



**NOTICE OF A VINEYARD
CITY COUNCIL MEETING
September 23, 2020 at 6:00 PM**

PUBLIC NOTICE is hereby given that the Vineyard City Council will hold a regularly scheduled meeting on Wednesday, September 23, 2020 at 6:00 p.m. This meeting will be held electronically, but the public is welcome to attend in person at our anchor location in the City Council Chambers at 125 South Main Street, Vineyard, Utah.

This meeting can be viewed live through Zoom. Please click this link <https://zoom.us/j/91256761201> or dial 1-301-715-8592 US or 1-253-215-8782 to join the meeting. You can also view the meeting on our [YouTube Channel](#).

AGENDA

Presiding Mayor Julie Fullmer

REGULAR SESSION

1. CALL TO ORDER/INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE – *to be announced.*

2. 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.

Public comments can be submitted ahead of time to pams@vineyardutah.org. Public comments will also be taken through the zoom app by either using the ‘chat’ feature or the ‘raise hand’ feature when prompted.

3. MAYOR AND COUNCILMEMBERS’ REPORTS/DISCLOSURES/RECUSALS

**4. STAFF, COMMISSION, AND COMMITTEE REPORTS
City Manager Jacob McHargue**

(3 minutes each)

5. CONSENT ITEMS

- 5.1 [Approval of the September 9, 2020 City Council Meeting Minutes](#)
- 5.2 [Approval of the Tucker Row at Water's Edge Phase 3 Final Plat](#)
- 5.3 [Approval of the vacation of Lots 10 & 11, Phase 9, James Bay at Waters Edge Subdivision Final Plat \(combining two lots\)](#)

6. MAYOR'S APPOINTMENTS

No names were submitted.

7. DISCUSSION/PRESENTATIONS

7.1 PRESENTATION – UTA

(15 minutes)

UTA Trustee Kent Millington will do a presentation on current UTA services.

8. BUSINESS ITEMS

8.1 PUBLIC HEARING – Amend the Consolidated Fee Schedule (Resolution 2020-16)

Assistant Finance Director/Treasurer Mariah Hill will present recommended amendments to the Consolidated Fee Schedule. The mayor and City Council will act to approve (or deny) this request by resolution.

8.2 DISCUSSION AND ACTION – Amending the Municipal Code – Title 7 Public Utilities (Ordinance 2020-12)

(15 minutes)

Assistant Finance Director/Treasurer Mariah Hill will present an amendment to the Municipal Code Title 7 – Public Utilities. The mayor and city council will act to adopt (or deny) this request by Ordinance.

8.3 PUBLIC HEARING – Amending the Zoning Code - Medical Cannabis (Ordinance 2020-13)

Community Development director Morgan Brim will present an amendment to the Zoning Code to add Medical Cannabis and Pharmacy provisions: Section 15.12.050 District Use Table to add new zoning uses for Pharmacies, Cannabis Production Establishments, & Medical Cannabis Pharmacies; New Section 15.34.210 Cannabis Production Establishments and Medical Cannabis Pharmacies to add development standards for associated uses; and Section 15.60.020 Definitions for Pharmacies, Cannabis Production Establishments, & Medical Cannabis Pharmacies. The mayor and city council will act to adopt (or deny) this request by Ordinance.

9. 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 (these are just a few of the items listed, see Utah Code 52-4-205 for the entire list):

- (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, including any form of a water right or water shares
- (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares

- (f) discussion regarding deployment of security personnel, devices, or systems
- (g) the purpose of considering information that is designated as a trade secret, as defined in Section [13-24-2](#), if the public body's consideration of the information is necessary in order to properly conduct a procurement under [Title 63G, Chapter 6a, Utah Procurement Code](#)

10. ADJOURNMENT

The next regularly scheduled meeting is October 14, 2020.

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 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: September 22, 2020

CERTIFIED (NOTICED) BY: /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER



**MINUTES OF A VINEYARD
CITY COUNCIL MEETING**

City Council Chambers
125 South Main Street, Vineyard, Utah
This meeting was also held electronically through Zoom
September 9, 2020 at 6:00 PM

Present

Mayor Julie Fullmer
Councilmember Tyce Flake
Councilmember Chris Judd
Councilmember Cristy Welsh

Absent

Councilmember John Earnest

Staff Present: City Manager Jacob McHargue, Public Works Director/City Engineer Don Overson, Assistant City Engineer Chris Wilson, City Attorney David Church, Community Development Director Morgan Brim, Planning Technician Briam Amaya Perez, Building Official George Reid, Water/Parks Manager Sullivan Love, City Recorder Pamela Spencer, Planning Commission Chair Anthony Jenkins, Planning Commissioners Amber Rasmussen and Jessica Welch

Others Speaking: Resident Dennis Frank, Youth Councilmember Holland Welch, Gavin Collier and Christian Kasteler with Dynamic Blending

6:00 PM REGULAR SESSION

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

Mayor Fullmer opened the meeting at 6:00 PM. Mayor Fullmer gave the invocation and Councilmember Flake led the Pledge of Allegiance.

