060 Application Required

1. An Appeal of a Land Use Authority's decision shall be made on the Appeal Application, provided by the ~~Town~~City.
2. An Appeal Application shall be determined complete by the Planner, as provided by VZC 15.52.060. If an Appeal Application is determined to be incomplete, the Planner shall comply with the requirements of VZC 15.52.070.

SECTION 18: **AMENDMENT** "15.52.070 Meetings, Records, And Action Of An Appeal Authority" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.070 Meetings, Records, And Action Of An Appeal Authority

1. ~~Each Appeal Authority, as identified herein shall:~~
 - a. ~~Notify each of its members of any meeting or hearing;~~
 - b. ~~Provide each of its members with the same information and access to Town resources as any other member;~~
 - c. ~~Convene only if a quorum of its members is present, which in no event shall be less than three (3) members of the BOA, or four (4) members of the Commission or Council; and~~
 - d. ~~Act only upon the vote of a majority of its convened members.~~
2. After an Appeal Petition is determined to be complete by the Planner, as provided herein, the Planner shall coordinate with the Appeal Authority to schedule the hearing of the appeal. The Planner shall transmit to the Appeal Authority all materials constituting the full and complete record of the decision of the Land Use Authority.
3. Following a written decision by the Appeal Authority, as provided by VZC 15.52.110, the Appeal Authority shall provide the Applicant with a copy of the written decision.
4. A record of the decisions of the Appeal Authority shall be maintained in the Office of the ~~City~~Town Recorder, which shall constitute the official record of the appeal hearing and decision.

SECTION 19: **AMENDMENT** “15.52.090 Burden Of Proof” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.090 Burden Of Proof

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

SECTION 20: **AMENDMENT** “15.52.100 Standard Of Review For Appeals” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.100 Standard Of Review For Appeals

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

SECTION 21: **AMENDMENT** “15.52.110 Final Decision” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.110 Final Decision

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

SECTION 22: **AMENDMENT** “15.52.120 District Court Review” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.52.120 District Court Review

1. Required Time for Filing.

- a. No person may challenge in District Court a decision of a Land Use Authority until that person has exhausted all administrative remedies as provided by this Chapter and received a final decision from the Appeal Authority, as provided by VZC 15.52.110.
- b. Any person adversely affected by a final decision made in the exercise of, or in violation of, the provisions of this Chapter may file an Appeal Petition for review of the decision with the District Court within thirty (30) days after the Local land use decision is final.
- c. An Appeal Petition is barred unless it is filed within thirty (30) days after the Appeal Authority's decision is final.

2. Tolling of Time.

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

3. Standards Governing Court Review.

- a. The Court shall:
 - i. Presume that a decision or regulation made under the authority of the Land Use Ordinance, and LUDMA, is valid; and
 - ii. Determine only whether or not the decision or regulation is arbitrary, capricious, or illegal.
- b. A decision, ordinance, or regulation of the Council involving the exercise of legislative discretion is valid if the decision, ordinance, or regulation is reasonably debatable and not illegal.

- c. A decision of a Land Use Authority or an Appeal Authority involving the exercise of administrative discretion is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
- d. A determination of illegality requires a determination that the decision, ordinance, or regulation violates a law, statute, or ordinance in effect at the time the decision was made or the ordinance or regulation adopted.
- e. The time requirements for the filing of an Appeal Petition with District Court, as provided by this Section apply from the date on which the Land Use Authority takes final action on a land use Application for any adversely affected third party, if the Land Use Authority conformed with the notice provisions of this Ordinance, as applicable, or for any person who had actual notice of the pending decision.
- f. If the ~~City~~~~Town~~ has complied with the notice requirements, as provided by this Ordinance, a challenge to the enactment of this Ordinance or the enactment of the General Plan may not be filed with the District Court more than thirty (30) days after the enactment.

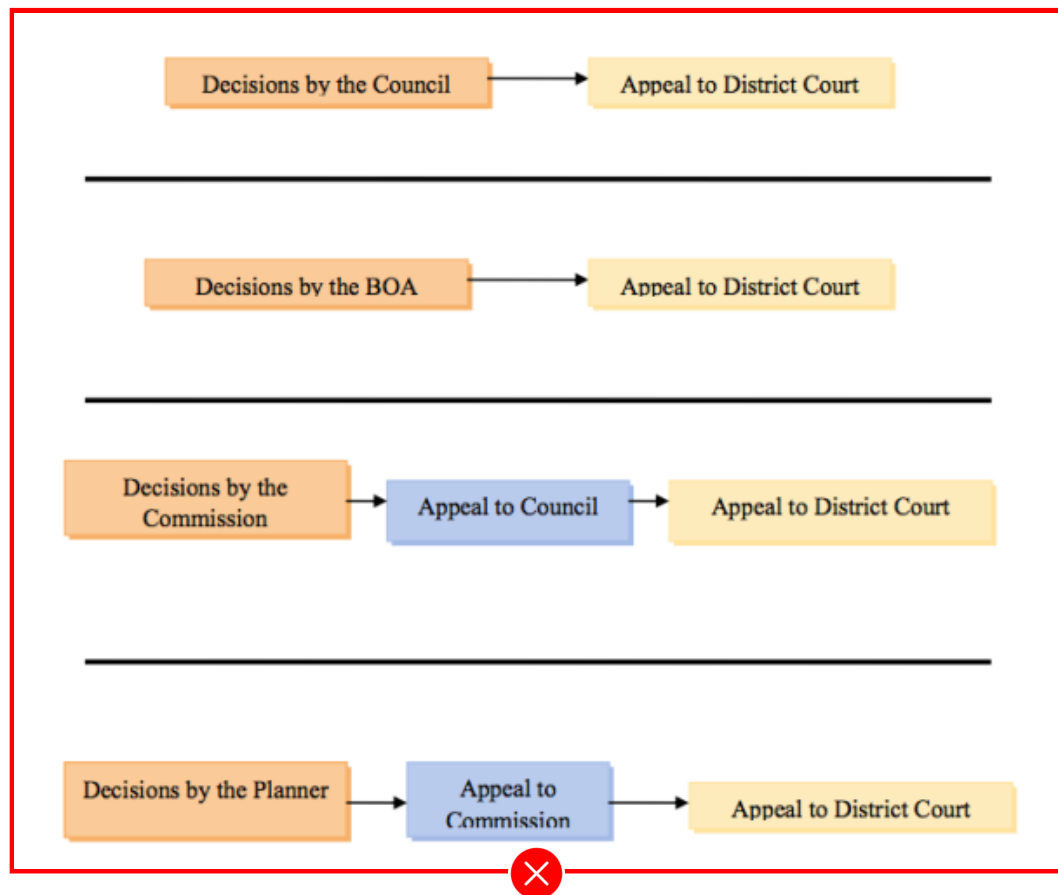
4. Appeal Authority – Review on the Record.

