



**NOTICE OF A VINEYARD
CITY COUNCIL MEETING
December 11, 2019 at 6:00 PM**

Public Notice is hereby given that the Vineyard City Council will hold a regular session on Wednesday, December 11, 2019 at 6:00 PM, in the Vineyard City Council Chambers, 125 South Main Street, Vineyard, Utah. The agenda will consist of the following:

AGENDA

Presiding Mayor Julie Fullmer

REGULAR SESSION

1. CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION/INSPIRATIONAL THOUGHT – to be announced.

2. PRESENTATION

Rob Smith, Assistant Superintendent with Alpine School District will present school district updates.

3. PUBLIC COMMENTS

(15 minutes)

“Public Comments” is defined as time set aside for citizens to express their views for items not on the agenda. Each speaker is limited to three minutes. Because of the need for proper public notice, immediate action **cannot** be taken in the Council Meeting. If action is necessary, the item will be listed on a future agenda, however, the Council may elect to discuss the item if it is an immediate matter of concern.

4. MAYOR AND COUNCILMEMBERS’ REPORTS/DISCLOSURES/RECUSALS

- Councilmember Nate Riley report

5. STAFF, COMMISSION, AND COMMITTEE REPORTS

(3 minutes each)

- City Manager/Finance Director – Jacob McHargue
- City Recorder – Pamela Spencer

6. DISCUSSION ITEMS

No items were submitted.

7. CONSENT ITEMS

- 7.1 Approval of the October 30, 2019 City Council Special Session Minutes
- 7.2 Approval of the November 13, 2019 City Council Meeting Minutes
- 7.3 Approval of the November 19, 2019 City Council Special Session Minutes
- 7.4 Approval of Ordinance 2019-09 and 2019-10 to add the preamble and effective dates
- 7.5 Approval of the Hampton C Final Plat

8. MAYOR'S APPOINTMENTS

No names were submitted.

9. BUSINESS ITEMS

9.1 DISCUSSION AND ACTION – Recreation, Arts, and Parks (RAP) Tax Enactment (ORD 2019-11) *(15 minutes)*

City Manager Jacob McHargue will present an ordinance Imposing a Local Sales and Use Tax of One-Tenth (1/10) of One Percent (0.1%) to Fund Botanical, Cultural, Recreational, and Zoological Organizations or Facilities in Vineyard, Utah. Proposition 2 was presented to the voters on the 2019 Vineyard General Election ballot and passed with 78.97 percent of the vote. The mayor and City Council will vote to adopt (or deny) this tax by ordinance.

9.2 DISCUSSION AND ACTION – Transient Room Tax ORD 2019-12 *(15 minutes)*

City Manager Jacob McHargue will present an ordinance to allow the city to collect Transient Room tax. The mayor and City Council will act to approve (or deny) this request by ordinance.

9.3 DISCUSSION AND ACTION – Business License Municipal Code Amendments ORD 2019-13 *(15 minutes)*

Deputy Recorder Kelly Kloepfer will present recommended amendments to the Business Licensing section of the Municipal Code to make changes in regards to fee schedules, license effective dates, and other recommended changes. The mayor and City Council will act to approve (or deny) this request by ordinance.

9.4 DISCUSSION AND ACTION - Neighborhood Parking Signage Policy Resolution 2019-14 *(15 minutes)*

Community Development Director Morgan Brim will present a resolution outlining a program that will allow a neighborhood near high density to submit an application to the city, for restrictions of on-street parking in their neighborhood. The mayor and City Council will take appropriate action.

10. CLOSED SESSION

The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to go into a closed session for the purpose of:

- (a) discussion of the character, professional competence, or physical or mental health of an individual
- (b) strategy sessions to discuss collective bargaining
- (c) strategy sessions to discuss pending or reasonably imminent litigation

- (d) strategy sessions to discuss the purchase, exchange, or lease of real property
- (e) strategy sessions to discuss the sale of real property

11. ADJOURNMENT

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

The next regularly scheduled meeting is August 28, 2019.

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

I the undersigned duly appointed Recorder for Vineyard, hereby certify that the foregoing notice and agenda was emailed to the Salt Lake Tribune, posted at the Vineyard City Hall, the Vineyard City Offices, the Vineyard website, the Utah Public Notice website, and delivered electronically to city staff and to each member of the Governing Body.

AGENDA NOTICING COMPLETED ON: December 10, 2019

CERTIFIED (NOTICED) BY: /s/ Pamela Spencer

PAMELA SPENCER CITY RECORDER

MINUTES OF A VINEYARD
CITY COUNCIL SPECIAL SESSION
Vineyard City Council Chambers
125 South Main Street, Vineyard, Utah
October 30, 2019 at 8:53 PM

Present

Absent

Mayor Julie Fullmer
Councilmember John Earnest
Councilmember Tyce Flake
Councilmember Chris Judd
Councilmember Nate Riley

Staff Present: City Manager/Finance Director Jacob McHargue, Public Works Director/City Engineer Don Overson, Assistant City Engineer Chris Wilson, City Attorney David Church, Community Development Director Morgan Brim, Sergeant Holden Rockwell with the Utah County Sheriff's Office, Building Official George Reid, Water/Parks Manager Sullivan Love, City Recorder Pamela Spencer, Planning Commission Chair Cristy Welsh, Planning Commissioners Tay Gudmundson, Anthony Jenkins, Jessica Welch, and Shan Sullivan

Others Speaking: Pete Evans and Nate Hutchinson with Anderson Geneva, resident David Lauret

8:53 PM SPECIAL SESSION

1. CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION/INSPIRATIONAL THOUGHT

Mayor Fullmer opened the meeting at 8:53 PM. Councilmember Judd led the Pledge of Allegiance.

2. PUBLIC COMMENTS

Mayor Fullmer called for public comments. Hearing none, she closed the public session.

3. CONSENT ITEMS

- 3.1** Approval of the September 25, 2019 City Council Work Session Minutes
- 3.2** Approval of the October 9, 2019 City Council Meeting Minutes
- 3.3** Approval of the Cottonwood Phase 4 Final Plat
- 3.4** Approval of Purchases

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE CONSENT ITEMS 3.1 THROUGH 3.4. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

4. BUSINESS ITEMS

4.1 DISCUSSION AND ACTION – Town Center Master Development Agreement

Pete Evans with Anderson Geneva will present the proposed Master Development Agreement for the Town Center. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over to City Manager Jacob Mchargue.

Mr. McHargue reviewed the changes proposed by staff in the agreement, which were:

- Recitals Section H adding “lift stations” and adding “...serves and...” in the last sentence.
- Agreement:
 - adding Sections 3 and 4
 - 3. District Map. The Town Center Map (exhibit D) superseded the district map in the Code. There are 4 changes described below;
 - a. Relocate approximately 12.19 acres of Village Office identified in the Town Center Map as VO-11, VO10, and VO9 to the west of side of Geneva Park.
 - b. Geneva Park is extended further to the south and is 29.86 acres.
 - c. 3-acre trail corridor running the length of the project adjacent to the railroad corridor.
 - d. 1-acre plaza in the Village Office district has been deleted from the map.
 - 4. Property Exchange. The Village Office plaza identified in The Code that is no longer necessary with the changes to the district map will be exchanged for the parcel identified as LF-6 for a future civic use. LF-6 (1.25 Acres) will be donated to the city upon execution of this agreement. *(There was a discussion about whether or not they would have to rezone the property. Mr. Brim would look into it.)*
 - 6. Vested rights – Section d: changing from annual to quarterly updates.
 - 8. Infrastructure
 - Section c – add:
 - iii. “Annual Reimbursement Payments” shall be made by April 1st of each year.
 - iv. The Available Tax Increment shall be reduced by The Property’s pro-rata share of any mitigation payment due to Alpine School District. Mitigation payments are calculated annually. The pro-rata share of The Property shall be calculated by dividing the total mitigation payment due by the total residential units in the RDA, and then multiplied by the units within The Property. The Agency Staff will notify Developer of any mitigation payment due prior to the Annual Reimbursement Payment. *(There was a discussion about the agreement with Alpine School District and the timing of the development.)*
 - Section c(v) – add: “...payment requests have been approved by the Agency Staff and...”
 - Add Section c (xi) and (xii):

- 96 xi. The City Staff will be included in the construction process including but not
97 limited to design, bidding contractor selection, and all change orders.
98 xii. The Agency will approve the budget and final design of Main Street and the
99 Lake Promenade.

- 100 ○ 11. Reimbursement Submittal and Payment add wording into (a)(v)
101 ■ v. If the Punch List Items are not rectified by Developer within ninety (90) days
102 the Agency may elect to use Available Tax Increment to rectify any remaining
103 Punch List Items. *(There was a discussion about bonding.)*
104 ○ 12. Tree types identified in the Code shall be replaced by the approved Vineyard Tree
105 Manual. (removing “in the General Plan”)
106 • Exhibit A: Property Legal Descriptions were added.
107 • Exhibit E: The Backbone Infrastructure
108 ○ Number 12. remove: “...structured fill and...”
109 ○ Number 14. add: “...additional...Plaza...”, remove “properties”
110 • Grammatical and number changes as needed.
111

112 Mr. McHargue said that he had a few other things that he had discussed with Anderson Geneva
113 about having a clear definition of what structured parking was and clarifying that the structured
114 fill and underground utilities were only reimbursable under the backbone infrastructure, which
115 also included the parking structures. He said that the parking structure reimbursement land costs
116 would be treated the same as backbone infrastructures.
117

118 Mr. Brim suggested that they add language for the civic center. The language would be “The
119 civic center parcel be rezoned to Lake Front Commercial and Civic Uses would be a permitted
120 use in the Use Table 3.08.010 (3). Civic Uses are permitted uses through the institutional
121 building types section 3.10.80.” This would allow the civic use to be allowed in the Lake Front
122 Commercial. Mr. McHargue asked if it would allow them to put City Hall backed-up along the
123 Edge property and expand the promenade. Mr. Brim replied that it would be how they define it
124 in the code and that they would need to amend the district map.
125

126 Mayor Fullmer asked to for comments from the council.
127

128 Councilmember Riley felt that so much of everything that the city had done in the last 14 years
129 was coming to this culminating point, which was to get a city center developed. He said that the
130 reason they established the RDA was to reclaim the property. He added that he was super excited
131 to see this piece of property developed. He felt that this would ultimately secure Vineyard’s
132 future. He explained that they had spent a lot of time with council, staff, and experts to decide if
133 they should establish a Form-based code. He said that he wasn’t sure why they settled on the
134 percentages they did, but promised them that the city council did not pull those numbers out of a
135 hat. He said that the numbers came from the experts, to give the city the best chance of having a
136 successful Transit Oriented District (TOD). He explained that they had traveled to Dallas and
137 Portland to see what other cities had done. He said that it was eye-opening and guided them in a
138 different direction, which led them to settle on the Form-based code. He felt that it was the right
139 direction to bring in the density for the best chance to succeed as a community. Their vision had
140 an opportunity to come to pass. He felt that they were working with developers that wanted to
141 work with the city. He said that he wanted enough detail in the agreement that the city was
142 protected, but have enough flexibility to allow future councils to make changes that were in the
143 best interest of the community. He said that he was in favor of parking structures and liked the
144 tiered financial structure. He said that he was originally reserved with where they were headed
145 with financing of some of the backbone pieces, but he said that he looked at what the RDA was

created for, which was infrastructure, cleanup, and lastly incentives, so he was okay with it. He said that if they were reimbursing the infrastructure and cleanup, then there would not be any funds for incentivizing other players. He said if they could make the city center succeed and flourish then the development on the outside would come.

Mr. McHargue explained the tiered structure in the agreement. He felt that they could pay for 4,000 parking stalls with the tax increment they would be generating from the site. He did not know if they could afford to do 6,000 stalls. He reviewed the costs for a single parking stall and an entire parking structure. He expressed concern that they would be incentivizing the residential component and not the commercial. He was also concerned that they would only get two (2) parking structures and then nothing else would get built and the RDA would have failed. He felt that doing the tiered structure would incentivize the developer to build that next 1,000 stalls. He said that this would be done over time and keep them investing. He said that when he looked at the shared parking analysis, he realized that the developer was taking the risk. If they did not do the mixed use there would be no increment to reimburse the parking structures and infrastructure.

Councilmember Riley asked about the single increment number in the spreadsheet. Mr. McHargue replied that it was the total over the life of the development. Mr. Hutchinson explained that the parking correlated with how much commercial and retail they would get. He said that if they did not build commercial and retail, they would not get paid back for the amount of money they would be putting in. He explained how the tax increment worked. He felt that if they built the residential, then retail and commercial would come. He said the biggest components for retail to come were roof tops, foot traffic, and how much disposable income people had. He felt that residential on this site would be a game changer for retail. Mr. McHargue said that the assumptions being made were that they were adding 500 residential units and 75,000 square feet of non-residential in the first 3 years. Then 150,000 square feet each year until year 10 and 225,000 each year until year 18 and 75,000 a year after that. There was a discussion about the tiered payment structure and the number of stalls required for payment.