2. PUBLIC COMMENTS

Mayor Fullmer called for public comments.

Resident Dennis Frank asked about the completion date for Penny Springs Park. City Manager Jacob McHargue explained that there were a few items left on the punch list. He said that they anticipated opening the park by next week. Mr. McHargue mentioned that there were still some items to be completed in Sunset Beach Park. There was a discussion about the Penny Springs Park completion and social media notifications for the opening of the park.

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

3. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

No reports were given.

4. STAFF, COMMISSION, AND COMMITTEE REPORTS

Code Enforcement – Planning Technician Briam Amaya Perez – Quarterly Report

Mr. Amaya Perez explained that data was taken from 2018 to 2020. He mentioned that the data for 2020 was limited because of a staff transition. He reviewed his report. Highlight were:

- Top Three Code Enforcement Concern Categories in 2018
 1. Construction Activity: 20
 2. Stormwater: 6
 3. Business Licensing: 6
- Top Three Code Enforcement Concern Categories in 2019
 1. Stormwater 22
 2. Short-term Rentals: 16
 3. Construction Activity: 13
- Top Three Code Enforcement Concern Categories in 2020
 1. Parking: 9
 2. Other: 5
 3. Construction Activity: 4
 4. Occupancy: 4

Number of Code Enforcement Cases by Month from 2018-2020

Month	2018	2019	2020
January	0	5	2
February	1	1	0
March	4	12	0
April	1	7	1
May	3	11	2
June	1	2	30
July	3	9	0
August	6	11	0
September	5	9	0
October	11	15	0
November	1	1	0
December	5	5	0

Mr. Amaya Perez explained that the spring, summer and fall months were the busiest for code enforcement. He said that he received between 10 to 15 emails and five (5) to six (6) phone calls on code enforcement per day. He explained that there was a difference between complaints and actual code enforcement. He said that he tried to address citizen concerns within the same day or week that he receives them before they go into an official code enforcement violation.

Councilmember Judd asked about the increase in June. Mr. Brim replied that it was the backlog from before Mr. Amaya Perez started. There was a discussion about the code enforcement backlog.

Councilmember Flake said that he wanted to see how many complaints came in versus how many actually went to code enforcement. Councilmember Welsh expressed concern about not

86 enforcing the code and asked if they needed to hire a full-time code enforcement officer. Mr.
87 Brim felt that they would need to hire a full-time code enforcement officer within the next couple
88 of years. Mayor Fullmer asked them to make it so they could systematize things to notify new
89 residents of the laws in the city.

90
91 Councilmember Judd thanked Mr. Amaya Perez for his time and efforts with code enforcement.
92 Mr. Amaya Perez mentioned that the complaints that came to his email and phone each day were
93 keeping him busy, and he could do more if he had more time.

94
95 **City Manager Jacob McHargue** – Mr. McHargue reported that the city would be participating
96 in the United Way of Utah County Day of Caring event tomorrow morning in the City Council
97 Chambers. He explained that they would be putting together science, technology, engineering,
98 and math (STEM) kits and invited the city council to join them. He mentioned that they would be
99 making extra kits for the residents to pick at the city offices. He also reported that the city was in
100 the process of hiring a new city engineer.

101 102 103 5. **CONSENT ITEMS**

104 5.1 Approval of the August 26, 2020 City Council Meeting Minutes

105
106 Mayor Fullmer called for a motion.

107
108 **Motion:** COUNCILMEMBER FLAKE MOVED TO APPROVE THE CONSENT ITEM.
109 COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER,
110 COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE. COUNCILMEMBER
111 EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

112 113 114 6. **MAYOR'S APPOINTMENTS**

115 No names were submitted.

116 117 118 7. **DISCUSSION/PRESENTATION**

119 7.1 DISCUSSION – **City Attorney**

120 City Manager Jacob McHargue will present plans for conducting interviews for a city
121 attorney.

122
123 Mayor Fullmer turned the time over to City Manager Jacob McHargue.