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

5. Staying of Decision.

- a. Before filing an Appeal Petition under this Section, or a request for mediation or arbitration of a constitutional taking issue under § 63-34-13 U.C.A., 1953, as amended, the aggrieved party may petition the Appeal Authority to stay its decision.
- b. Upon receipt of a petition to stay, the Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds it to be in the best interest of the ~~City~~~~Town~~.

- c. After an Appeal Petition is filed under this Section, or a request for mediation or arbitration of a constitutional taking issue is filed under § 63-34-13 U.C.A., 1953, as amended, the petitioner may seek an injunction staying the Appeal Authority's decision.



SECTION 23: **AMENDMENT** "15.60.020 Definitions" of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.60.020 Definitions

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

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

Abandonment: Any act that results to abandon.

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

Accessory Building: A building customarily incidental and clearly subordinate to the primary building and located on the same lot as the primary building.

Accessory Use: A use clearly incidental, subordinate and customarily found in connection to the primary use and located on the same lot as the primary use.

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

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

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

1. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
2. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
3. The entity's boundaries or facilities are within one mile of land that is the subject of a general plan amendment or land use Ordinance change.

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

Agriculture: An area which is used for the commercial production, keeping, or maintenance for sale of plants and domestic animals typically found in Utah County, or lands devoted to a soil conservation management program, but excluding the keeping of prohibited animals, Commercial Plant Nursery, as defined herein, Concentrated Animal Feeding Operation, as defined by the U.C.A., 1953, as amended, and subject to the Utah Pollutant Discharge Elimination System (UPDES), or similar activities.

Agricultural Building: A structure used in conjunction with an allowed agriculture use, and not for human occupancy, and complying with the requirements of § 58-56-4, U.C.A., 1953, as amended. To qualify as an agricultural building the structure must meet all requirements of § 58-56-4(1), U.C.A., 1953, as amended.

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

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

Animal Hospital: A facility for the diagnosis, treatment and hospitalization of animals, that may include indoor holding facilities only for the treatment and observation of animals but does not include any outdoor holding or boarding facilities, unless Outdoor Boarding Kennels are listed as an allowed use in the Zoning Use Matrix.

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

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

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

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

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

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

Assembly, Place of: The use of land for a meeting place where persons gather together for purposes of attending civic, social, religious functions, recreational events or entertainment performances on a regular or recurring basis including, but not limited to, religious institutions, banquet facilities, funeral homes, theaters, conference centers, stadiums, and indoor or outdoor recreational facilities.

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

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

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

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

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

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

Billboard: A freestanding sign designed or intended to direct attention to a business, product, or service that is not provided, sold, offered, or existing on the property where the sign is located.

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

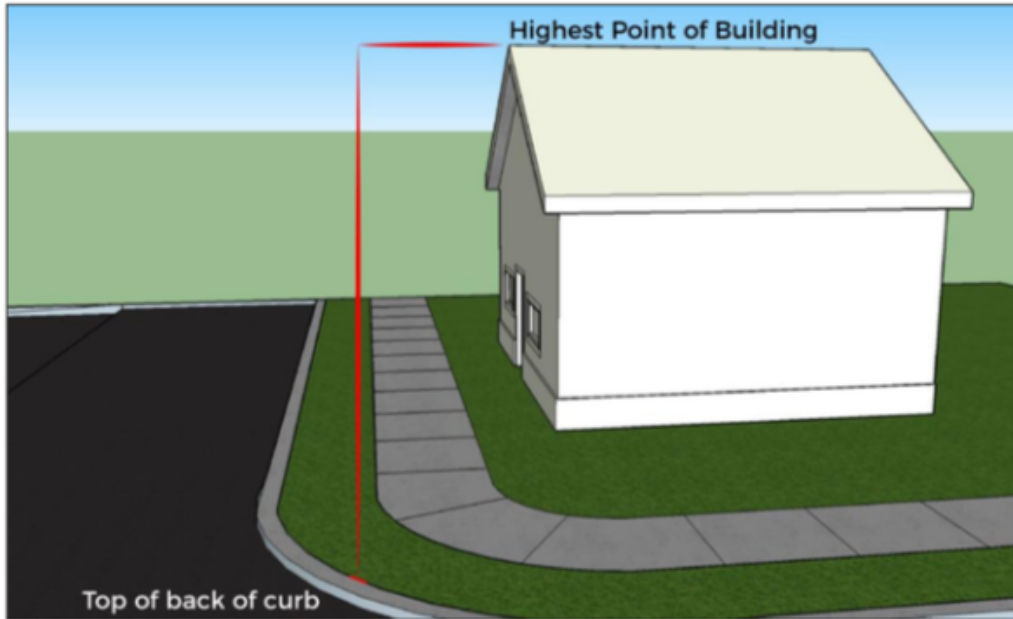
Building: Any structure, whether permanent or temporary, which is designed, intended, or used for occupancy by any person, business, animals, possessions, or for storage of property or materials of any kind.

Building Code: The International Building Code, as adopted by the city.

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

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

Building, Height: The vertical distance from the TOP OF THE BACK OF CURB to the highest point of the building or structure.



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

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

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

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

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

Building Permit: A Permit authorizing a construction activity.

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

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

Car Wash: A facility that offers the washing of motor vehicles and motorcycles by either machine or hand-operated mechanisms used principally for the cleaning, washing, polishing, or waxing of motor vehicles not exceeding 10,000 pounds Gross Vehicle Weight. A facility of this type may be able to accommodate more than one vehicle at the same time.

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

Chemical Manufacturing, Storage, and Distribution (Existing): A use, existing and established in the Town on January 1, 2008 and engaged in making of chemical products from raw or partially finished materials and the storage and distribution of such chemical materials and that by reason of materials, processes, products or waste may be hazardous or that by the emission of odor, dust, smoke, gases, noise, vibration, glare, heat or other impacts may impact adjoining properties, and which may include the parking and storage of distribution vehicles, and accessory activities.

Chief Executive Officer: Means the Mayor of the City of Vineyard. **City Engineer:** A registered Civil Engineer so appointed by the city.