Mr. McHargue further explained the tiered structure. He said that reimbursement would be 70 percent for 1,000 stalls, 80 percent for 2000 stalls, 90 percent for 3,000 stall, and 100 percent for 4,000 stalls. He said that the city did not want to force something that did not work. There was a discussion about changing the number of stalls. Councilmember Judd asked what 4,000 stalls equated to for commercial. Mr. McHargue replied that it was 5 stalls per 5,000 square feet of commercial. Mr. Hutchinson mentioned that there would be street parking as well. He said that they would have to make the decision to pay for structured parking well before they would see how much tax increment there was.

Councilmember Flake said that, as a resident in 2015, his first efforts for the city were the Town Center code discussions. He said that he spent all that summer developing the Form-based code and was pleased that they now had a developer that, he thought, shared the dream. He stated that this was a risk for all of them. He said that he liked what had been done with the agreement but felt that there were still issues to be worked out. He said that this was a joint effort and that the city would be involved to the end. He liked that the city still was able to make input and had the ability to make this work. He felt that this was a living, evolving situation which was not cast in stone. He explained that he had lived in Europe and knew that these types of developments worked. He said the he had gone to the first large shopping mall, which was in New Jersey, in the middle of nowhere and people drove to it. Now shopping malls were collapsing and food was being delivered and the society was changing. He said that he had faith in the development and

196 was willing to vote in favor of it. He thanked everyone for their efforts. He felt there would be
197 disagreements, but they would listen to each other and work things out.

198
199 Councilmember Judd stated that he did not like paying interest. He said if there were available
200 funds for the city to pay for Main Street up front, he wanted the ability in the agreement to do
201 that. He also wanted the ability to remove the Edge piece out of the agreement. Mr. Church
202 thought that there was already a mechanism built into the agreement. Mr. McHargue said that
203 they had discussed the Main Street component and pulling the Edge piece out of the agreement.
204 The developer's concern was that part of the Edge piece was to do some of the improvements on
205 the promenade and they wanted the city to frontload the cost of Main Street. He explained that
206 they had discussed it as a potential negotiation that, if the city were able to front the cost for
207 Main Street, then they could pull the Edge piece out and replace the funding. He further TOD
208 explained that there were funds tied up on the east side that were already bonded for and they
209 could not spend them without approval. Mr. Evans stated that they would be fine with that. He
210 said that the agreement already provided for the city/RDA to do any of the improvements on
211 their own. He said that they would be fine with removing the Lakefront residential piece from
212 the reimbursement piece. There was a discussion about the Edge piece. There was also a
213 discussion about the east side funding. Mr. Hutchinson said that the Edge piece could be
214 removed if they included in the agreement something that referenced that if they work a deal out
215 with the city on releasing some of the bonding capacity that was being held for future use on the
216 east side, then that amount could be used for building Main Street. Councilmember Judd asked if
217 the city wanted to be able to do it. Mr. McHargue replied that they could add the wording as long
218 as they were not obligated to do it. Councilmember Judd said that as long as they could frontload
219 it and reduce the accruing interest payment, he would like to do it. Mr. Church explained that
220 there was a section in the current agreement that gave them the option to build any of the
221 infrastructure and take it off their obligation. He felt that they did not need to add the new
222 language now, but the appropriate way to do it was, if there was a way for the city/RDA to do
223 Main Street, then renegotiate the agreement. He felt that this would happen over and over again.

224
225 Councilmember Riley asked Mr. Overson what he thought about the extra roads inside the
226 development with only three access points into the entire site. He asked if, from an engineering
227 standpoint, staff was comfortable that there were sufficient access points to handle the
228 development. Mr. Overson replied that they needed to build the roads big enough to handle the
229 volumes during peak demands. He said that by putting in the grid system it would help a lot,
230 except on Main Street. He mentioned that every intersection would slow traffic down. He
231 expressed concern with where they would be sending the buses without clogging the main artery.
232 He felt that they could work through the issues. Councilmember Riley suggested that that the
233 first block into the development on Main Street be wider. Mr. Overson said that they would like
234 to move the first intersection further to the north. He added that he would like to have a queue of
235 over 1,000 feet to get traffic out of the development in the evenings. Mr. Evans felt that with
236 traffic engineering studies that they had done, they had a plan that worked and were hoping to
237 make it better. Mr. Hutchinson said that was why they added in the agreement that they had to
238 work with staff on the design of Main Street.

239
240 Mayor Fullmer asked Mr. McHargue to explained the ratios and how they worked with the city.
241 Mr. McHargue explained that the residential-to-commercial ratios were less concerning when he
242 looked them as stand-alone projects. He said that the only way they would get a cohesive plan
243 for structured parking was with a multi-use/dense urban downtown. He said that they would be
244 incentivizing a mix of uses. Councilmember Judd felt that with the vision discussed, if they did
245 not incentivize anything other than Main Street and the Promenade, they would miss the mark.
246 He felt that it was not what was intended in the Form-based code. It was planned to be dense and

the only way to incentivize it would be through structured parking. He added that he liked the ratios they had come up with and it would give the developer an incentive to get to the next tier and that the city would get more commercial development.

Mayor Fullmer stated that they had not covered how the basic open space would be paid for. She said that there was a maximum for open space in the code. Mr. McHargue explained that 20 percent open space was required, but then it could go down to 10 percent through incentives. Mr. Brim explained that the original spaces, next to the promenade, were to be phased in with the development and the code allowed for incentives to possibly take the requirement down to zero. He added that the rest of the development could get reductions down to 10 percent if they improved certain things. Mr. Hutchinson felt that they were providing more open space than required. He said that there would be even more in the plans that they were sketching with DPZ (a land planning firm). He invited staff and council to participate in the discussions. Mayor Fullmer asked what the mechanism would be to pay for it. Mr. McHargue replied that there was not a funding mechanism for Geneva Park. He said that they could possibly use any money left for from the cleanup on other parts of the Geneva property to cap the site and do further improvements.

Mayor Fullmer called for further comments.

Mr. McHargue asked what the council wanted to see as ratios of parking stalls required for reimbursement. He said that he was not certain on what the ratios should be. Councilmember Judd asked Mr. McHargue to review the suggested ratios again. Mr. Evans stated that they would like 100 percent reimbursement, but felt that the tiered structure would strike a balance between creating an increasing incentive for them to provide more parking which related to more commercial and retail. It closed the gap between structured and surface parking. He felt that it was a fair treatment of ensuring what the city wanted with more parking structures but not being so aggressive that it ended up being counterproductive and a disincentive. Councilmember Judd asked if they could split the difference and require 4,500 stalls. He felt that an additional 500 parking stalls would not be too much to ask. Mayor Fullmer asked Mr. McHargue to explain, to the public, how he came up with the 4,000 number. Mr. McHargue explained that 4000 stalls would cost \$60 million. He said that if they required 4,000 stalls then it would require the developer to put \$97 million up front with the potential of them getting reimbursed for the full amount. He explained that they would only get reimbursed for the development they put in. He added that there was an interest component as well. He felt that it was feasible for them to build the 4,000 stalls. Mr. Brim explained that the developer would provide 800,000 square feet of commercial and would be able to get substantially more parking with a shared parking structure. Councilmember Earnest felt that Mr. McHargue's instincts were good. Councilmember Riley asked what the amount was. Mr. McHargue explained that this agreement did not stop them from putting in more parking. He added that there would be non-reimbursable surface parking as well.

Mayor Fullmer stated that a lot of work had gone into this agreement. She mentioned that even though walkability would make the economy good, people were still concerned about the cars and parking spaces. She said that walkability was focused on in the city because it made it self-sustaining. She mentioned that Vineyard was at the crossroads of state and federal roads and transit. She also mentioned the cleanup project on the Geneva Steel site and that the city had to help pay for it. In order to do that they had to have the different types of housing, the Town Center, and have good vitality. She added that everything tied into the Town Center, from the south to the east, west, and north. They had planned for people to get to these locations in a walkable and bikeable manner that would make the city self-sustaining.

Councilmember Riley stated that he wanted the Town Center to succeed. He asked if the developer could make it work, if the first tiers stayed the way they were and they bumped up the last tier an additional 500 stalls. Mr. Hutchinson replied that according to the financial models, it would be too risky to build the extra 500 stalls, because it would add an additional \$7.5 million in costs. He explained that it would mean another \$100 to \$200 million of facilities that would have to be built to pay for it. He felt that they were stretching at 4000 stalls. He said that it would disincentive them from building the last 1000 units. Mr. Evans reiterated that it was really easy to forget the perspective on the parking stalls because there was a multiplication factor divided by a small amount. He said that the amount of additional facilities needed built to pay the \$7.5 million would be counterproductive. Councilmember Riley asked what dollar amount they would be reimbursing above the 4,000 stalls if the development was really successful. Mr. Evan replied that they would be reimbursing 100 percent above 4,000 stalls. He said that the problem Mr. McHargue was trying to solve was, if they built too few parking structures and picked the low hanging fruit, they would surface park the rest of the development. He said that they were trying to create an incentive program so that they build the next phase.

Mayor Fullmer asked resident David Lauret to explain why he felt the ratios should be different. Resident David Lauret living on Holdaway Road said that his concern was if they were allowed to build 80 percent residential with small shops, such as boutiques on the bottom, they would not be meeting the intention of the code to have 20 percent commercial. He expressed concern that development would happen like what happened in the Edgewater development where it ended up being all residential and did not meet the mixed-use requirements. He expressed concerned that there would not be a requirement that they had to build one type of use over another. There was a discussion about the Regional Mixed-use (RMU) area on Mill Road. Mayor Fullmer explained that commercial was driven by the economy. You cannot always force commercial to come first; the market controlled it. Mr. Brim explained that the RMU area was divided up and sold to property owners who built certain things, such as the Alloy and Edgewater developments. He said that the Town Center would be developed by one developer. Mr. Lauret felt that the tiered program was a reasonable incentive to get the mixture they were looking for. Councilmember Riley said that he did not understand why they were they not getting the commercial to come. He felt that there was an urgency for Vineyard to get going on the Town Center before the Point of the Mountain and Draper City started developing. He said that they needed to get traction on it. Someone needed to step up and “spec” a building or they would be on the short end of development. They needed to create the synergy and get people here. Mayor Fullmer felt that if they developed north of the Vineyard Connector it would help the areas to the south.

Mayor Fullmer said that if they compared the TOD that was near freeways and transportation, they would find that the percentage of residential was very high around them, which helped drive economic development. She said that when she had looked at other cities, they were in the 75 to 80 percent range for residential. Their calculations often looked at what transportation was in the TOD. She said that Vineyard had the FrontRunner, Light Rail, possibly buses, and the freeway, so the ratios made sense. Mr. Lauret felt that the other places had a better mix of population, different pay levels, and ages. He said that the city was being pressured to create low-cost housing and felt that if they did not make sure that we had a good mix of the types of housing they were offering, then they would not be able to make the formula work. Mayor Fullmer mentioned that the annual median income was around \$90,000, which put them at a pretty good threshold. She agreed that getting a mix with the right amount of affordable housing was difficult. She added that they did live in a student population which would always affect the city. She said that those young people, coming in with their talents, would fill the jobs, raise the median income, and would make it a great Town Center.

348 Mayor Fullmer called for additional comments. Hearing none, she called for a motion.

349
350 **Motion:** Councilmember Flake moved to approve 4.1.

351
352 There was a discussion about the motion. Change the code for the Lake Front commercial and
353 the Promenade area, identify it as the civic center area and add the items Mr. McHargue
354 addressed in the discussion, along with the redlines in the agreement.

355
356 **Amended Motion:** COUNCILMEMBER FLAKE MOVED TO APPROVE 4.1 AS
357 PRESENTED ALONG WITH THE CHANGES DISCUSSED IN THE RECORD.
358 COUNCILMEMBER EARNEST SECONDED THE MOTION. ROLL CALL WENT AS
359 FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS, EARNEST, FLAKE, JUDD, AND
360 RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

361 362 363 **5. ADJOURNMENT**

364 Mayor Fullmer called for a motion to adjourn the meeting.

365
366 **Motion:** COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 10:19
367 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER,
368 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE
369 MOTION CARRIED UNANIMOUSLY.

370
371 The next regularly scheduled meeting is November 13, 2019.

372
373
374 MINUTES APPROVED ON: _____

375
376 CERTIFIED CORRECT BY: /s/ Pamela Spencer

377 PAMELA SPENCER, CITY RECORDER

VINEYARD CITY COUNCIL MEETING
City Council Chambers
125 South Main Street, Vineyard, Utah
November 13, 2019 at 6:01 PM

Present

Councilmember John Earnest
Councilmember Tyce Flake (6:21 PM)
Councilmember Chris Judd
Councilmember Nate Riley

Absent

Mayor Julie Fullmer

Staff Present: City Manager/Finance Director Jacob McHargue, Public Works Director/City Engineer Don Overson, Assistant City Engineer Chris Wilson, Community Development Director Morgan Brim, City Planner Elizabeth Hart, Sergeant Holden Rockwell with the Utah County Sheriff's Office, Water/Parks Manager Sullivan Love, City Recorder Pamela Spencer, Planning Commissioners Anthony Jenkins and Tay Gudmundson

Others Speaking: Residents Randy Gray, David and Claudia Lauret, Jamie Gillman, and Steve Steenblik

6:00 PM REGULAR SESSION

1. MAYOR PRO TEMPORE

City Recorder Pamela Spencer will call the meeting to order and then call for a vote from the City Council to appoint a mayor pro tempore to run the City Council meeting and sit as Chair for the RDA meeting. She will then turn the time over to the newly appointed mayor pro tempore.