124
125 Mr. McHargue explained that staff had submitted a Request for Proposal (RFP) for hiring a new
126 city attorney and had received four responses. He asked the council if they would like to be
127 included in the interview process. He mentioned that the attorney needed to be appointed by the
128 city council. Mayor Fullmer replied that she wanted to participate in the interviews.

129
130 There was a discussion about the interview process. Mayor Fullmer felt that they should do
131 private interviews and then set up a presentation at a city council meeting.

132
133 Mayor Fullmer called for further questions. Hearing none, she closed the discussion item.

134 135 136 8. **BUSINESS ITEMS**

8.1 DISCUSSION AND ACTION – NarcX

Youth Councilmember Holland Welch will present NarcX, a liquid prescription disposal product. The mayor and city council will take appropriate action.

Mayor Fullmer turned the time over to Youth Councilmember Holland Welch.

Miss Welch explained that, as a member of the UServe Utah Youth Council, she had been tasked with a project that would positively impact the community. Her project focused on the opioid abuse epidemic. She said that while doing research for her project she was shocked to learn that 191 million opioid prescriptions were written for 11.6 billion pills, 3.3 billion of those pills went unused, and many of them found their way into the hands of abusers or those who sold them illegally. In Utah nearly 70 percent of overdose deaths were from opioids.

Miss Welch felt that NarcX's products and services represented a true solution to disposing of unused prescription opioids. She said that she wanted to see NarcX receptacles placed in strategic places in Vineyard. She explained that she had had the opportunity to work with the Center for Disease Control and Prevention (CDC), which helped her be able to contribute to the public outreach part of the UServe program through effective public communication and education. She said that the CDC's STARCC (simple, timely, accurate, relevant, credible, and consistent) principles were a well-reasoned set of principles by which she would work when creating the messaging to be given to the public. She mentioned that the Federal Drug Administration (FDA) had a ready-made communications toolkit. She added that UServe will be launching a media campaign for Vineyard.

Miss Welch said that the COVID-19 pandemic had increased drug abuse as well as overdose deaths, which added urgency to UServe's goals. She stated that her focus would be on public outreach, communication, and education.

Mayor Fullmer turned the time over to Councilmember Welsh for further comments.

Councilmember Welsh explained that she had become aware of NarcX through Gavin Collier, Chairman of NarcX, which is a subsidiary of Dynamic Blending Specialists, Inc. She asked that Mr. Collier and Christian Kasteler, Director of Research and Development and co-inventor of NarcX, give an overview of the product.

Mr. Collier explained that they were able to create the formula in house and then sell it through NarcX. He said that the product was the only method of onsite destruction of opioids that was validated through the Drug Enforcement Administration (DEA). He explained how they were able to create the formula to be compliant with federal regulations. He said that the testing done by the federal laboratory proved that the product made the opioids inert and biodegradable.

Mr. Kasteler explained that this was a binary system that used known products. He said that the solution came in sizes from 6-ounce bottles to 300-gallon totes. He said that the solution deactivates the drug and binds with it in a way that it cannot be released without high heat, which destroys the drug. He said that the solution had bitterants, so the pills could not be ingested. He added that the product would be easy for everyone to use.

Mr. Collier mentioned that they had a video on their website at NarcX.com that people could watch. He said that they had worked with State Senator Daniel Thatcher and Representative Eric Hutching of the Utah State Legislature to get the Drug Disposal Act passed in the 2020 legislative session to help get the product in every home. He said that citizens were unknowingly

the biggest distributors of drugs because of the tendency to leave unused drugs unattended. Their goal was to get NarcX bottles issued with every prescription to get the pills out of people's homes. They also wanted to put the receptacles in all the cities.

Councilmember Welsh felt that it would be good for people to see the video. She said that the city would be looking at putting a NarcX receptacle at the city offices. They also wanted to offer an option for citizens to purchase individual bottles. She also wanted bottles in every deputy's car. She mentioned that the receptacle needed to be where the deputies could keep an eye on it.

Mr. Collier said the people were ripping the other type of receptacles off the wall to get the pills. The good thing about the solution would be that the pills placed in a NarcX receptacle would be rendered inert and not retrievable.

 Mr. McHargue said that he had spoken with Miss Welch, Mayor Fullmer and Councilmember Welsh about getting some sponsors for the city to start this project. Mayor Fullmer asked if the council wanted to move forward with getting a receptacle. She said that they had been working with a hospital group from Lehi on a sponsorship. She was hoping to have Miss Welch do a proposal presentation to a sponsor group or work with the city to get a bottle into every Vineyard home.