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

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

Code: The City of Vineyard Municipal Code, as adopted.

Commercial Kennel: An establishment where four (4) or more dogs, older than four (4) months, are kept for the purpose of boarding, breeding, raising or training dogs for a fee or on a nonprofit basis.

Commercial Plant Nursery: A use wholly, or partially, contained within one or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold to retail or wholesale customers.

Commercial Recreation, Indoor: A use, either public or private, providing amusement, pleasure, or sport, which is operated entirely within an enclosed building, including but not limited to live theater, and movie houses, indoor tennis, bowling, and skating, baseball batting cages, paintball, horse riding or similar activities. This use may include associated eating and drinking areas, retail sales areas and staff offices.

Commercial Recreation, Outdoor: An area or facility that offers entertainment or recreation outside. This use is limited to a golf driving range, baseball batting cages, riding arena, tennis facility, miniature golf, and swimming pool, and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices. This use specifically excludes shooting range, go-cart, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.

Commission: The Planning Commission of the City of Vineyard.

Common Area: Facilities and yards under common ownership.

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

Commuter and Light Rail Facilities and Station: A rail transit system that covers long distances, usually with less frequent station spacing and train times than light rail that runs on a separate right-of-way from cars, and often sharing an existing freight corridor. Light rail transit systems can run along city streets or in a separate right-of-way. Station areas are located along the transit lines to link park-and-ride lots with the transit system.

Composting Facility: A facility where organic materials are converted into a humus-like material under a process of managed biological decomposition or mechanical processes. Normal backyard composting and composting incidental to agricultural operations are exempted from this use classification.

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

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

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

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

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

Construction Sales and Service: An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning and heating supply stores.

Contractor's Office/Storage Yard: A facility providing building construction and maintenance services including carpentry, plumbing, roofing, electrical, air conditioning and heating, with a base of operations and which may include the indoor and outdoor storage of building materials, equipment, or vehicles used by the construction business.

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

Council: The City Council of the City of Vineyard.

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

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

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

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

Daycare Facility, Commercial: A facility, operated by a person qualified and licensed by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all applicable State standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides child care for less than twenty-four (24) hours per day. Commercial Daycare Facilities excludes the following:

1. Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;
2. Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available;

3. Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations; or
4. Clearly identified as an Accessory Use.

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

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

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

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

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

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

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

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

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

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

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

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

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

Distribution Center: A facility where the storage and distribution of goods and materials occurs inside a fully enclosed building and which may include the parking and storage of distribution vehicles, and accessory activities.

Domestic Livestock and Fowl: Limited to domesticated horse (*Equus caballus*), domesticated cattle (*Bos taurus* and *Bos indica*), domesticated sheep (*Ovis aries*), domesticated goat (*Capra hircus*) and domestic fowl. Domestic Livestock and Fowl do not include inherently or potentially dangerous animals, fowl, reptiles, or exotic animals.

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

Drive-Through Facility: A facility which by design, physical facilities, service or packaging procedures, encourages or permits customers to transact business or receive services or goods while remaining in their motor vehicles.

Dwelling, Accessory Unit: An attached dwelling unit to a single-family home, or located above a detached garage serving a single-family home which is located on the same lot as the single-family home designed to be clearly subordinate to the principle dwelling. An accessory dwelling unit provides complete, independent living facilities with a separate dwelling entrance than the principle dwelling.

Dwelling, Accessory Unit for Owner or Employee: An attached, or detached, dwelling unit for an employee or owner and incidental and clearly subordinate to the existing primary building or use and located on the same lot as the primary building or use.

Dwelling, Condominium: An individually owned dwelling unit, the ownership of which includes an undivided interest in the land and other common areas and facilities, as provided and recorded in a property deed or other instrument, as required by Utah law, and which is typically maintained by an association of the owners. Must meet allowed density requirements.

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units.

Dwelling, Single-Family: A building containing one (1) dwelling unit.

Dwelling, Two-Family: A building containing two (2) attached dwelling units.

Dwelling Unit: A building, occupied by no more than one (1) family as defined herein, containing one (1) or more rooms and one (1) kitchen and including areas for living and sleeping, designed to be used for human occupancy, and complying with all provisions of the Building Code.

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

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

Earth Station: A communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish antennas.

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

Educational Facility: Public schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction. Privately owned buildings and uses for educational activities that has a curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education.

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

Emergency Care Facility: A facility or licensed healthcare provider providing emergency medical or dental or similar examination, diagnosis, treatment and care on an outpatient basis only.

Environmental Remediation: Removal and processing of on-site waste and/or contaminated materials for the purposes of remediation of the site for future use. All uses in this category are considered temporary for the duration of the remediation process and do not include importation of waste for processing. Such uses shall comply with the provisions for separation of uses and performance standards contained herein.

EPA: The United States Environmental Protection Agency.

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

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

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

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

Farmer's Market: An area used for the sale of fresh produce and related food items, which may have outdoor storage and sales. A farmers' market may provide space for one or more vendors.

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

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

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

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

Financial Institution: A financial company or corporation providing the extension of credit, and the custody, loan or exchange of money; but not including Pawnshops.

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

Flammable Liquids or Gases Manufacture, Storage and Distribution: A facility which may produce, store and/or distribute flammable liquids and gases and which may include the parking and storage of distribution vehicles, and accessory activities.

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

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

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

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

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

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

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

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

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

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

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

Funeral Home: An establishment where the dead are prepared for burial or cremation and which may include areas for embalming, performing of autopsies and the storage of funeral supplies and vehicles and where funerals may be held.

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

General Plan: The City of Vineyard General Plan, as adopted.

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

Golf Course: An area used for the purposes of playing golf, but which may include associated restaurants, commercial retail sales areas, and course maintenance facilities.

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

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

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

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

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

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

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

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

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

Health and Fitness Facility: A business or membership organization providing exercise facilities and/or nonmedical personal services to patrons, including, but not limited to, gymnasiums, private clubs (athletic, health, or recreational), tanning salons, and weight control establishments.

Health Department: The Utah County Health Department.

Heliport: An area used for the landing and taking off of rotary wing aircraft but not including the regular repair or maintenance of such aircraft or the sale of goods or materials to users of such aircraft.

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

Home Day Care: The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit at least twice a week for more than three (3) children, but fewer than nine (9) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6).