Ms. Spencer opened the meeting at 6:01 PM. She then called for a nomination to elect a mayor pro tempore.

Motion: COUNCILMEMBER EARNEST NOMINATED COUNCILMEMBER CHRIS JUDD AS MAYOR PRO TEMPORE FOR THIS EVENING. COUNCILMEMBER RILEY SECONDED THE NOMINATION. ROLL WENT AS FOLLOWS: COUNCILMEMBERS EARNEST, JUDD, AND RILEY VOTED AYE. MAYOR FULLMER AND COUNCILMEMBER FLAKE WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

Ms. Spencer turned the time over to Mayor Pro Tempore Judd. She mentioned that he would also chair the Redevelopment Agency Board meeting.

**2. PLEDGE OF ALLEGIANCE
INVOCATION/INSPIRATIONAL THOUGHT**

Councilmember Earnest led the Pledge of Allegiance and gave the invocation.

3. PUBLIC COMMENTS

Mayor Pro Tempore Judd called for public comments.

Resident Randy Gray representing the residents living in the Villas @ Waters Edge subdivision said that they loved the location and everything it offered. He felt that the concept of a planned urban development had not prepared for the congested parking, especially in The Preserve subdivision. He expressed concern with the amount of traffic congestion that was created when cars were parked across from each other. He felt that the biggest issue was that there were more than four (4) people living in some of the units in The Preserve. He quoted city code on the definition of a family. He said that The Preserve management had downsized their allowed street parking and now people were parking on Mallard Drive, which he felt had become a parking lot. He mentioned that Vineyard Loop Road was larger, but did not allow parking. He said that there were up to 200 cars parking on Mallard Drive, especially on the weekends. He said that this also created a littering problem, which The Villas residents had to clean up. He explained that they had submitted an application to address the parking issues, which exceeded the 75 percent signature limit. He felt that this demonstrated a critical need. He mentioned that there were also commercial vehicles with equipment that extended over the back end of the vehicles and people who were living in converted buses for weeks at a time while parked on Mallard Drive. He said that the residents in The Villas were seeking an application for preliminary assessment of the traffic conditions and asking the city to take the stance of restricting parking between the hours of 10:00 PM and 6:00 AM. He stated that they needed the city's help and leadership.

Councilmember Earnest asked if Mr. Gray thought that the immediate solution of no parking on their streets from 10:00 PM to 6:00 AM would accomplish most of their concerns. Mr. Gray explained that it was very disrupting to their routines, for residents whose homes fronted Mallard Drive, when people were parking there after 10:00 PM. Mr. McHargue explained that staff was working on a proposal where a neighborhood next to high density could apply for a parking assessment. He thought it would be ready to present at the next council meeting.

Resident Claudia Lauret living on Holdaway Road explained that she had been walking on Holdaway Road with her granddaughter and was almost run off the road by a speeding car. She said that they had to jump into the bushes to protect themselves.

Councilmember Flake entered the meeting at 6:21 PM.

Ms. Lauret mentioned that there were no sidewalks and that the residents were promised that it would stay a "little country road." She said that the traffic issue was concerning and that she hoped it would be resolved soon. She felt that ticketing the cars would also bring in revenue. She also felt that it was an issue to have to jump into the weeds to be safe. She pled with the city council to resolve the issue. She mentioned that she had walked to the meeting.

Resident Jamie Gillman living on Parkview Circle said that her children walked through the field to get to the bus stop because they were afraid that they would be hit by a car. She mentioned that there were a lot of runners on Holdaway Road as well. Mr. McHargue explained that a trail was planned on the north end of Holdaway Road. Mr. Overson mentioned that it would be an intermittent trail. Mr. McHargue explained that on the south end of the road there was housing on both sides and so it did not have the property to put a trail in. Councilmember Riley said that it was part of the decision to not have a sidewalk on Holdaway Road. He explained that it had always been a small road with property and homes that butted up close to the road. He said that the decision was made to improve the road but to minimize the "take" from the property owner.

He said that if he could erase the downturn of 2008, they would have had an overpass built a long time ago, which would have avoided the behavioral patterns that had developed now. He felt that the path of least resistance had taken traffic down Holdaway Road.

4. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Flake reported that he had just attended a four-hour meeting with Mountainland Association of Governments (MAG) and the Utah Lake Commission where they discussed the development of the lake and the transportation around it. He said that since there were no east/west connections, there was an inappropriate burden on the major roads that did exist. He said that the current planning was an attempt to address that problem in the next 30 years with 5-year plans. He said that he advocated for the extension of the Vineyard Connector, which they placed on their short list to take the load off of Geneva Road and I-15. They were hoping to connect it to a new freeway that would go across the top of Utah Lake, below Pioneer Crossing.

5. STAFF, COMMISSION, AND COMMITTEE REPORTS

City Manager/Finance Director – Jacob McHargue – reported that there was a smell coming off of the old Geneva Steel property. He said that he met with the Utah Department of Environmental Quality (DEQ) and US Steel and they were working with the contractor to address the issue. They were developing an air quality plan to ensure that the smell was merely a nuisance and not a health risk. He explained that the smell was coming off of the coal tar pond that was on the north side of the site. He further explained that the material was being moved to the Containment Area Management Unit (CAMU). He stated that the city had no authority over the project; it was a permitted project through the EPA and the Utah DEQ.

Utah County Sheriff's Office – Sergeant Holden Rockwell – Sergeant Rockwell presented the 3rd quarter report. Highlights were:

QTR.	Total CAD Calls	Officer Generated Calls	Public Generated Calls	Case Numbers	Arrests	Traffic Stops	Citations
2 nd Qtr.	2123	982	1141	374	75	502	142
3 rd Qtr.	2098	1028	1070	368	49	563	181

Response Times Qtr. 2:

Priority 1-2 4:57
Priority 1-2 calls 333

Nature of incidents Qtr. 2:

Burglary/Theft 16
Assault/Domestic Violence 27
Drugs/Alcohol 27

Response Times Qtr. 3:

Priority 1-2 3:32
Priority 1-2 calls 322

Nature of incidents Qtr. 3:

Burglary/Theft 20
Assault/Domestic Violence 25
Drugs/Alcohol 21

Sergeant Rockwell said that he was excited that the response times had gone down.

Councilmember Earnest asked if the deputies could pay special attention to Holdaway Road to provide awareness about the speeds traveled on it. Sergeant Rockwell replied that Holdaway Road already had extra patrols, but he would remind them about it.

Councilmember Riley mentioned that he had seen some videos of things that happened around Halloween and wanted to know what they were doing to minimize the risks during the holiday season. Sergeant Rockwell said that package theft usually went up around the holidays and one of the things that they had done the last few years was through the social media sites was to remind citizens to track their packages. He added that he had directed his deputies to do more patrols in the neighborhoods. Councilmember Earnest mentioned that Amazon had a program where people could purchase a device for their garages so that the drivers could put the packages in the customer's garage. Resident Steve Steenblik living in The Villas subdivision said that he had the device but it was not available in their area yet. He said that there were lockers around that they could be delivered to. Mr. McHargue mentioned that the city had started an application to be an Amazon site for pickup.

Community Development Director – Morgan Brim – Mr. Brim reported that at November 6 Planning Commission meeting they approved a sign standard waiver for the America First Credit Union building and the site plan, elevations, and architectural drawings for the Alpine Pediatrics Medical Office Building. They watch a walkability video from Jeff Speck, who is working on the Town Center design. Mr. Brim suggested that the council look up Mr. Speck's Ted Talks on YouTube. He added that the Planning Commission held a public hearing for text amendments to the Zoning Code for preschools and daycares, with a recommendation to council for approval. They also adopted their 2020 meeting schedule.

Planning Commission Chair – Cristy Welsh – Chair Welsh was excused.

City Recorder – Pamela Spencer – Ms. Spencer invited everyone to attend the special session on November 19, 2019 at 6:00 PM, to certify the election results.

6. DISCUSSION ITEMS

No items were submitted.

7. CONSENT ITEMS

7.1 Approval of Lakefront @ VTC Phase 2-C Final Plat

7.2 Approval of Lakefront @ VTC Phase 2-E Final Plat

7.3 Approval of Lakefront @ VTC North Backbone Final Plat

Mayor Pro Tempore Judd called for a motion.

Motion: COUNCILMEMBER EARNEST MOVED TO APPROVE THE CONSENT ITEMS AS PRESENTED. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR PRO TEMPORE JUDD, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE.

8. MAYOR'S APPOINTMENTS

No names were submitted.

9. **BUSINESS ITEMS**

9.1 **PUBLIC HEARING – Zoning Code Text Amendment Ordinances 2019-09**
And 2019-10

(15 minutes)

The City of Vineyard is proposing zoning text amendments to the Vineyard Zoning Ordinance, including: Chapter 15.60 Home Day Care, Chapter 15.60 Home Preschool, 15.12.050 District Use Table, and Vineyard City Special Purpose Zoning Districts 5.08.010 to allow day cares and pre-schools to allow seven (7) children in all zoning district as a permitted use, and up to 10 children in all zoning districts as a conditional use.

Mayor Pro Tempore Judd Turned the time over to Community Development Director Morgan Brim.

Mr. Brim explained that amendments take the home daycare and preschool provisions and make them consistent throughout the code. The changes would allow them to have up to seven (7) children/students as a permitted use. They would still be required to go through the process to obtain a business license. The code would allow them to have up to 10 children/students through a Conditional Use Permit and be consistent with the building code. He said that Planning Commission had recommended approval.

Councilmember Earnest asked if these changes would hurt any of the current businesses. Mr. Brim replied no, but added that it would require an additional caregiver for eight (8) or more students. Mayor Pro Tempore Judd asked if the city currently had any preschools and daycares. Mr. Brim replied that they had a couple of preschools with licenses, but they also had a few that did not have a license and they were working with them. Councilmember Earnest asked if the standards that would be implemented were consistent. Mr. Brim replied yes. Councilmember Riley asked if they currently allowed this in all zoning districts. Mr. Brim replied yes, the city allowed them, but they had to meet the building code. He explained that it was currently controlled differently in certain areas, and gave the examples that they were allowed use in The Homesteads, in Waters Edges they were required to get a conditional use permit. The changes would make it consistent throughout the city. Councilmember Riley asked what would happen if someone from The Preserve wanted to do something like this, and asked if they could have up to 10 children/students with a conditional use permit. Mr. Brim replied that if someone came in from a townhome, they would have to look at the Zoning and Building Code to see if they met the requirements in order to get a permit.

Mayor Pro Tempore Judd called for a motion to open the public hearing.

Motion: COUNCILMEMBER EARNEST MOVED TO OPEN THE PUBLIC HEARING AT 6:48 PM. COUNCILMEMBER RILEY SECONDED THE MOTION. MAYOR PRO TEMPORE JUDD, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. MAYOR FULLMER WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

Mayor Pro Tempore Judd called for public comments. Hearing none, he called for a motion to close the public hearing.

Motion: COUNCILMEMBER RILEY MOVED TO CLOSE THE PUBLIC HEARING AT 6:49 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR PRO TEMPORE JUDD, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. MAYOR FULLMER WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

Councilmember Flake sought clarification, asking if they were rationalizing the code, changing it so it was uniform. He asked if this would expand or shrink the opportunity to do the business. Mr. Brim replied that it increased the maximum number of children but did not decrease property rights.

Motion: COUNCILMEMBER EARNEST MOVED TO ADOPT ORDINANCE 2019-09 AND ORDINANCE 2019-10. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR PRO TEMPORE JUDD, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. MAYOR FULLMER WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

9.2 **DISCUSSION AND ACTION - Flashing Signs**

Assistant City Engineer Chris Wilson will present a plan for flashing signs on Holdaway Road. The mayor and City Council will take appropriate action.

Mayor Pro Tempore Judd turned the time over to Assistant City Engineer Chris Wilson.

Mr. Wilson said that his goal was to report the findings on Holdaway Road and how they hoped to help calm the traffic issues in the area. He said that it was one of the only underdeveloped streets that lacked a full cross section used by pedestrians, bikes and vehicles. He said that staff met with a group of residents living on Holdaway Road, along with Councilmember Flake, to discuss the issues and concerns they had. He said that the majority of the concerns appeared to be speeding. He said that one of the major issues on that road was the volume of traffic, which was difficult to control. He explained that staff could not control the development of the area and where the roads and infrastructure were going. He said that they had hopes that in the near future with the improvements of the infrastructure network that Holdaway Road would see relief. He felt that one solution that they could move forward with at this time was to implement the use of traffic radar signs that would flash and display the speed of the driver. There were two (2) ways to do this. One would be to use the existing signs from The Sleepy Ridge development, and the other would be to purchase permanent signs which would cost about \$7,300 for two signs plus the additional costs for posts and other equipment to install them.