Councilmember Judd asked what the cost of the receptacle was. Mr. Collier replied that they were \$915.00 for the receptacle and \$63.12 for the 5-gallon container inside the receptacle. Councilmember Judd asked how many pounds of pills it would take to fill up a 5-gallon container. Mr. Collier replied that it could be anywhere from 5,000 to 7,000 pills, but it would depend on what type of pills were put in them. If people put their non-narcotic pills in the container, it would fill up faster. The idea was to use them for opioids, antibiotics, and other medication that could harm the environment. Mr. Kasteler added that a container could last three weeks to a month. Mr. Collier said that they were pushing for insurance companies to pay for the solution. There was a discussion about the NarcX product and how the process would work.

Councilmember Judd said that he was in favor of funding something at the city offices and having a certain number of individual bottles available to the public to kick off for awareness campaign. Mr. Collier said that Riverton had given their police officers 6-ounce bottles to use at their discretion. Mayor Fullmer said that they were hoping to get partnerships with the hospitals to do a presentation to Vineyard residents. Mr. McHargue suggested that the city fund the one at city hall and then reach out to sponsors to provide options for residents.

Mr. Collier offered to have their public relations company help with publications and press releases.

Mayor Fullmer asked Councilmember Welsh and Mr. McHargue to work with Miss Welch on the promotion of the product. She thanked Miss Welch for her efforts and mentioned that Miss Welch had presented this to Congressman Ben McAdams and had discussed with him what they were facing as a country.

233 **8.2 DISCUSSION AND ACTION – Municipal Code Amendment Section 2.08 City**
234 **Manager (Ordinance 2020-12)**

235 The mayor and City Council will discuss proposed amendments to the city manager's
236 duties. They will act to adopt (or deny) these amendment by Ordinance.

237
238 **8.3 DISCUSSION – Amendments to the Personnel Policies and Procedures Manual**

239 The mayor and City Council will discuss amendments to the City's Personnel Policies
240 and Procedures Manual.

241
242 Mayor Fullmer called for a motion to continue items 8.2 and 8.3.

243
244 **Motion:** COUNCILMEMBER FLAKE MOVED TO CONTINUE ITEMS 8.2 AND 8.3.
245 COUNCILMEMBER JUDD SECONDED THE MOTION.

246
247 There was discussion about when to hold these discussions.

248
249 **Amended Motion:** COUNCILMEMBER FLAKE MOVED TO CONTINUE ITEMS 8.2 AND
250 8.3 TO THE FIRST MEETING IN OCTOBER. COUNCILMEMBER JUDD SECONDED THE
251 MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, JUDD, AND WELSH
252 VOTED AYE. COUNCILMEMBER EARNEST WAS ABSENT. THE MOTION CARRIED
253 WITH ONE ABSENT.

254
255
256 **9 CLOSED SESSION**

257 No closed session was held.

258
259 **10 ADJOURNMENT**

260
261 **Motion:** COUNCILMEMBER JUDD MOVED TO ADJOURN THE MEETING AT 7:07 PM.
262 COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER,
263 COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE. COUNCILMEMBER
264 EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

265
266
267 The next regularly scheduled meeting is September 23, 2020.