Home Occupation: An activity carried out for gain by a resident of the dwelling unit, identified, and conducted in compliance with the requirements of this Ordinance, as applicable.

Home Preschool: A preschool program complying with all State standards and licensing for non-family members in an occupied dwelling unit, by residents of that dwelling unit, in which lessons are provided for not more than six (6) children for each session of instruction. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any 24-hour period.

Hospital: A facility licensed by the State of Utah Department of Health providing health services primarily for human inpatient, medical and/or surgical care for the sick or injured, and including the related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

Hotel: A building and associated facilities offering overnight accommodations for guests, with access provided through a common entrance, lobby or hallway to individual guestrooms, and which may include additional services, such as restaurants, conference and meeting rooms, entertainment, and recreational facilities.

Household Pets, Noncommercial: Domesticated animals and birds ordinarily allowed in a dwelling unit and kept for company or pleasure of the owner, including, but not limited to dogs, cats, and caged birds. Household Pets do not include domestic livestock or fowl, as defined herein or inherently or potentially dangerous animals, fowl, reptiles, or exotic animals.

Hybrid Production Facility: A commercial operation or use, on one or more premises where finished consumer goods are manufactured or produced and those same goods are offered for sale to the general public. Hybrid production facilities must be similar in size, scale and scope of operation with adjacent or nearby uses.

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

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

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

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

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

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

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

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

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

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

Kennel, Commercial: A facility providing for indoor commercial boarding, grooming or training of household pets not owned by the owner or occupant of the premises.

Kennel, Outdoor Commercial: A facility providing for the indoor and/or outdoor commercial boarding, grooming or training of household pets not owned by the owner or occupant of the premises.

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

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

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

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

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

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

Laundry, Commercial: An establishment primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than retail services establishments. Typical uses include bulk laundry and cleaning plants, diaper services, and linen supply services.

Laundry, Self Service or Dry Cleaning: An establishment providing home-type washing, drying, and/or ironing machines, household laundry and dry-cleaning services.

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

Liquor Store: An establishment owned and operated by the State of Utah and primarily engaged in the sale of alcoholic beverages.

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

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

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

Legislative Body: The City Council of Vineyard, Utah.

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

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

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

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

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

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

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

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

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

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

Lot Line, Front: A lot line separating a lot from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way line.

Lot Line, Rear: The lot line generally opposite and most distant from the front lot line.

Lot Line, Side: Any lot line that is not a front lot line or rear lot line. A side lot line separating one (1) lot from another is an interior side lot line.

Lot, Corner: A lot abutting on two (2) intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°).

Lot, Double Frontage: A lot abutting two (2) parallel or approximately parallel streets.

Lot, Illegal: A lot that has not received the necessary Approvals, Permits, or Licenses, as required by the city's Land Use Ordinances and State laws, or their prior enactments.

Lot, Noncomplying (Legal): A lot, parcel or tract of land that: (a) Legally existed before its current Zoning designation; and (b) Has been shown as a separate lot, parcel, or tract continuously on the records of the Utah County Recorder as an independent parcel since the time the Zoning requirements governing the lot, parcel or tract changed; and (c) Because of subsequent Zoning changes does not now conform with the requirements of the Zoning District in which the lot, parcel or tract is located.

Lot, Noncomplying (Illegal): A lot, parcel or tract of land that: (a) Was created without receiving the necessary Approvals, Permits, or Licenses, as required by the city's Land Use Ordinances and State laws, and their prior enactments, and (b) Does not conform with the requirements of the Zoning District in which the lot, parcel or tract is located.

Lot Width: For an interior lot or parcel, the shorter of horizontal distance between side lot lines, measured at the required front yard setback line or rear setback line. For a corner lot, the distance between one (1) of the front lot lines and the opposite side yard line at the required setback line.

LUDMA: Means the "Municipal Land Use, Development, and Management Act," as provided by Chapter 10-9a, U.C.A., 1953, as amended.

Lumen: A measurement of light output or the amount of light emitting from a luminaire. **Luminaire:** A lighting unit consisting of a light source and all necessary mechanical, electrical, decorative, light shielding and hooded parts.

Luminaire, Cutoff-Type: A luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light.

Luminaire, Shielded, Fully: Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

Luminaire, Shielded, Partially: Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

Manufacturing, Heavy: The assembly, fabrication or processing of large or bulky goods and materials which typically require extensive building areas or land areas using raw materials or previously prepared materials, using processes and that may have impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that are not offensive or create any odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts to adjacent property, nor create any health and safety hazards by way of materials, process, product or waste, and where all assembly, storage, fabrication or processing is conducted within a building or structure and where all, equipment, compressors, generators and other ancillary equipment is located within a building or structure.

Medical Clinic: An organization of doctors, dentists, or other health care professional providing physical or mental health service and medical or surgical care of the sick or injured but which does not include in-patient or overnight accommodations.

Medical Laboratory: An establishment that conducts basic medical or dental research and analysis. This term does not include a facility providing any type of in-house patient services typically provided by hospitals and clinics.

Mixed Use: The location and arrangement of a combination of compatible residential and nonresidential uses on the same lot or within the same building, and complying with the requirements of this Ordinance.

Model Home: A dwelling unit having all of the following characteristics:

1. The dwelling unit is constructed upon a lot in a subdivision for which a Final Plat has been recorded.
2. The dwelling unit is intended to be temporarily utilized as an example of the dwelling units that are proposed to be built in the same subdivision.

Moderate Income Housing: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Utah County.

Moderate Income Housing Plan: A written document conforming to the requirements of LUDMA.

Monument: A permanent survey marker established by the Utah County Surveyor and/or a survey marker set in accordance with the City Engineer's specifications and referenced to Utah County survey monuments.

Motel: A building or group of buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building with a garage or parking space located on the same lot and designed, used or intended wholly or in part for the overnight accommodations of guests and their vehicles.

Motor Home: A unit primarily designed as a temporary dwelling for recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, a camping trailer, a truck camper, a motor home, a fifth wheel trailer, and a caravan.

Motor Vehicle Fueling Station: A facility providing the retail sale and direct delivery to motor vehicles of fuel, including electric charging stations, lubricants and minor accessories, and retail sales for the convenience of the motoring public.

Municipality: The City of Vineyard, Utah, or other incorporated area.

Museum: An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value and for which any sales relating to such exhibits are incidental and accessory to the exhibits presented.

Natural Features: Non-man-made land characteristics, including but not limited to slopes, wetlands, streams, rock outcropping, lava fields, intermittent drainage channels, and vegetation.