Councilmember Earnest asked about using the radar signs on Holdaway Road, which were purchased by a resident. Mr. Wilson replied that staff felt that the signs were not in an effective place. They would like them in the center of Holdaway Road north to south, near of the straightaway so they would get people before they were picking up their speed. He stated that the existing signs were not city property but they were welcome to donate them to the city. Councilmember Earnest asked if the city could purchase them. Mr. Wilson said that was a possibility. Mayor Pro Tempore Judd asked if the signs were the same quality as The Sleepy Ridge signs. Mr. Wilson replied that he did not know if they were. He said that they were yellow, which was not a regulatory sign color, which was white. There was a discussion about the signs and costs. Councilmember Riley asked if they were currently moving signs around in Sleepy Ridge. Mr. Wilson replied yes, to track different directions. Mayor Pro Tempore Judd said that, living in The Sleepy Ridge subdivision, people saw the signs at first but now ignored them. He felt that the signs had not made a difference. He said that it was the Sleepy Ridge residents, people in their own neighborhoods, who were speeding.

Councilmember Riley asked if they were pulling consistent data from the Sleepy Ridge signs. Mr. Overson replied that they pulled the data every three or four months before they switched locations. He was willing to send data to anyone who asked for it. There was a discussion about

the benefits of the speed signs. Councilmember Riley felt that it was about human behavior. The minute you took the sign down, people would forget. He felt that they needed to be using the data. The discussion continued.

Councilmember Earnest suggested that they look at either reimbursing the person who purchased the signs and or having two (2) radar signs on Holdaway Road in the ideal locations to help it be as protected as possible for the time being. Councilmember Riley said that other solutions would also be connecting 400 South to Main Street and opening the Center Street overpass to help alleviate the problems on Holdaway Road.

Mayor Pro Tempore Judd asked Councilmember Flake about his thoughts from having been a part of the discussions. Councilmember Flake said that he hoped that the residents understood that this was difficult and not solvable today. He agreed that they should purchase one more sign and place it on Holdaway Road. He said that some of the data coming from those signs indicated speeds of up to 50 miles an hour, coming from the north. He felt that the sign would be helpful but that it would not solve the problem. He also felt that there needed to be a way to stop truck traffic on that road. He felt that they should move the signs around more than every three months.

Resident David Lauret living on Holdaway Road said that Holdaway Road was not the only way to get from the north to the south end of the city. He said that people chose the way that was most convenient. He did not want to wait until someone died to fix the problem. He felt that the city had been taking too long to come up with a solution. He felt that the truck weight limit signs were too small. He also felt that if they put a sign at about 180 South it would make a difference. He said that it was not the neighbors who were speeding, but those people who were late to things. He said that he did not understand why the city could not use the data from signs that were privately owned. They needed more patrolling and more ticketing on their road. He suggested that they post the speed limit well, notify people, and then ticket them when they do not obey the traffic laws. They should at least control the speed. Mayor Pro Tempore Judd clarified that his comment about neighbors was more than just his neighbor to the left or right, but included Vineyard and Orem residents around them.

Mr. McHargue felt from a staff perspective, they had responded to the residents' concerns. They were going to have additional patrols and install radar signs on Holdaway Road. Councilmember Earnest felt that the obvious thing to do was to approve signs for Holdaway Road now. Mayor Pro Tempore Judd asked if there was something lacking in the proposal. Mr. Lauret felt that in the long term Holdaway Road needed to be blocked off. He said that the only way to adjust people's behavior was to make it impossible to for them to go that way. He said that they had asked before and nothing had happened. He said that they had been at this for over six months and they were just starting to see results.

Mayor Pro Tempore Judd asked staff if they had involved a traffic engineer. Councilmember Flake replied no.

Councilmember Riley explained that the man had who purchased the radar signs knew that government worked slowly. He was a man of action and took it upon himself to contact a legitimate vendor that sold to municipalities. There was a discussion about the purchased signs and their usability.

Councilmember Flake said that they had three (3) issues that they needed to address with the signs. They needed: speed signs, large truck signs, and special needs signs. He agreed with the

residents' plan and the city needed to act on it. Councilmember Earnest agreed with Councilmember Flake. Councilmember Riley mentioned that the report stated that the funds were non-budgeted funds. He felt that somewhere they could find \$7,300 to put towards the signs. Mr. McHargue explained that the council needed to make a proposal and give staff direction.

Mayor Pro Tempore Judd was in favor of the speed signs. He felt that it would be an immediate benefit albeit one that would diminish over time. He expressed concern that the request for radars signs would become a common occurrence. Councilmember Riley felt that they would not have another road like Holdaway Road. He mentioned that he walked Holdaway Road every week to force people to pay attention to him, make them slow down, and move over.

Mayor Pro Tempore Judd called for a motion.

Motion: COUNCILMEMBER RILEY MOVED TO MOVE FORWARD AND AUTHORIZE STAFF TO LOCATE APPROXIMATELY \$8,000 FOR SIGNS, BASES, AND HARDWARE TO INSTALL TWO (2) SIGNS ALONG HOLDAWAY ROAD. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR PRO TEMPORE JUDD, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. MAYOR FULLMER WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

9.3 **DISCUSSION AND ACTION - 2020 Meeting Schedule**

City Recorder Pamela Spencer will present the recommended City Council meeting schedule for the 2020 calendar year. The mayor and City Council will take appropriate action.

Ms. Spencer explained that this was standard procedure to approve the next year's City Council meeting calendar.

Motion: COUNCILMEMBER EARNEST MOVED TO APPROVE THE 2020 CALENDAR. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR PRO TEMPORE JUDD, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. MAYOR FULLMER WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

10 CLOSED SESSION

No closed session was held.

11 ADJOURNMENT

Mayor Pro Tempore Judd called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 7:26 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR PRO TEMPORE JUDD, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. MAYOR FULLMER WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

There will be a special session on November 19, 2019 to certify the 2019 General Election results and the next regularly scheduled meeting will be on December 11, 2019.

MINUTES APPROVED ON: _____

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

DRAFT

VINEYARD CITY COUNCIL SPECIAL SESSION
City Council Chambers
125 South Main Street, Vineyard, Utah
November 19, 2019 at 6:00 PM

Present

Absent

Mayor Julie Fullmer
Councilmember John Earnest
Councilmember Tyce Flake
Councilmember Chris Judd
Councilmember Nate Riley

Staff Present: City Manager/Finance Director Jacob McHargue, City Recorder Pamela Spencer

Others Present: Candidates and residents Cristy Welsh, Anthony Jenkins, and David Lauret

6:00 PM SPECIAL SESSION

1. CALL TO ORDER/ INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE

Mayor Fullmer opened the meeting at 6:00 PM. Councilmember Flake gave the invocation.

2. BUSINESS ITEMS

2.1 DISCUSSION AND ACTION – 2019 Municipal General Election Canvass and Certification

City Recorder Pamela Spencer will present to the mayor and City Council the results of the 2019 Municipal General Election. The mayor and City Council will sit as the Board of Canvassers to certify the results of the 2019 Municipal General Election.

Chair Fullmer turned the time over to City Recorder Pamela Spencer.

Ms. Spencer reviewed the results of the 2019 Vineyard General Election. The Recreation, Arts, and Parks (RAP) Tax passed with 78.97 percent of the vote. Mr. McHargue explained that an ordinance to adopt the RAP Tax would be on the next City Council agenda. He further explained that by the end of the year, the city had to send a notification to the Utah State Tax Commission that it had passed. He added that the city would start collecting taxes on April 1, 2020. Ms. Spencer explained how the ranked choice voting process worked. She stated that Cristy Welsh won the first seat with 589 total votes after 6 rounds. There was a discussion about how the ranked choice voting worked compared to other cities. Ms. Spencer stated that Tyce Flake won the second seat with 660 votes after 5 rounds. There was continued discussion about how ranked choice voting worked compared to other cities. Ms. Spencer continued her review of the election results. She presented the final report for the boards review.

Chair Fullmer called for further questions or a motion.

53 **Motion.** BOARDMEMBER JUDD MOVED TO CERTIFY THE RESULTS OF THE
54 NOVEMBER 5, 2019 MUNICIPAL GENERAL ELECTION, AND TO CERTIFY THE
55 ELECTION OF CRISTY WELSH AND G. TYCE FLAKE AS COUNCILMEMBERS FOR A
56 FOUR-YEAR TERM, AND TO CERTIFY THAT THE RECREATION ARTS AND PARKS
57 (RAP) TAX PASSED WITH 78.97 PERCENT OF THE VOTES CAST. BOARDMEMBER
58 FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: CHAIR
59 FULLMER, BOARDMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE.
60 THE MOTION CARRIED UNANIMOUSLY.

61
62
63
64 **ADJOURNMENT:**

65 Mayor Fullmer called for a motion to adjourn the meeting.

66
67 Motion: COUNCILMEMBER JUDD MOVED TO ADJOURN THE MEETING AT 6:15 PM.
68 COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER,
69 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTES AYE. THE
70 MOTION CARRIED UNANIMOUSLY.

71
72
73 The next regularly scheduled meeting is December 11, 2019.

74
75
76 MINUTES APPROVED ON: _____

77
78 CERTIFIED CORRECT BY: /s/ Pamela Spencer
79 PAMELA SPENCER, CITY RECORDER
80



Date: December 11, 2019

Agenda Item: 7.4 Ordinance 2019-09 and Ordinance 2019-10 Preschool and Day Care Amendments

From: McKenna Marchant, Planning Tech

Department: Community Development

Subject: Zoning Code Preschool and Day Care Amendment

The Zoning Code text amendments were originally approved on November 13, 2019. The ordinance language was missing from the original documents presented so it was recommended that the ordinance language be added and they be placed on consent for reapproval.

RECOMMENDATION:

Staff is recommending reapproval on consent of the 2019-09 and Ordinance 2019-10.

PROPOSED MOTION:

"I moved to approve the consent items as presented."

ATTACHMENTS:

- Proposed Ordinances

**VINEYARD
ORDINANCE 2019-09**

**AN ORDINANCE OF THE VINEYARD CITY COUNCIL, VINEYARD, UTAH,
AMENDING THE CITY'S ZONING ORDINANCE TO SECTIONS 15.12.050 AND 15.60.020
TO ALLOW SEVEN OR FEWER CHILDREN IN HOME PRESCHOOLS OR HOME DAY
CARES AS A PERMITTED USE; TO ALLOW EIGHT TO TEN CHILDREN IN HOME
PRESCHOOLS OR HOME DAY CARES AS A CONDITIONAL USE; TO REQUIRE A
SECOND CARE PROVIDER IF THERE ARE EIGHT TO TEN CHILDREN; PROVIDING A
REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE,
PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE
DATE.**

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

WHEREAS, the City of 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 meeting on November 6, 2019 and after fully considering staff recommendations, recommended approval to the Vineyard City Council on November 6, 2019.

WHEREAS, the Vineyard City Council, having reviewed the proposed text amendments, held a public hearing on November 13, 2019; 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** "15.12.050 District Use Table*" of the Vineyard Zoning Code is hereby *amended* as follows:

A M E N D M E N T

15.12.050 District Use Table*

1. District Use Table: The district use table lists all use types and zoning districts where the use type is permitted (P), allowed through the provision of a conditional use permit (C), permitted as an accessory use (A) to a principal use or permitted for temporary timeframe (T).
2. Prohibited Uses: All uses marked with an “x” in the district use table or not specifically listed are prohibited, except where state or federal law otherwise preempts local land use regulation.
3. Additional Requirements: In addition to requirements listed at the bottom of the district use table, additional requirements for specific uses are listed in [VZC 15.14 Special Purpose Districts](#), VZC 15.32 General Property Development Standards and VZC 15.34 Supplementary Development Standards of the zoning ordinance.

Accessory Use: An accessory use, unless otherwise permitted in the zoning ordinance, shall not commence and no accessory structure shall be constructed without a principal use first being lawfully established on the subject site. P = Permitted Use; C = Conditional Use; T = Temporary Use; N = Non-Permitted Use; X^x = Indicates Additional Standards Below

ZONING DISTRICT USES		O S	A- 1	R & A- 5	RE - 20	R- 1- 15	R- 1- 10	R- 1- 8	R- 2- 15	H D R- 1	H D R- 2	R M U	F M U	B P	R C	FO I	M	PF
RES IDE NTI AL ⁸	Dwelling, Multiple- Family	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N
	Dwelling Single- Family	N	P	P	P	P	P	P	P	P	N	P	N	N	N	N	N	N
	Dwelling, Two-Family	N	N	N	N	N	N	N	P	P	N	P	P	N	N	N	N	N
	Model Home	N	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N
	Residence for Persons with a Disability	N	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	N	N	N	N	N	N	N
	Residence for Persons with a Disability that are Substance Abuse Facilities located within 500 feet of a school	N	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	N	N	N	N	N	N	N
	Residential Facility for Elderly Persons	N	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	N	N	N	N	N	N	N
	Residential Lease, Short-term	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
CO MM ERC IAL	Agriculture, Commercial	P	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Animal Hospital	N	N	N	N	N	N	N	N	N	N	P	N	N	P	P	P	N
	Financial Institution	N	N	N	N	N	N	N	N	N	N	P	P	C	P	P	N	N
	Billboard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Car Wash	N	N	N	N	N	N	N	N	N	N	C	N	N	C ³	C	P	N