Natural State: Land that has not been subjected to grading, removal of vegetation or any development activity.

Natural Vegetation: Vegetation existing on a lot or parcel prior to any grading, development activity or man-made plantings.

Natural Waterways: Those areas, varying in width, along the course of a permanent or intermittent river, stream, creek, or gully.

Nominal Fee: A fee that reasonably reimburses the city only for time spent and expenses incurred in:

1. Verifying that building plans are identical plans; and
2. Reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

Noncombustible Material: Any material that will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) during an exposure of five (5) minutes, and will not continue to burn or glow at that temperature.

Noncomplying Structure: A structure that:

1. Legally existed before its current land use designation; and
2. Because of one or more subsequent land use Ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

Nonconforming Use: A use of land that:

1. Legally existed before its current land use designation;
2. Has been maintained continuously since the time the land use Ordinance governing the land changed; and
3. Because of one or more subsequent Land Use Ordinance changes, does not conform to the regulations that now govern the use of the land.

Nonresidential Uses: Means the uses identified in the Tables of Uses – Nonresidential Zoning Districts.

Nonresidential Zoning District/Nonresidential Zones: Means the Commercial Districts and Industrial Districts.

Nursing Care Facility: A healthcare facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty-four (24) hour staff availability, and at least two (2) of the following patient services:

1. a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health related or paraprofessional personal care services;
2. a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or
3. a supervised living environment that provides support, training or assistance with individual activities of daily living.

Nursing Home, Convalescent Care Center: A facility that provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility. A Nursing Home or Convalescent Care Center provides some level of skilled nursing or medical service to the residents.

Office: A type of business use where a building, room, or other space and where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

Official Map: A map adopted by the Council and recorded in the Utah County Recorder's Office that:

1. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
2. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
3. Has been adopted as an element of the City of Vineyard General Plan.

Official Zoning Map/Zoning Districts Map: The map adopted by the Council showing the geographic location of Zoning Districts.

Off-Street: Entirely outside of any city right-of-way, street, access easement, or any private access drives.

Open Space: Land areas that are not occupied by buildings, structures, parking areas, streets, or roads. Open space may be devoted to landscaping, preservation of natural features, and recreational areas and facilities.

Outdoor Display of Products or Merchandise: The storage of goods or product in an open, unenclosed area, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.

Overlay District: A Zoning District, with its accompanying requirements, that is applied to an area that may place additional development standards on a Zoning District. Development in an overlay District must conform to the base District as well as the overlay Zoning requirements.

Owner: Any person who alone, jointly or severally with others, has a legal or equitable title to property.

Parcel of Land: An area of land, with a separate property identification number, as provided by the Office of the Utah County Recorder.

Park: A playground, or other area or open space providing opportunities for active or passive recreational or leisure activities.

Park and Ride Facility: A parking area and transit facility, the purpose of which is to allow the parking of motor vehicles with a connection to mass transit service.

Park Strip: The area located between the edge of asphalt or curb and the sidewalk, trail, or property line.

Parking Area/Parking Lot: An enclosed or unenclosed area, other than a street, and used or designed for the parking of four (4) or more vehicles.

Parking Space: An enclosed or unenclosed area used for parking or storage of one (1) automobile.

Pawnshop: Any person or establishment engaged in any of the following:

1. Lending money on deposit of personal property;
2. Dealing in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledger or depositor;
3. Lending or advancing of money on personal property by taking chattel mortgage security thereon and taking or receiving possession of such personal property; or
4. Selling unredeemed pledged personal property together with such new merchandise as will facilitate the sale of such property.

Permitted Use: For the purposes of this Ordinance shall include P-1 and P-2 Uses.

Personal Care Service: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes "Tattoo Establishment."

Person: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

Pervious Material or Surface: Material that is penetrable by water.

Planning Commission: The Planning Commission of the City of Vineyard, Utah.

Plat: A map or other graphical representation of lands being laid out and prepared in accordance with LUDMA.

Plat, Final: A drawing prepared in accordance with the Land Use Ordinances showing the final design of a land division and complying with all standards and requirements of best surveying practice and in a form required by the Utah County Recorder's Office for recordation.

Plat, Preliminary: A drawing prepared in accordance with the Land Use Ordinances showing the design of a proposed land division.

Power Plant: An electrical energy generating facility with generating capacity of more than 50 megawatts and any appurtenant and associated facilities.

Primary Building: The principal building located on a lot, parcel, or tract of land and designed or used to accommodate the primary use.

Primary Use: The principal purpose for which a lot, parcel, tract, or building is designed, arranged or intended, or for which it is occupied or maintained.

Private Club: Any nonprofit corporation operating as a social club, recreational, fraternal or athletic association, or kindred association organized primarily for the benefit of its stockholders or members. A Private Club that serves liquor shall maintain compliance with all applicable state laws.

Private Drive: A non-dedicated thoroughfare used exclusively for private access to a lot, parcel, or tract of land.

Property: Any lot, parcel, or tract of land, including improvements thereon, and recorded as real property in the Office of the Utah County Recorder.

Property Line: The boundary line of a lot, parcel, or tract.

Public: That which is under the ownership or control of the United States Government, Utah State or any subdivision thereof, Utah County, or the City of Vineyard (or any departments or agencies thereof).

Public Use: A use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including streets, parks, recreational facilities, administrative and service facilities, and public utilities, and found to conform to the General Plan, as adopted. Public Uses and Utilities do not include "Major Facility of a Public Utility," as defined herein.

Public Hearing: A hearing at which citizens of the City and members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public Improvement: Any street dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer, and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building, or structure.

Public Meeting: A meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings.

Qualified Professional: A professionally trained person with the requisite academic degree, experience, and professional certification or License in the field or fields relating to the matter being studied or analyzed.

Quasi-Public Use: A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the public.

Reasonable Accommodation: A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing Zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability, "Necessary" means the Applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice, "Equal Opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

Record of Survey Map: A map of a survey of land prepared in accordance with the laws of the State of Utah.

Reception Hall, Reception Center: A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.

Recreational and Manufactured Home Standard: A standard adopted by the American National Standards Institute or the national fire protection association for recreational vehicles, and for mobile homes manufactured prior to June 15, 1976. For manufactured homes built after June 16, 1976, "standard" means the standard adopted pursuant to the National Manufactured Housing Construction and Safety Standards Act, 1974, as amended.

Recreational Vehicle: A vehicular unit primarily designed for recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, boat, a fifth-wheel trailer and a caravan.

Recycling Collection Center: A use, often accessory in nature, providing designated containers for the collection, sorting and temporary storage of recoverable resources (such as paper, glass, metal and plastic products) to be transferred to a recycling processing facility. Recycling Collection Centers involve no more than 3 collection containers up to 40 cubic yards in total size. The operator of the collection center shall keep the collection center in proper repair and the exterior must have a neat and clean appearance.

Recycling Processing Facility: A facility where recyclable and organic materials are collected, stored and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning. Recycling Processing Facility does not include Salvage Yard.

Residence: A dwelling unit or other place where an individual or family is living at a given point in time and not a place of temporary sojourn or transient visit.

Residence for Persons with a Disability that are Substance Abuse Facilities located within 500 feet of a School: A residence in which more than one (1) person with a disability resides; and is Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. See definition of Disability.

Residential Activity: Any building, structure, or portion thereof that is designed for or used for residential purposes and any activity involving the use of occupancy of a lot or structure for residential purposes.

Residential Facility for Elderly Persons: A single-family or multiple-family dwelling unit that meets the requirements of LUDMA.

Residential Facility for Persons with a Disability: A residence in which more than one (1) person with a disability resides; and is Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. See definition of Disability.

Residential Lease, Short Term: The use, occupancy, rent or lease, for direct or indirect compensation, of a structure or any portion thereof constructed for single family or multifamily occupancy or of any other residential property for an effective term of thirty (30) days or less.

Residential Uses: Means the uses identified in the Zoning District Use Matrix under the Residential category.

Restaurant: A building or facility for the preparation and retail sale of food and beverages.

Retail Sales and Services: Establishments engaged in the retail sale of goods and services, except those uses as otherwise clearly defined herein.

Retail Sales and Services (Community Commercial): Establishments engaged in the retail sale of goods and services. Community Commercial Retail Sales and Service businesses must conduct all sales of goods and services, with all associated storage of goods and materials, within a totally enclosed building (with the exception of occasional outdoor "sidewalk" promotions), with no separate individual building to exceed 3,000 square feet in total gross building and the total gross floor area of all buildings, on any separate, individual lot, does not exceed more than 6,000 square feet of gross building area.

Community Commercial Retail Sales and Services specifically excludes all sales, accessory uses, and service uses that typically display goods or services, or store goods or product in open, unenclosed areas, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.

Retail Sales and Services (Regional): A commercial retail business that occupies more than 80,000 square feet of floor space, is a car or motor vehicle dealer, is a retail shopping facility (shopping center) that has at least one (1) anchor tenants if the total floor area of all tenants is more than 150,000 square feet, or is a grocery store of more than 30,000 square feet.

Revocation: A action by a Land Use Authority that has the effect to terminate any Approval, Permit, or License required by the city's Land Use Ordinances, including this Ordinance.

Right-of-Way: Any area provided for conveying vehicle and pedestrian traffic.

Roof Line: The highest point on any building or structure.

Salvage Yard: The use of any lot, portion of a lot, or land for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery and/or the storage and sale of dismantled or damaged vehicles or their parts.

Sanitary Sewer Authority: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

Seasonal Use: A Seasonal Use shall not exceed ninety (90) days. Such uses include fireworks stands, fruit or vegetable stands, beverage or snow cone vendors, and Christmas tree lots.

Self-Service Storage: An enclosed commercial storage facility providing independent, fully enclosed bays, which are leased to persons exclusively for storage of their household goods or personal property.

Self-Storage, Mixed Use: A single building containing more than the primary land use of self-storage, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. A mixed-use self-storage facility is intended to be used for a mix of uses between the primary use of a private noncommercial, non-industrial storage facility and general, professional office, medical or dental offices, retail or residential dwelling units' uses.

Sexual Oriented Business: A business which depicts, portrays, or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices, or paraphernalia which are designated or used in connection with specified sexual activities, including but not limited to adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude or seminude model studio.

Sign: A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, business, article or merchandise, service, assemblage, solicitation, or a request for aid; also, the structure or framework or a natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Sign, Illegal: Any sign which does not conform to the requirements of this Ordinance and was constructed or installed without the necessary Approvals, Permits, or Licenses required by this Ordinance, or prior enactments.

Sign, Legal: A sign that conforms to the requirements of this Ordinance and has received all necessary Approvals, Permits, or Licenses, as required by this Ordinance, or prior enactments.

Sign, Noncomplying: A sign or sign structure of portion thereof lawfully existing at the time this Ordinance became effective, but which does not conform to all applicable requirements now provided by this Ordinance.

Sign, Non-maintained: A sign which, due to lack of repair, cleaning, painting, oiling, or changing of light bulbs has become deteriorated, hazardous, or non-functional.

Sign, Off-Premise: Any sign, including a billboard or general outdoor advertising device, that advertises or directs attention to a business, commodity, service, activity, or matter conducted, sold, or offered at a location other than on the lot, parcel, or tract upon which such sign is located.

Sign, On-Premise: A sign that directs attention to a business, commodity, product, use, service or other activity that is sold, offered or conducted on the lot, parcel, or tract upon which such sign is located.

Site Plan: A schematic, scaled drawing of a lot, parcel, or tract which indicates, as may be required by this Ordinance, including but not limited to the placement and location of buildings, setbacks, yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, trash containers, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed use, activity, building or structure.

Slope: The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

Special District: An entity established under the authority of Title 17A, Special Districts, U.C.A., 1953, as amended.

Specified Public Utility: Means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1, U.C.A., 1953, as amended.

Start of Construction: The issuance date of a Building Permit if construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180) days of the Permit date. "Begins" means the date of the commencement of the first development activity on the site.

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

Street: A public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, tunnel, bridge, public easement, or other way.

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

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Subdivision: Means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions, and as further defined by LUDMA.

Subdivision Application: The Applications required by the City of Vineyard Subdivision Ordinance and required to initiate the review procedures for any required subdivision approval.

Substantial Action: Action taken in good faith to diligently pursue any matter necessary to obtain approval of an Application filed pursuant to the provisions of this Ordinance or to exercise development rights authorized pursuant to such an approval.

Swimming Pool: An artificial body of water having a depth in excess of eighteen inches, designed, constructed and used for swimming, dipping or immersion purposes by men, women or children, and located on a same lot or parcel as a dwelling, or dwellings.