Chemical Manufacture , Storage, and Distribution (Existing)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Commercial Day Care/Preschool Center	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C3	N	N
Commercial Plant Nursery	N	C	C	N	N	N	N	N	N	N	C	N	N	P	P	P	N
Commercial Recreation, Indoor	N	N	N	N	N	N	N	N	N	N	C	C	C	P	N	N	N
Commercial Recreation, Outdoor	N	C	C	N	N	N	N	N	N	N	C	N	C	C	N	N	N
Composting Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
Construction Sales and Service	N	N	N	N	N	N	N	N	N	N	P	N	N	C	C	P	N
Contractor's Office/Storage Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
Distribution Center	N	N	N	N	N	N	N	N	N	N	C	N	C	N	N	P	N
Drive-thru Facility	N	N	N	N	N	N	N	N	N	N	P ⁷	P ⁷	N	P ⁷	N	P ⁷	N
Dry Cleaning	N	N	N	N	N	N	N	N	N	N	P	P	N	P	P	N	N
Flammable Liquids or Gases Manufacture , Storage and Distribution	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	C	N
Funeral Home/Mortuary	N	N	N	N	N	N	N	N	N	N	C	N	C	N	N	N	N
Golf Course	C	C	C	N	C	N	N	N	N	N	N	N	N	N	N	N	N
Health and Fitness Facility	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N

Hotel	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N
Hybrid Production Facility	N	N	N	N	N	N	N	N	N	N	C	C	N	C	P	N	N
Kennel, Commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	C	p ²	p ²	N
Kennel, Outdoor Commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C ²	C ²	N
Laundry, Commerical	N	N	N	N	N	N	N	N	N	N	C	C	N	N	P	P	N
Laundry, Self Serve	N	N	N	N	N	N	N	N	N	N	P	P	P	N	P	P	N
Manurfactur ing, Heavy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
Manufacturi ng, Light	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	N
Medical and Dental Clinic	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N
Medical or Dental Laboratory	N	N	N	N	N	N	N	N	N	N	P	P	P	N	P	P	N
Motel	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N
Motor Vehicle Fueling Station	N	N	N	N	N	N	N	N	N	N	C	N	N	C	C	N	N
Nightclub	N	N	N	N	N	N	N	N	N	N	C	C	N	C	N	N	N
Nursing Care Facility	N	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N
Nursing Home, Convalescen t Care	N	C	C	C	C	C	C	C	C	C	N	N	N	N	N	N	N
Office	N	N	N	N	N	N	N	N	N	N	P	P	P	p ⁴	p ⁴	N	N
Pawnshop	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N
Personal Care Services	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N	N
Personal Instruction Service	N	N	N	N	N	N	N	N	N	N	P	P	C	P	C	N	N

Private Club	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	N	N
Restaurant	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N
Retail Sales and Services	N	N	N	N	N	N	N	N	N	N	P	P	P ³	P	P ³³	N	N
Retail Sales and Services (Community Commercial)	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N
Retail Sales and Services (Regional)	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N	N
Salvage Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
Sexually Oriented Business	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
Storage - Self Service Mixed-Use Facility	N	N	N	N	N	N	N	N	N	N	C ²	N	C ²	C ²	C ²	N	N
Storage - Self Service	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
Storage of Recreational Vehicles	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
Trailer/RV Camping Facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Vehicle and Equipment Rental	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N
Vehicle and Equipment Repair (Major)	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	P	N
Vehicle and Equipment Repair (Minor)	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	P	N

	Vehicle and Equipment Sale and Rental New or Used (Heavy)	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N
	Vehicle and Equipment Sale or Rental New or Used (Light)	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	N	N
	Warehouse	N	N	N	N	N	N	N	N	N	N	N	N	C	N	P	P	N
	Warehouse Club	N	N	N	N	N	N	N	N	N	C	N	N	C	N	N	N	N
	Wholesale Distribution	N	N	N	N	N	N	N	N	N	C	N	C	N	P	P	N	N
PUBLIC AND INSTITUTIONAL	Assembly, Place of	N	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹	C	C	C	N	N	N	N	N
	Commuter and Light Rail Facilities and Station	N	N	N	N	N	N	N	N	N	P	P	C	C	C	C	C	C
	Earth Station (Satellite Dish Farm)	N	N	N	N	N	N	N	N	N	N	N	C	N	N	P	N	N
	Educational Facility	N	C	C	C	C	C	C	C	C	P	P	P	C	N	N	N	N
	Emergency Care Facility	N	N	N	N	N	N	N	N	N	p	P	C	N	N	N	N	N
	Environmental Remediation Activities	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P
	Farmers' Market	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N
	Heliport	N	N	N	N	N	N	N	N	N	C	N	N	C	N	C	N	N
	Hospital	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N	N	N
	Liquor Store (State Owned)	N	N	N	N	N	N	N	N	N	C	C	N	C	N	N	N	N

	Major Facility of a Public Utility	C	C	C	C	C	C	C	C	C	C	C	N	N	C	C	C	C
	Minor Facility of a Public Utility	P	P	P	P	P	P	P	P	P	P	C	C	P	C	P	P	P
	Museum	N	N	N	N	N	N	N	N	N	N	P	P	C	C	N	N	N
	Open Space and Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Parks and Associated Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Park and Ride Facility	N	N	N	N	N	N	N	N	N	N	P	N	C	N	P	P	N
	Power Plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
	Public Use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
	Recycling Collection Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	N
	Recycling Processing Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
	Transit Passenger Hub (Intermodal)	N	N	N	N	N	N	N	N	N	N	P	P	N	C	C	C	C
	Wireless Telecommunications Site/Facility	N	C ²	C ²	N	N	N	N	N	N	N	C ²	C ²	C ²	N	C ²	C ²	C ²
	ACC ESS ORY USE S	Accessory Building	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	N	N	N	N	N	N	N
		Accessory Dwelling Unit	N	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	N	N	N	N	N	N	N
		Accessory Dwelling Unit for Owner or Employee	N	P	P	N	N	N	N	N	N	N	N	N	N	C	C	N
		Accessory Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Billboard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Domestic Livestock and Fowl	N	p ²	p ²	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Home Day Care <u>(one to seven children).</u>	N	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N
<u>Home Day Care (eight to ten children).</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Home Occupation	N	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	N	N	N	N	N	N
<u>Home Preschool (one to seven children).</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Home Preschool (eight to ten children).</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Home Preschool (eight to ten children).	N	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N
Household Pets, Noncommercial	N	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	N	N	N	N	N	N	N
Open/Outdoor or Display of Products or Merchandise	N	N	N	N	N	N	N	N	N	N	C	N	N	C	C	P	N
Seasonal Use	T ⁵	N	N	N	N	N	N	N	N	N	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵	N	N
Sign - Temporary	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶	T ⁶

Swimming Pool	P	C ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	N	N	N	N	N
Temporary Use	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵	T ⁵⁵	T ⁵	T
Tennis Court/Sports Court	C	C	C	C	C	C	C	C	C	C	C	N	N	N	N	N	C

1. Religious institutions are allowed through the provision of a conditional use permit. No other assembly uses as defined in VZC 15.60 of this ordinance are permitted.
2. See VZC 15.34 for additional use development standards.
3. Use is allowed as an accessory use to a principle use.
4. Use shall not exceed 25% of the net square footage of a single building or development.
5. See VZC 15.26 for additional use standards.
6. See VZC 15.48 for signage requirements.
7. In accordance with the District Use Table above, drive-thru facilities complying with all standards listed in Section 15.34.190 Part 1 through 11 of the VZC are considered a permitted use. Drive-thru facilities containing a drive aisle between the building's front façade and the front property line shall require approval of a conditional use permit. See Part 12 of Section 15.34.190 of the VZC.

SECTION 2: **AMENDMENT** “15.60.020 Definitions” of the Vineyard Zoning 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.

Apiary: Any place where one (1) or more colonies of bees are located.

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.

Beekeeper: A person who keeps honeybees in order to collect honey and beeswax and pollinate crops.

Beekeeping Equipment: Anything used in the operation of an apiary, such as hive bodies, supers, frames, veils, gloves, top and bottom boards, extractors or other equipment to handle or manipulate bees, honey, wax, or hives.

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.

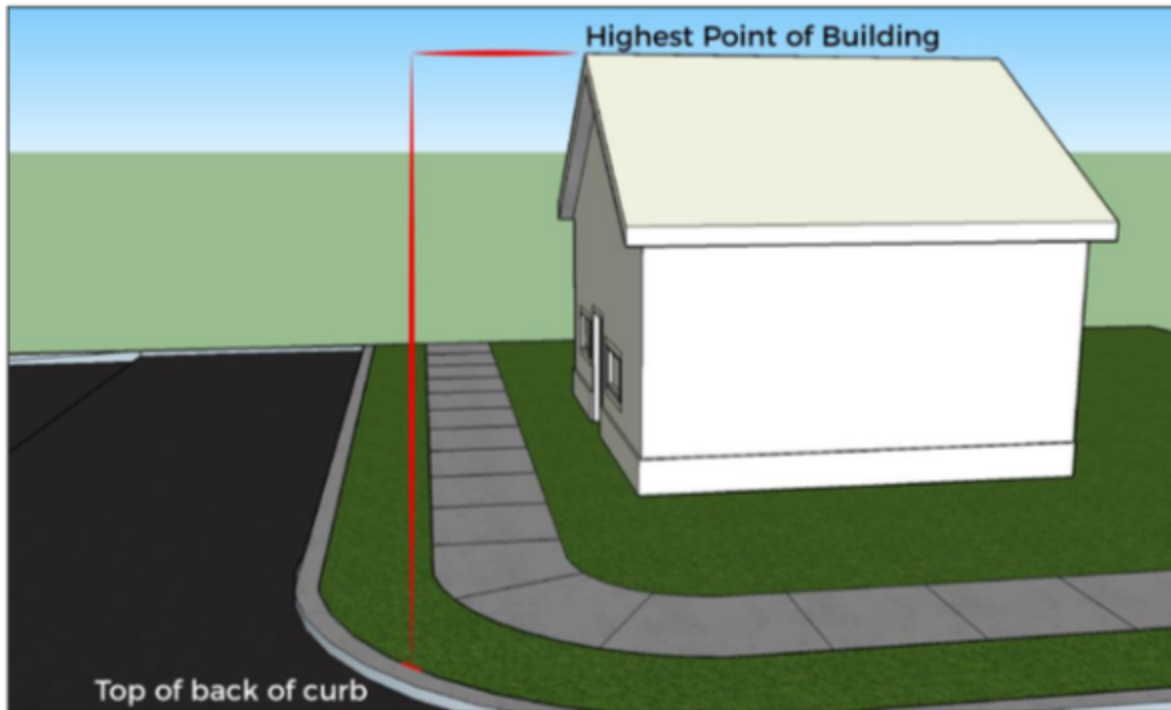
Building: Any structure, whether permanent or temporary, which is designed, intended, or used for occupancy by any person, business, animals, possessions, or for storage of property or materials of any kind.

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.

Colony: Bees in any hive including queens, workers, or drones.

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.

Hive: A frame hive, box hive, barrel, log, gum skep, or other artificial or natural receptacle that may be used to house bees.

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-ten~~ (109) 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). If there are eight or more children, there must be two or more providers present.

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-ten~~ (106) children for each session of instruction. If there are eight or more children, there must be two or more providers present. 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.

Honeybee: The common honeybee, *Apis mellifera* species or any hybrid thereof, at any stage of development, but not including the African honeybee.

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 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 3: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: 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 5: EFFECTIVE DATE This Ordinance shall be in full force and effect from November 13, 2019 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

**VINEYARD
ORDINANCE 2019-10**

**AN ORDINANCE OF THE VINEYARD CITY COUNCIL, VINEYARD, UTAH,
AMENDING THE CITY'S WATERS EDGE ZONING DISTRICT ORDINANCE TO
SECTION 5.08.010 TO ALLOW SEVEN OR FEWER CHILDREN IN HOME PRESCHOOLS
OR HOME DAY CARES AS A PERMITTED USE; TO ALLOW EIGHT TO TEN CHILDREN
IN HOME PRESCHOOLS OR HOME DAY CARES AS A CONDITIONAL USE; PROVIDING
A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE,
PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE
DATE.**

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

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

WHEREAS, the Planning Commission held a public meeting on November 6, 2019 and after fully considering staff recommendations, recommended approval to the Vineyard City Council on November 6, 2019.

WHEREAS, the Vineyard City Council, having reviewed the proposed text amendments, held a public hearing on November 13, 2019; 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, 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** "5.08.010 Building Standards (Table)" of the Vineyard Special Purpose Zoning Districts is hereby *amended* as follows:

A M E N D M E N T

5.08.010 Building Standards (Table)

1. **PURPOSE.** This Exhibit outlines the standards pursuant to which WatersEdge Residential uses shall be developed within the Zone Plan.
2. **PERMITTED USES**
 - a. **CODES AND SYMBOLS.** In the following section, uses of land or buildings will have the following CODES or SYMBOLS:
 - i. P indicates permitted uses
 - ii. *P indicates permitted per city code
 - iii. C indicates conditional uses
 - iv. - indicates that the use is not allowed
 - v. A indicates that the use is allowed
 - vi. N/A indicates that the use is not applicable

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the WatersEdge Zone Plan except as provided in this *Table: Building Standards*.

Table: Building Standards

ZONE	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6
Accessory buildings and uses customarily incidental to permitted uses other than those listed below	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory buildings and uses customarily incidental to conditional uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary buildings for uses incidental to construction	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P	*P

work, including living quarters for guard or night watchma n, which building must be removed upon completi on or abandon ment of the construct ion work. Mobile homes for temporar y uses found appropri ate to the Planning Commiss ion													
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Temporary model home sales offices for the sale and/or rent of new homes, townhomes, big houses and apartments Each housing type is permitted 4 model homes, 1 of which may be a sales office.	P	P	P	P	P	P	P	P	P	P	P	P	P
SPECIAL USES	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6
Child Day Care or Nursery	P	P	P	P	P	P	P	P	P	P	P	P	P
<u>Home Day Care (one to seven children)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

<u>Home Day Care</u> (<u>eight to ten</u> <u>children</u>).	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Home Preschool</u> 1(up to 6 <u>one to seven</u> <u>children</u>).	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Home Preschool</u> 1(7- 10 <u>eight to ten</u> <u>children</u>).	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Family Food Production	P	P	P	P	P	P	C	P	C	P	P	P	P
The tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P	P	C	P	C	P	P	P	P
Assisted Living Center	C	C	C	C	C	C	C	C	C	C	C	C	C
RESIDENTIAL	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6

Single-family dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P
Single attached family dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P
**Group s of dwellings (includin g twin homes and senior housing) when approved as a planned unit develop ment.	P	P	P	P	P	P	P	P	P	P	P	P	P
Multi-family dwelling											P	P	P
Residenti al facilities (group homes) for the handicap ped and elderly	P	P	P	P	P	P	P	P	P	P	C	C	C

Home Occupati on	A	A	A	A	A	A	A	A	A	A	A	A	A
Househol d Pets	P	P	P	P	P	P	P	P	P	P	P	P	P
PUBLIC AND QUASI- PUBLIC	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6
Private educatio nal institutio n having a curriculu m similar to that ordinaril y given in public schools	C	C	C	C	C	C	C	C	C	C	C	C	C
Private recreatio nal grounds and facilities not open to the general public and to which admissio n charge is made	C	C	C	C	C	C	C	C	C	C	C	C	C

Public and quasi-public buildings and uses (commentaries, churches, essential service facilities, golf courses, substations, transmission lines (50kv or greater capacity), recreation trails, schools, streets (public and private), and railroad and utility lines and rights of ways)	C	C	C	C	C	C	C	C	C	C	C	C	C
AREA REGULATIONS	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6

The minimum lot area, in square feet, for a single-family dwelling structure shall be:	2,400	3,600	4,200	5,200	6,200	8,000	10000	15000	20000	N/A	N/A	N/A	N/A
WIDTH REGULATIONS	SFDC	SFDC	SFDC	SFDC	SFDC	SFDC	SFDC	SFDC	SFDC	TH	TH	CN	SFA6
The minimum width at the front setback line for units adjacent to roadways, in feet, for any lot shall be:	42	40	45	50	60	75	85	90	100	N/A	N/A	N/A	N/A

The additional minimum width at the front setback line for units on a corner lot shall be:	10	10	10	10	10	10	10	10	10	N/A	N/A	N/A	N/A
The minimum width at the front setback line for units on a cul-de-sac lots shall be: (measured 20' from back of the side walk)	N/A	35	40	45	50	70	80	80	80	N/A	N/A	N/A	N/A
FRONT YARD REGULATIONS	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6

The minimum depth, in feet, for the front yard from the property line to a front loaded garage (measured to the garage foundation), shall be:	N/A	20	20	20	20	20	20	20	20	20	N/A	N/A	N/A	20
The minimum depth, in feet, for the front yard from the property line to a side loaded garage, shall be:	N/A	15	15	15	15	20	20	20	20		N/A	N/A	N/A	15

The minimum depth, in feet, for the front yard from the property line to the living space or front porch shall be:	N/A	15	15	15	15	20	20	20	20	N/A	N/A	N/A	15
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The maximum amount of homes in a row that can have the same front yard setback (must have a minimum 1-2 foot offset between front structural component of home).	N/A	2	2	2	2	2	2	2	2	N/A	N/A	N/A	N/A
REAR YARD REGULATIONS	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6

The minimum depth, in feet, for the rear yard from the property line to the living space shall be:	10	10 (5' for alley loaded units)	10 (5' for alley loaded units)	10 (5' for alley loaded units)	15	20	20	20	20	10 (5' for alley loaded units)	10 (5' for alley loaded units)	N/A	10 (5' for alley loaded units)
SIDE YARD REGULATIONS	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6
The minimum side yard, in feet, for interior dwelling units shall be: (all SFD units must keep 5' side yard setbacks clear for access) (amended 6.10.2015 Ord 2015- 09)	5	5	5	5	5	6 (Fireplaces may extend into setback 2 feet)	8 (Fireplaces may extend into setback 2 feet)	8 (Fireplaces may extend into setback 2 feet)	8 (Fireplaces may extend into setback 2 feet)	5 (when detached)	5 (when detached)	N/A	5 (except on zero lot lines)

The total width of the side yards, in feet, for interior dwellings shall be: (amended 6.10.2015 Ord 2015-09)	10	10	10	10	10	14	18	18	18	N/A	N/A	20	10
The minimum side yard, in feet, for a private garage shall be:	5	5	5	5	5	8	8	8	8	N/A	N/A	N/A	5
The minimum side yard, in feet, for a corner lot, shall be:	10	15	15	15	15	20	20	20	20	20	20	25	15
HEIGHT REGULATIONS	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6

The maximum height in feet for all buildings and structures (measured from the top of back of curb), shall be:	35	35	35	35	35	35	35	35	35	35	35	40	35
COVER AGE REGUL TIONS	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6
The maximum coverage of impervious area for any lot (measured as a percentage of the total lot area), shall be:	70 %	65 %	65 %	60 %	60 %	55 %	55 %	55 %	55 %	70 %	70 %	75 %	70%

The Maximu m / Minimu m number of attached units in a row, shall be:	N/ A	N/ A	N/ A	N/ A	N/ A	N/ A	N/ A	N/ A	N/ A	6 Ma x 2 Mi n	10 Ma x 2 Mi n	N/ A	6 Ma x 2 Mi n
DEPTH REGUL ATIONS	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6
The mimimu m depth, in feet, of any lot, except as modified by condition al use permit, shall be (amende d 6.10.2015 Ord 2015-09)	65	65	80	100 ,	100 ,	100 ,	100 ,	10 0'	100 ,	N/ A	N/ A	N/ A	N/ A
PARKIN G REGUL ATIONS	SF D C	SF D 36	SF D 45	SF D 54	SF D 65	SF D 8	SF D 10	SF D 15	SF D 20	T H 12	T H 17	CN	SF A 6

The minimum number of covered parking spaces per dwelling unit: (*garage required)	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2	1	*2
The minimum number of total parking spaces per dwelling unit:	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2	2	2	2

Guest parking per unit (includes pocket parking lots, allowable street parking, parking in front of garages)	.5 (includes parking in front of garages for rear courtyard units)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	.5 (includes parking in front of garages where allowed)	.5 (includes parking in front of garages where allowed)	.5 (includes parking in front of garages where allowed)	.5 (includes parking in front of garages where allowed)
--	--	-----	-----	-----	-----	-----	-----	-----	-----	---	---	---	---

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: 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 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from November 13, 2019 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

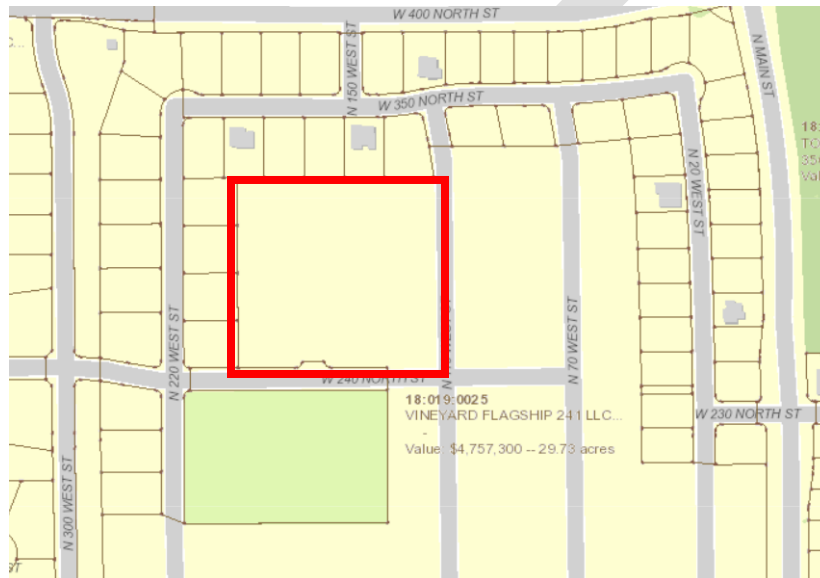
Attest

Julie Fullmer, Mayor, Vineyard

Pamela Spencer, City Recorder
Vineyard

Community Development

DATE: December 11, 2019
FROM: Elizabeth Hart, Senior Planner
TO: City Council
ITEM: 7.5 Hampton at Waters Edge Plat C - Final Plat
ADDRESS: 240 North and 160 West
APPLICANT: Flagship Homes



INTRODUCTION:

The applicant is requesting approval of a final plat within the Waters Edge development. The applicant is proposing nine (9) single family lots on 3.93 acres. The development is within the Hamptons subdivision and is zoned WE SFD-15,000.

ANALYSIS:

The final plat includes 3.93 acres of developable land and includes nine (9) single family lots.

CATEGORY	STANDARD	COMMENTS	CONFORMANCE
Minimum Lot Size	15,000 sf.	Lot sizes range between 15,000 sf and 19,830 sf.	YES
Minimum Lot Width	90 ft.	All lots are compliant	YES
Minimum Lot Width for Corner Lots	100 ft.	All corner lots are compliant	YES

Community Development

Min. Lot Width on a cul-de sac	80 ft.	All lots on the cul-de-sac are over 80 ft. in width	YES
Minimum Lot Depth	100 ft.	All lots are at least 100 ft in depth	YES
Front Setback to Garage	20 ft.	The Setback and Easement Detail show the required setbacks for all lots.	YES
Front Setback to Living Space/Porch	20 ft.		
Minimum Rear Yard Setback	20 ft.		
Minimum Side Yard Setback	8 ft./ 18 ft. total side yard		
Minimum Side Yard Setback for Corner Lots	20 ft.		

FINDINGS:

Engineering Department Comments

The Engineering department had minimal correction comments and is recommending approval with the condition that the applicant submit redline corrections. Staff has created a condition of approval that states that the applicant shall make any redline corrections from the engineering department before recording the plat.

Community Development Department Comments

The community development found the proposed plat to meet the approved preliminary plat and the regulations set forth within the Waters Edge Zoning District.

RECOMMENDATION:

Staff recommends the City Council approve the final plat subject to the following conditions:

1. The applicant makes any redline corrections from the engineering department before recording the plat.
2. The final plat be in conformance to the approved preliminary plat
3. The applicant is subject to all federal, state, and local laws.

PROPOSED MOTION:

"I move to approve the proposed Final Plat for Hamptons at Waters Edge Plat C with the proposed conditions."

ATTACHMENTS:

Final Plat Application
Proposed Final Plat

A detailed map of the Vineyard Road Project Site. The map shows a network of streets including 300 WEST, MAIN STREET, FRONT RUNNER, 800 NORTH, and CENTER STREET. The project site is indicated by a black rectangle on Vineyard Road, between Main Street and 800 North. The map also shows various building footprints, parking lots, and other urban features.

I, TRAVIS TARN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 51527414, IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, A SURVEY WAS MADE UNDER MY DIRECTION OF THE TRACT OF LAND SHOWN AND DESCRIBED ON THIS DEDICATION PLAT, I CERTIFY THAT SAID SURVEY WAS COMPLETED IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1953 AS AMENDED, I FURTHER CERTIFY THAT I HAVE VERIFIED ALL MEASUREMENTS AND THAT MONUMENTS HAVE BEEN PLACED AS SHOWN ON THIS PLAT, I HEREBY STATE THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF AND IN MY PROFESSIONAL OPINION.

(SURVEYOR), P.L.S. DATE _____

A parcel of land which is situate in the Northeast Quarter of Section 18, Township 6 South, Range 2 East, Salt Lake Base and Meridian, which parcel is described as follows:

Beginning at a point which is South 01°32'27" East 561.29 feet along the section line and West 1028.98 feet from the Northeast Corner of Section 18, Township 6 South, Range 2 East, Soil Lake Base and Meridian; thence South 02°12'42" East 235.38 feet; thence South 89°59'30" East 356.69 feet; thence South 45°00'00" West 142.05 feet; thence South 45°00'00" West along the arc of a 15.00 foot radius curve to the right, through a central angle of 90°00'00", the cord of which bears North 45°00'00" West 21.21 feet; thence West 56.00 feet; thence Southwesterly 23.56 feet along the arc of a 15.00 foot radius curve to the right, through a central angle of 90°00'00", the cord of which bears South 45°00'00" West 21.21 feet; thence West 144.15 feet; thence North 47.00 foot; thence South 89°59'30" East 356.69 feet to the point of beginning.

3.93 acres more or less.

Basis of bearing: The line between the Northeast Corner and the East Quarter Corner of Section 18, Township 6 South, Range 2 East, Salt Lake Base and meridian which bears South 01°32'27" East.

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, PARCELS AND STREETS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS HAMPTON AT WATERS EDGE PLAT "C", AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES.