Temporary Use: A use or event established for a maximum period of sixty (60) days, such use or event being discontinued after the expiration of sixty (60) days.

Tennis Court/Sports Court: An improved area used for the playing of tennis or other sports activities, including, but not limited to, basketball and volleyball, and located on a same lot or parcel as a dwelling, or dwellings.

Trailer/RV Camping Facilities: Any area or tract of land used or designed to accommodate two (2) or more travel trailers, recreational vehicles, motor homes or camping parties.

Travel Trailer: A vehicular, portable unit, mounted on wheels, not requiring special highway movement permits when drawn by a motorized vehicle:

1. Designed for travel, recreational and vacation use; and
2. When factory equipped for the road, having a body width of not more than eight feet (8') and a body length of not more than forty feet (40').

Unincorporated: Means the area of Utah County, Utah and located outside of the incorporated area of the City of Vineyard, or another municipality.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

USGS: The United States Geological Survey.

Utilities: Include, but are not limited to, natural gas, electric power, cable television, telephone, telecommunication services, storm system, sewer system, irrigation facilities, culinary water, street lights and other services deemed to be of a public-utility nature by the city.

Utility Easement: The area designated for access to construct or maintain utilities on a lot, parcel, or tract of land.

Utility, Public Major Facility: Any overhead or underground electric transmission lines (greater than 115,000 volts), substations of electric utilities; gas regulator stations, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities, water treatment plant, sewage treatment plant, or similar public or quasi-public use or activity.

Utility, Public Minor Facility: Any water, sewer power, gas, telephone, cable television, or other utility, distribution line, or facility, which is located underground and buried beneath the surface of the ground.

Variance: A modification granted by the Land Use Hearing Officer ~~Board of Adjustment~~ to a development standard with a finding of hardship.

Vehicle: A Licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

Vehicle and Equipment Repair (Major): An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair, paint, and body shops.

Vehicle and Equipment Repair (Minor): An establishment providing motor vehicle repair or maintenance services and conducted entirely within completely enclosed buildings, but not including paint and body shops or other activities associated with Vehicle and Equipment Repair (Major). Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, frontend alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc. Vehicle and Equipment Repair (Minor) may include the retail sale of fuels, lubricants and other supplies for motor vehicles.

Vehicle and Equipment Sale and Rental: A facility providing for the sale, lease, or rental of new or used vehicles, including automobiles, trucks, motorcycles, recreational vehicles, or boats. The cleaning and routine maintenance of motor vehicles is allowed as an accessory use.

Violated or Violating: There exists reasonable cause to believe that an Ordinance, Code, Statute, or Law has been, or is being broken.

Warehouse Club: A retail business requiring patron membership, and selling packaged and bulk foods and general merchandise characterized by high volume and a restricted line of popular merchandise in a no-frills environment. Examples include, but are not limited to Wholesale Club, Costco, and Sam's Club.

Wholesale Distribution: A business that maintains an inventory of materials, supplies and goods related to one or more industries and sells bulk quantities of such materials, supplies and goods from its inventory to retail companies within the industry and which may include the parking and storage of distribution vehicles, and accessory activities.

Wireless Telecommunication Facility: A facility used for the transmission or reception of electromagnetic or electro-optic information, including wireless telecommunications facilities such as "cellular" or "PCS" (Personal Communications Systems) – communication and paging systems. This use is not required to be located on a separate lot or to comply with the minimum lot size requirement for the District in which it is located but is required to meet the design and locational requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include radio antennas complying with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

Yard: An open space on a lot, parcel or tract of land, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.

Yard, Front: An open space on the same lot with a building between the front line of the building and the front lot line and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear: An open, unoccupied space on the same lot as a building, between the rear line of the building and the rear lot line and extending the full width of the lot except, on corner lots, the rear yard shall not include the side yard bordering the street.

Yard, Side: An open, unoccupied space on the same lot as a building, between the rear line of the building and the front line of the building and extending from the side line of the building to the side lot line; except, on corner lots, the side yard bordering the street shall extend to the rear from the front line of the building to the rear lot line, the same distance as is required for side yard setbacks on corner lots in each zone.

Zoning District: An area of the city that has been given a designation which regulates the construction, reconstruction, alteration, repair, or use of buildings or structures, or the use of land as set forth in this Ordinance.

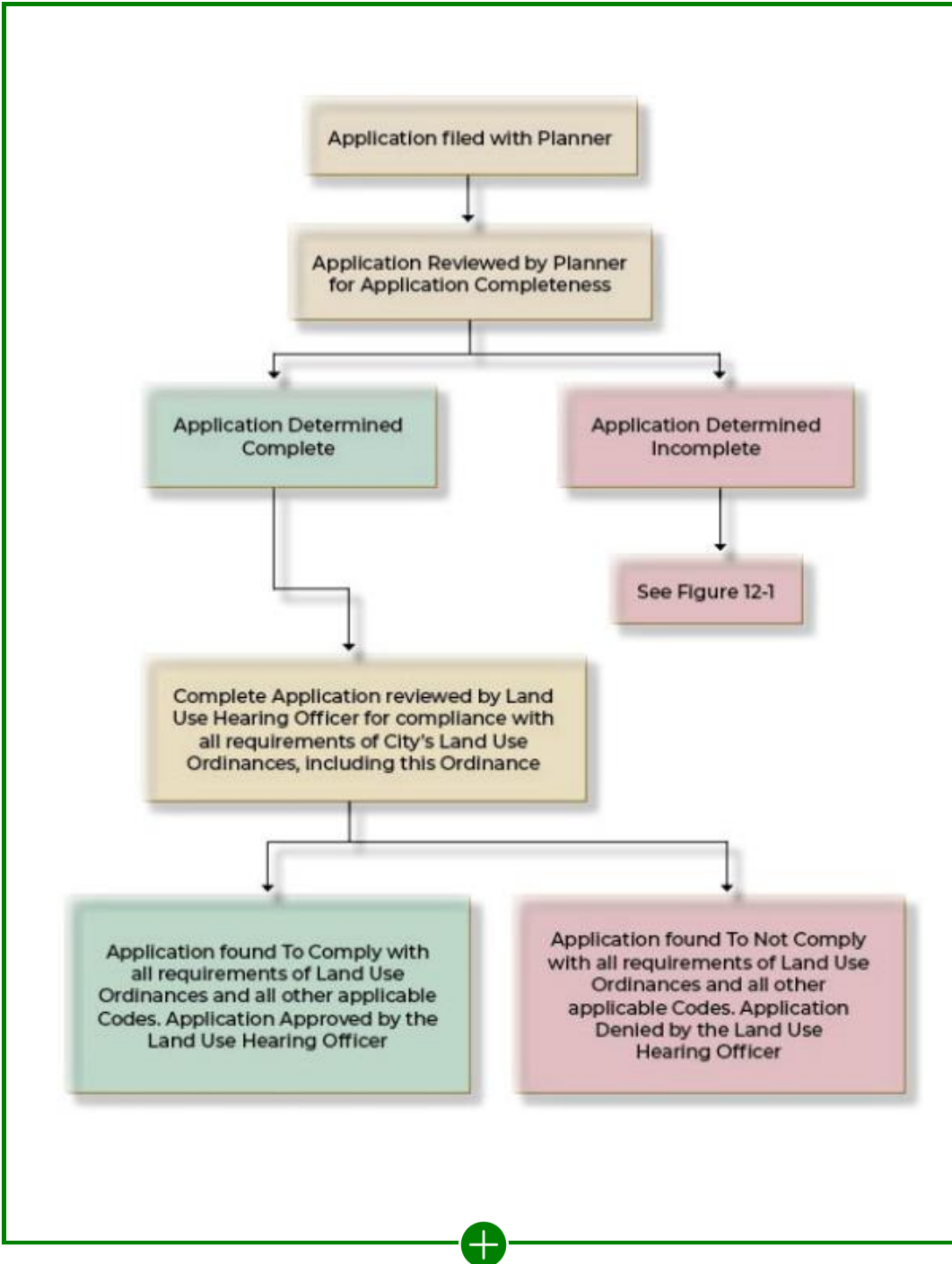
Zoning Districts Map: The map, adopted as part of a Land Use Ordinance, including this Ordinance that depicts and identifies the geographic location of the Zoning Districts provided by this Ordinance.