IN WITNESS WHEREOF, WE HAVE HERE UNTO SET OUR HANDS THIS _____ DAY OF _____ A.D. 20 ____.

_____ SIGNATURE	_____ PRINT NAME	_____ TITLE & ENTITY
--------------------	---------------------	-------------------------

SIGNATURE PRINT NAME TITLE & ENTITY

STATE OF UTAH }
COUNTY OF UTAH } S.S.
ON THIS THE _____ DAY OF _____, A.D. 20 _____,
PERSONALLY APPEARED BEFORE ME,

WHO BEING DULY SWORN OR AFFIRMED, DID SAY THAT HE/SHE/THEY SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

PLAT "C"

RECORDING INFORMATION

SCALE: 1" = 60 FEET

NOTARY PUBLIC SEAL

CITY-COUNTY ENGINEER SEAL

CLERK-RECORDED SEAL

SURVEYOR SEAL	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CLERK-RECORDED SEAL
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DEVELOPER: FLAGSHIP HOMES
170 SOUTH INTERSTATE PLAZA, SUITE 250
LEHI, UT 84043 801-766-4442

TRANE ENGINEERING, P.C.
CONSULTING ENGINEERS AND LAND SURVEYORS
27 EAST MAIN LEHI, UTAH 84043 (801) 768-4544

_____ VINEYARD PLANNING COMMISSION CHAIR DATE: ____/____/____	_____ VINEYARD ATTORNEY DATE: ____/____/____
_____ VINEYARD ENGINEER DATE: ____/____/____	_____ CITY MANAGER DATE: ____/____/____
_____ CLERK/RECORDER DATE: ____/____/____	

QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABRIGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGEMENT OF ANY TERMS OF THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR'S RIGHT-OF-WAY DEPARTMENTS AT 800-366-6532.

1. PURSUANT TO UTAH CODE ANN. 54-3-27 THE PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. 17-2760(4)(c)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS ALL THE RIGHTS AND DUTIES OF THE EASEMENT, THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS TO BE GRANTED TO SERVE THE SAME PURPOSE. REMOVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
 - a. A RECORDED EASEMENT OR RIGHT-OF-WAY
 - b. THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
 - c. UTAH CODE ANN. 54-3-27(1) AS TO THE LOCATION OF FACILITIES OR
 - d. ANY OTHER PROVISION OF LAW

1. PLAT MUST BE RECORDED WITHIN 12 MONTHS OF FINAL PLAT APPROVAL, OR FOR PHASED DEVELOPMENTS, WITHIN 24 MONTHS OF RECORDED OF MOST RECENT PHASE. THE FIRST FINAL PLAT APPROVAL WAS GRANTED ON THE DAY OF , 20 .
2. THE INSTALLATION OF IMPROVEMENTS SHALL CONFORM TO ALL CITY STANDARDS, REGULATIONS, AND ORDINANCES.
3. BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL IMPROVEMENTS HAVE BEEN INSTALLED AND ACCEPTED BY THE CITY IN WRITING OR BONDED FOR.
4. NO BUILDING PERMITS SHALL BE ISSUED UNTIL ALL IMPACT AND CONNECTION FEES ARE PAID IN FULL PER CITY REGULATIONS IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE.
5. DRIVEWAYS AND LOT ACCESS SHALL BE LIMITED TO INTERIOR LOCAL SUBDIVISION STREETS ONLY.
6. DRAINAGE SHALL NOT CROSS PROPERTY LINES, EXCESS OR CONCENTRATED DRAINAGE SHALL BE CONTAINED ON SITE OR DIRECTED TO AN APPROVED DRAINAGE FACILITY.
7. VINEYARD ACCEPTS NO RESPONSIBILITY FOR ANY PROPERTY DAMAGE CAUSED BY GROUND WATER FLOODING.
8. ALL BUILDING AND DEVELOPMENT SHALL BE IN CONFORMANCE WITH THE VINEYARD ZONING ORDINANCE.
9. PROPERTY OWNERS SHOULD BE AWARE THAT THIS AREA IS LOCATED IN THE VICINITY OF A RAILROAD SYSTEM.
10. ALL ROADWAYS DEDICATED TO VINEYARD CITY.
11. 5' SIDE YARD SETBACK MUST REMAIN CLEAR FOR ACCESS.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	23.56	15.00	90°00'00"	15.00	21.21	N45°00'00"W
C2	23.56	15.00	90°00'00"	15.00	21.21	S45°00'00"W
C3	15.59	15.00	59°31'52"	8.58	14.89	N29°45'56"W
C4	290.92	58.00	287°23'09"	42.62	68.69	S84°09'43"W
C5	12.53	15.00	47°51'18"	6.66	12.17	S23°55'39"W
C6	55.07	58.00	54°24'22"	29.81	53.03	S32°19'41"E
C7	61.43	58.00	60°40'47"	33.95	58.59	S25°12'53"W
C8	66.85	58.00	66°02'10"	37.69	63.21	S88°34'21"W
C9	59.79	58.00	59°03'35"	32.85	57.17	N28°52'47"W
C10	47.78	58.00	47°12'17"	25.34	46.44	N24°15'09"E

**VINEYARD
ORDINANCE 2019-11**

**AN ORDINANCE ADOPTING A 0.1% LOCAL SALES AND USE TAX TO FUND
CULTURAL FACILITIES, RECREATIONAL FACILITIES, AND, CULTURAL
ORGANIZATIONS IN THE CITY.**

WHEREAS, Vineyard City has the authority under Utah Code 59-12-1401 et seq. to impose a 0.1% sales and use tax for certain recreation and cultural facilities and projects subject to voter approval; and

WHEREAS, the City Council has placed the question of whether to adopt such a tax on the ballot to determine if the tax will be approved by the voters in the City; and

WHEREAS, the ballot question was approved by the voters at the municipal election held in November 2019.

NOW THEREFORE, be it ordained by the Council of Vineyard, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “4.12 Recreation, Arts, And Parks Tax (RAP)” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

4.14 Recreation, Arts, And Parks Tax (Rap)(*Added*)

SECTION 2: **ADOPTION** “4.14.010 Title” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

4.14.010 Title(*Added*)

This ordinance shall be known as the “Recreation, Arts, and Parks Tax Chapter” of the Vineyard City Code or, alternatively, as the “RAP Tax Chapter.” The local option sales and use tax imposed herein shall be known as the “recreation, arts, and parks tax” or “RAP tax” of Vineyard City.

SECTION 3: **ADOPTION** “4.14.020 Purpose” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

4.14.020 Purpose(*Added*)

The purpose of this ordinance is to establish, enact, impose, and levy a recreation, arts, and parks tax in accordance with Utah Code § 59-12-1401, et seq. (City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities).

SECTION 4: **ADOPTION** “4.14.030 Recreation, Arts, And Parks (RAP) Tax” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

4.14.030 Recreation, Arts, And Parks (RAP) Tax(*Added*)

Vineyard City hereby establishes, enacts, imposes, levies, and authorizes a local sales and use tax of one-tenth (1/10) of one percent (1%) (the recreation, arts, and parks tax) on transactions described in Utah Code § 59-12-103(1), as amended, that are located within Vineyard City, except as such transactions are exempt from sales and use taxes pursuant to Utah Code §§ 59-12-104 and 59-12-1402, as amended. RAP tax revenues earned shall be used to fund City-owned recreational and cultural facilities, including, but not limited to, capital projects, programs, and ongoing operating expenses of City-owned recreational and cultural facilities as such terms are defined in state law. The RAP tax supplements, but does not replace, the previously adopted general sales and use tax established in Vineyard City (Sales and Use Tax).

SECTION 5: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 6: 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 7: EFFECTIVE DATE The effective date of the recreation, arts, and parks tax is April 1, 2020. Effective dates for billing periods and catalogue sales shall be computed as set forth in state law. The recreation, arts, and parks tax shall be levied for a period of ten (10) years (through March 31, 2030).

SECTION 8: The City Recorder shall give notice to the Utah Tax Commission prior to December 31, 2019, as provided for in Utah Code 59 -12-1402(5)(b)(ii), stating that the city has enacted the RAP tax pursuant to Utah Code 59-12-1401 et seq. with an effective date of April 1, 2020 at the statutory rate of 0.1.

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



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: 12-11-2019

Agenda Item: 9.2 Transient Room Tax

Department: Administration

Presenter: Jacob McHargue

Background/Discussion: Utah State Code allows cities to charge a 1% tax on short-term rentals including hotels, motels, Air BNB, VRBO, and other short-term rentals of 30 days or less. The city currently has short term rentals and plans to have multiple hotels as the north end of the city develops. This is a tax that is currently collected by Orem, Lindon, Pleasant Grove, Spanish Fork, and other local municipalities.

Fiscal Impact: 1% of total rent collected, the current fiscal impact is minimal, however it will increase dramatically as hotels are developed.

Recommendation: Staff recommendation is that the council approve the transient room tax ordinance.

Sample Motion: I move to approve the Transient Room Tax, ordinance 2019-12, as presented.

Attachments: Transient Room Tax Ordinance.

**VINEYARD
ORDINANCE 2019-12**

**AN ORDINANCE ESTABLISHING A TRANSIENT ROOM TAX, ADOPTING RELEVANT
PROVISIONS OF THE UTAH SALES AND USE TAX ACT AND PROVIDING FOR
COLLECTION AND USE OF REVENUES**

WHEREAS, Utah Code 59-12-352 authorizes municipalities to impose a tax of not to exceed 1% on charges for tourist home, hotel, motel, or trailer court accommodations and services that are regularly rented for less than 30 consecutive days; and

WHEREAS, a municipality may, by ordinance, increase or decrease the tax authorized under Utah Code 59-12-352; and

WHEREAS, a governing body of a municipality is required to regulate the tax under Utah Code 59-12-352 by ordinance; and

WHEREAS, a municipality is authorized to use revenues generated by the tax for general fund purposes; and

WHEREAS, the Vineyard City Council finds that it is in the public interest to impose said tax, to regulate the same, and to use the revenues generated therefrom for general fund purposes.

NOW THEREFORE, be it ordained by the Council of Vineyard, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “4.16 - Transient Room Tax” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

4.16 - Transient Room Tax(*Added*)

SECTION 2: **ADOPTION** “4.16.010 - Title” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

4.16.010 - Title(*Added*)

This chapter shall be known as the “Transient Room Tax” ordinance of Vineyard City.

SECTION 3: **ADOPTION** “4.16.020 - Purpose” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

4.16.020 - Purpose(*Added*)

The Utah legislature has authorized municipalities to adopt an ordinance that imposes a one percent (1%) transient room tax. It is the purpose of this chapter to adopt and conform the transient room tax ordinance of the City to the requirements of the Sales and Use Tax Act, as amended.

SECTION 4: **ADOPTION** “4.16.030 - Definitions” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

4.16.030 - Definitions(*Added*)

“Public accommodation” means a place providing temporary sleeping accommodations to the public and includes a motel, hotel, motor court, inn, bed and breakfast establishment, condominium, and resort home. “Rents” includes rents and timeshare fees or dues. “Transient” means a person who occupies a public accommodation for less than thirty (30) consecutive days.

SECTION 5: **ADOPTION** “4.16.040 - Transient Room Tax” of the Vineyard Municipal Code is hereby *added* as follows:

A D O P T I O N

4.16.040 - Transient Room Tax(*Added*)

- A. Imposed. There is hereby levied and imposed, and there shall be collected and paid, a transient room tax on the rents charged to transients occupying public accommodations within the City’s corporate limits in an amount that is equal to one percent (1%) of the rents charged.
- B. State Provisions Adopted. The provisions of Title 59, Chapter 12 Utah Code Annotated,

as amended, are hereby adopted as follows:

1. Except as hereinafter provided, the provisions of Title 59, Chapter 12 Utah Code Annotated, as amended, and in force and effect on the effective date hereof, insofar as they relate to sales and use taxes, are hereby adopted and made a part of this chapter as though fully set forth herein.
2. Wherever, and to the extent that in Title 59, Chapter 12 Utah Code Annotated, as amended, the State of Utah is named or referred to as the taxing agency, the name of the City, or other name pursuant to a name change, shall be substituted therefor. Nothing in subsection (B) of this section shall be deemed to require substitution of the name of the City for that of the State in any section when the result of that substitution would require action to be taken by or against the City rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this chapter.
3. If a license has been issued to a person or entity offering public accommodations for rent to transients under Section 59-12-106 of the Utah Code Annotated, an additional license shall not be required by reason of this chapter.
4. There shall be excluded from the rents charged (by which the transient room tax is measured) the amount of any sales or similar transient room tax imposed by the State or Utah County upon the transient facility or the transient in connection with such rental transaction.

C. Collection. Pursuant to Section 59-12-354 of the Utah Code Annotated, the City is empowered to contract with the State Tax Commission to collect such tax.

SECTION 6: **ADOPTION** “4.16.050 - Revenue Use” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

4.16.050 - Revenue Use(*Added*)

All revenues generated by the transient room tax and penalties, if any, may be used by the city for general fund purposes.