Zoning Ordinance: This Ordinance, and any amendments thereto as may be amended from time to time. This Ordinance is determined and identified to be a Land Use Ordinance of the City of Vineyard, Utah.

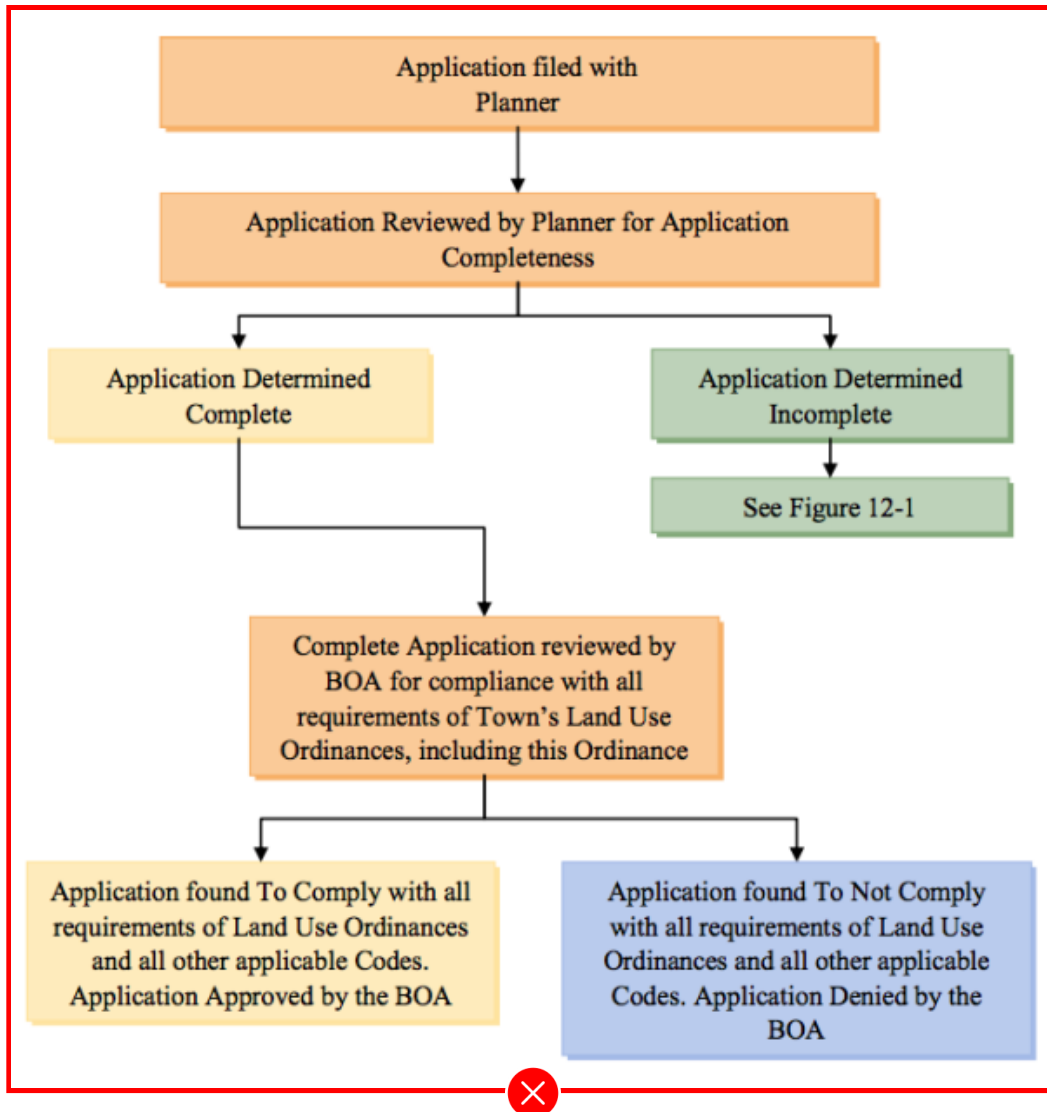
SECTION 24: **AMENDMENT** “15.46.060 Review And Approval Procedures” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.46.060 Review And Approval Procedures



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



SECTION 25: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 26: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 27: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from December 12, 2018, and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	_____	_____	_____	_____
John Earnest	_____	_____	_____	_____
Tyce Flake	_____	_____	_____	_____
Chris Judd	_____	_____	_____	_____
Nathan Riley	_____	_____	_____	_____

Presiding Officer

Attest

Julie Fullmer, Mayor, Vineyard

Pamela Spencer, City Recorder Vineyard