SECTION 7: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 8: SEVERABILITY CLAUSE If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 9: EFFECTIVE DATE This ordinance shall become effective April 1, 2020 or on the first day of a calendar quarter after a 90-day period beginning on the date the Utah State Tax Commission receives notice from the City stating that the City has enacted the tax pursuant to state 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



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: 12/11/2019

Agenda Item: 9.3 Municipal Code Amendment – Business Licensing

Department: Business Licensing

Presenter: Kelly Kloepfer

Background/Discussion:

Section 5.02.020 Business License Required: Staff felt it was necessary to update this section to include wording specifying that if the business is out of compliance and operating without a license, that the fees due will also be due for the amount of time that they were out of compliance.

Section 5.02.040 ~~Payment Dates~~ Term of License, Renewal: With economic development in the city increasing the number of businesses now and in the future, and with logistical problems with administering half annual fees, staff felt it was time to change from a January 1st – December 31st licensing period to a rotating annual licensing period.

Section 5.02.060 Applications for License: Staff is proposing the addition of more information about business license administration, and the procedure when the applicant has a delay in complying with license requirements.

Section 5.02.070 Certificate: Because the signature of the city recorder has been on the certificates for many years, staff is proposing to amend the code to reflect that.

Section 5.02.110 ~~Branch Establishments~~ Branch Establishments or multiple business locations: We have added clarifying language.

Section 5.02.120 Joint License: We substituted “fee” for “tax.”

Section 5.02.160 Business Licensed on an Annual Fee: We added additional information about fee payment and refunds.

Fiscal Impact:

Staff does not foresee any fiscal impact because of these changes.

Recommendation:

The Business Licensing Department recommends approval of the Municipal Code changes as presented in the attachment.



VINEYARD CITY COUNCIL STAFF REPORT

Sample Motion:

I move to adopt the Business Licensing code text amendments, Ordinance 2019-13, as presented.

Attachments:

Proposed Ordinance

**VINEYARD
ORDINANCE 2019-13**

**AN ORDINANCE OF THE VINEYARD CITY COUNCIL AMENDING BUSINESS
LICENSING TITLE 5 OF THE MUNICIPAL CODE SPECIFIC TO AMENDING SECTION
5.02.020 BUSINESS LICENSE REQUIRED, 5.02.040 PAYMENT DATES, 5.02.060
APPLICATIONS FOR LICENSE, 5.02.070 CERTIFICATE, 5.02.110 BRANCH
ESTABLISHMENTS, 5.02.120 JOINT LICENSE, 5.02.160 BUSINESS LICENSED ON AN
ANNUAL FEE**

WHEREAS, the Vineyard City Council finds that it has the power to regulate the health, safety, and welfare of its citizens through regulating businesses within its jurisdiction and;

WHEREAS, the Vineyard City Council finds it necessary to amend these business licensing regulations and;

WHEREAS, these amendments will not compromise the health, safety, or welfare of its citizens and;

NOW THEREFORE, be it ordained by the Council of Vineyard, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “5.02.020 Business License Required” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.020 Business License Required

It shall be a class B misdemeanor for any person to transact, engage in or carry on any business, trade, or profession, or to operate a vending, arcade, or coin-operated machine without first receiving the type of license required by the municipality. Any person engaging without a license, in an activity for which a license is required, including circumstances where a license has expired, been suspended or revoked, shall, in addition to applicable criminal penalties, be required to pay all applicable fees as though a license has been issued during the period of unlicensed activity.

SECTION 2: **AMENDMENT** “5.02.040 Payment Dates” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.040 ~~Payment Dates~~ Terms Of License, Renewal

~~Unless All license fees shall be due and payable as follows, except as may be otherwise expressly provided, the following shall apply to all licenses issued pursuant to this Title in the applicable ordinance:~~

- A. ~~All licenses shall be issued for one (1) year, commencing on the date the license is issued and ending on the last day of the twelfth month thereafter. Annual fees shall be payable before each calendar year in advance. The annual license shall date from the first day of January of each year and shall expire at midnight on December 31 of each year.~~
- B. ~~An expired license shall remain in effect for the renewal grace period described in Subsection C of the Section. If an expired license is renewed during the renewal grace period, the effective date of the renewed license shall be the first day of the month following the original expiration date. Annual fees shall be due before the first day of each calendar year and shall become delinquent if not paid by January 31st of each year.~~
- C. ~~An expired license may be renewed during the renewal grace period. The renewal grace period extends from the first day following license expiration to the end of business hours on the last business day of the month following expiration. During the grace period a license may be renewed without a new application, by payment of all required fees, including late fees, as shown in the Consolidated Fee Schedule adopted by the Vineyard City Council. After the renewal grace period, if business activity continues, the license will be considered delinquent and will be subject to the terms of Chapter 2.26 Administrative Code Enforcement, Vineyard Municipal Code, and all associated fees must be paid, in addition to any penalty fees already assessed, to obtain a new license. One-half of annual fee shall be payable for all licenses issued by the municipality pursuant to applications made after July 1 of each year, and licenses issued after July 1 shall expire on midnight of the 31st day of the following December. Payment shall be due upon the date of application approval.~~
- D. ~~Any license may be revoked or denied at any time as described in Sections 5.02.100 of the Vineyard Municipal Code. If any license fee is not paid by January 31st, or if any business is found to be operating without a license and then obtains a license, a late fee or penalty fee as set forth in the adopted Consolidated Fee Schedule, shall be added to the license fee.~~

SECTION 3: **AMENDMENT** “5.02.060 Applications For License” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.060 Applications For License

- A. All applications for license shall include but not be limited to:
 - 1. The name of the person desiring a license.

2. The kind of license desired, stating the business, calling, trade or profession to be performed, practiced or carried on.
 3. The class of license desired, if such licenses are divided into classes.
 4. The place where such business, calling, trade or profession is to be carried on, giving the street number if the business calling, trade or profession is to be carried on in any building or enclosure having such number.
 5. The period of time for which such license is desired to be issued.
- B. In the event that the license application relates to a coin-operated machine or device, the application shall identify the machine or device to which it applies and the location thereof.
- C. Upon receipt of the application the License Assessor shall have the license application and the proposed business location reviewed for zoning, fire, and building code compliance. If the license application meets the requirements of the City Code, the certificate of license shall be issued upon payment of all required fees.
- D. If the license application does not meet the requirements of one or more City Codes the applicant shall be notified and the license certificate shall not be issued.
- E. At the request of an applicant denied a license for code violations, the application may be held open for a period of not more than 60 days to allow the applicant to cure any City Code violations identified by the License Assessor. If the code violations are not cured and a business license certificate is not issued by the City with 60 days from the date of the application, the application shall expire and no further action shall be taken on the proposed license without a new application and payment of new application fees.
- F. Filing an application for a business license does not authorize the applicant to engage in the proposed business activity. Operating a business while the application is pending approval shall be considered as operating a business without a license and may be punishable as a crime under section 5.02.020 or by a civil administrative citation under section 2.26.040G.

SECTION 4: AMENDMENT “5.02.070 Certificate” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.070 Certificate

All certificates of license shall be signed by the ~~mayor, attested by the~~city recorder, and shall contain the following information:

- A. The name of the person to whom such certificate has been issued.
- B. The amount paid.
- C. The type of license and the class of such license if licenses are divided into classes.
- D. License period will be one year.
- E. The place where such business, calling, trade or profession is to be conducted.

SECTION 5: **AMENDMENT** “5.02.110 Branch Establishments” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.110 Branch Establishments

A separate license must be obtained for each separate place of business in the municipality ~~and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that,~~ Warehouses and distributing places used in connection with or ~~incident~~ ancillary to a business licensed under this chapter ~~are not considered a shall not be deemed to be~~ separate places of business or branch establishments. Each business license issued by the City authorizes the licensee to engage only in the manner designated on the business license application filed with the city.

SECTION 6: **AMENDMENT** “5.02.120 Joint License” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.120 Joint License

Whenever any person is engaged in two or more businesses at the same location within the municipality, such person shall not be required to obtain separate licenses for conducting each of such businesses. The license ~~fee~~ tax to be paid shall be computed at the highest license fee applicable to any of the businesses being conducted at such location. The sale of beer or any other product or service requiring an additional license shall be subject to such additional licensing requirement. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license ~~tax~~ fee for such business.

SECTION 7: **AMENDMENT** “5.02.160 Business Licensed On An Annual Fee” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.02.160 Business Licensed On An Annual Fee

All businesses shall pay an annual licensing fee in the amount as may be set forth from time to time in the City's general fee resolution. License fees shall be paid annually in advance for the term of the license. License fees shall not be refunded because the business or activity for which the same was obtained has been for any reason discontinued, or for any other reason; provided, however, a license fee or a portion thereof may be refunded if the same was erroneously required or if the amount thereof was erroneously calculated or if the subject business was discontinued at the request or requirement of Vineyard City.

SECTION 8: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 9: 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 10: EFFECTIVE DATE This Ordinance shall be in full force and effect from December 11, 2019 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



Date: December 11, 2019

Agenda Item: 9.4 Discussion and Action of a Neighborhood Parking Signage Policy

From: Morgan Brim, Community Development Director

Department: Community Development

Subject: Consideration of a resolution allowing residents to petition the City Manager for no overnight parking signs.

OVERVIEW:

Recently the City Council discussed issues regarding residents of high-density neighborhoods parking on streets of adjacent neighborhoods. Several residents from the Leisure Villas neighborhood signed a petition requesting the installation of “no overnight parking” signs. The City Council directed staff to create a policy allowing residents the ability to make application to restrict parking on street in their neighborhood.

The following procedure is proposed:

A. The following shall be the policy and procedure that the City shall follow when a representative from a neighborhood requests that the City change or restrict parking on public streets in the neighborhood:

1. For purposes of this policy a neighborhood is defined as a distinct area developed as a named development such as the following:
 - a. Leisure Villas
 - b. Providence
 - c. Cascade
 - d. Hamptons
 - e. Providence
 - f. Westbrook
 - g. The Willows
 - h. Bridge Port
 - i. LeCheminant
 - j. Orchards
 - k. Waters Edge Pod 2
2. All requests for neighborhood specific parking regulations must be submitted to the City Manager on Neighborhood Parking Signage application form.

3. The application shall provide a description of the issues related to parking; the specific parking restriction requested and how restricting parking will alleviate these issues. Photos identifying site conditions are required.
4. No application shall be considered unless it is supported by a signed petition containing the signatures of at least 75% of the property owners in the affected neighborhood.
5. If the neighborhood is less than 50% developed, the HOA shall provide their written consent.
6. The City Manager, after consulting with city staff members and representatives from the Utah County Sheriff's Office, shall render a decision regarding the installation and content of the of signage.

B. The intent of this resolution is to establish a procedure for public petition and participation in neighborhood parking decisions. Nothing in this resolution shall be construed to require or prevent the City from installing or removing parking regulation signs on public streets with or without public consent or participation. The City reserves the right to make decisions on the use of the public streets as it feels will be in the best interest of the public in general and consistent with State law.

RECOMMENDATION:

Staff is recommending approval of the proposed resolution.

PROPOSED MOTION:

"I move to adopt a Policy to Establish Parking Regulations in Various Subdivisions within Vineyard City, Resolution 2019-14, as presented."

ATTACHMENTS:

- Proposed Resolution

RESOLUTION NO. 2019-14

A RESOLUTION ADOPTING A POLICY TO ESTABLISH PARKING REGULATIONS IN VARIOUS SUBDIVISIONS WITHIN VINEYARD CITY

WHEREAS, Vineyard City has the power to regulate public parking on Vineyard City public streets pursuant to Utah Code 10-8-11 and Utah Code 41-6a-208(2); and

WHEREAS, the City recognizes that parking on City streets may not be appropriate at certain times and places; and

WHEREAS, the City has at times received requests from neighborhoods to limit or restrict parking on the public streets; and

WHEREAS, the City does not want to make decisions about parking on public streets without involving the residents that live in the area; and

WHEREAS, the City desires to establish a policy to help guide decisions about limiting parking on public streets in order to ensure that these decisions are made with the best interest of the neighborhood and the general public in mind.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF VINEYARD CITY AS FOLLOWS:

A. The following shall be the policy and procedure that the City shall follow when a representative from a neighborhood requests that the City change or restrict parking on public streets in the neighborhood:

1. For purposes of this policy a neighborhood is defined as a distinct area developed as a named development such as the following:
 - a. Leisure Villas
 - b. Providence
 - c. Cascade
 - d. Hamptons
 - e. Providence
 - f. Westbrook
 - g. The Willows
 - h. Bridge Port
 - i. LeCheminant
 - j. Orchards
 - k. Waters Edge Pod 2
2. All requests for neighborhood specific parking regulations must be submitted to the City Manager on the Neighborhood Parking Signage application form.

3. The application shall provide a description of the issues related to parking; the specific parking restriction requested and how restricting parking will alleviate these issues. Photos identifying site conditions are required.
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5. If the neighborhood is less than 50% developed, the HOA shall provide their written consent.
6. The City Manager, after consulting with city staff members and representatives from the Utah County Sheriff's Office, shall render a decision regarding the installation and content of the of signage.

B. The intent of this resolution is to establish a procedure for public petition and participation in neighborhood parking decisions. Nothing in this resolution shall be construed to require or prevent the City from installing or removing parking regulation signs on public streets with or without public consent or participation. The City reserves the right to make decisions on the use of the public streets as it feels will be in the best interest of the public in general and consistent with State law.

C. This resolution shall take effect upon passing.

Passed and dated this 11th day of December, 2019.

Mayor

Attest:

City Recorder