268
269
270 MINUTES APPROVED ON: _____

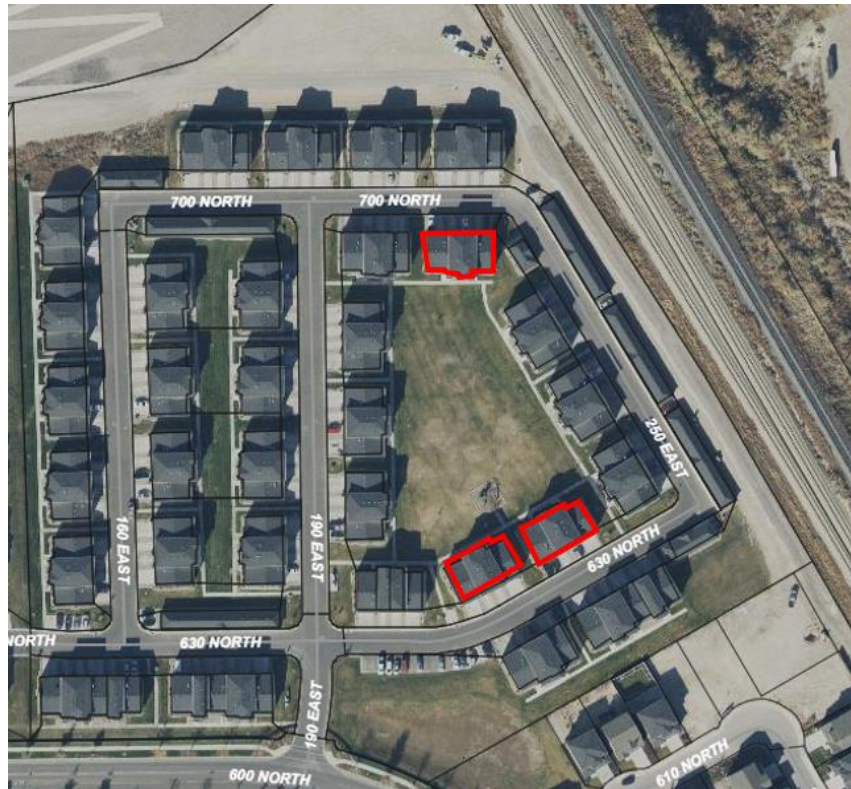
271
272 CERTIFIED CORRECT BY: /s/ Pamela Spencer
273 PAMELA SPENCER, CITY RECORDER
274



VINEYARD

COMMUNITY DEVELOPMENT

Date: September 23, 2020
From: Morgan Brim, Community Development Director
To: Mayor and City Council
Item: 5.2 Final Plat – Tucker Row at Water’s Edge Phase Three
Address: 222 E. 630 N.
Applicant: Clayton Leavitt



INTRODUCTION:

The applicant is requesting approval for a final plat. The applicant is proposing to subdivide two (3) four (4) plex’s into twelve (12) individual lots. The Tucker Row development is located within the Water’s Edge Special Zoning District, on the south side of Vineyard Connector and north of 600 North.

Staff has reviewed the final plat and is recommending approval.

FINDINGS:

With the proposed conditions, the proposed final plat meets the standards and requirements set forth in the zoning ordinance.

RECOMMENDATION:

Staff recommends the City Council grant approval of the Tucker Row at Water’s Edge Phase Three Final Plat with the listed conditions.

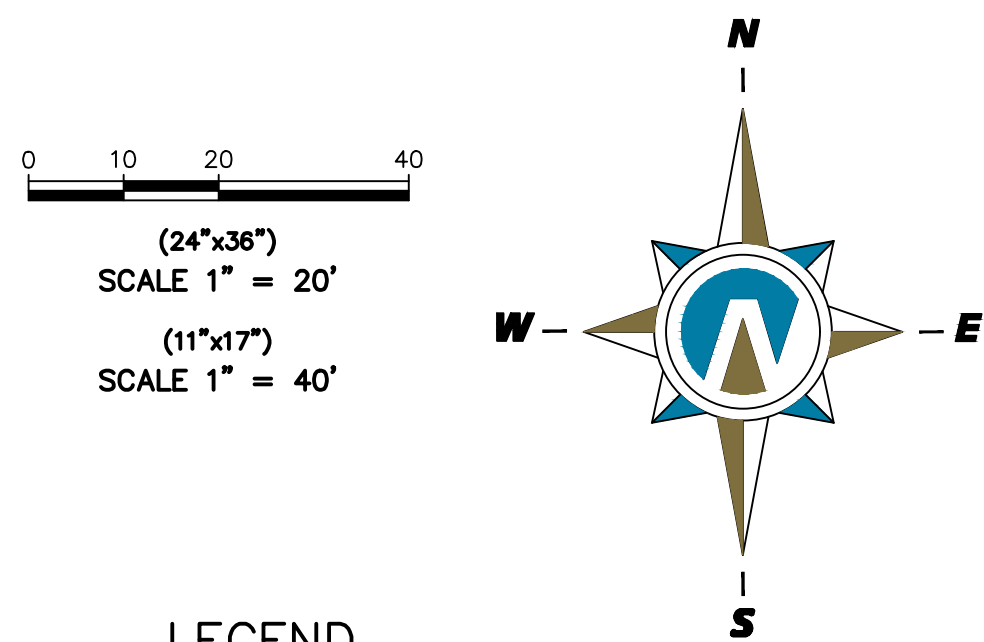
1. The applicant makes any redline corrections prior to the recording of the plat.
2. All engineering department requirements shall be satisfied.
3. The applicant pays any outstanding fees.
4. The applicant is subject to all local, state and federal laws.

PROPOSED MOTION:

"I move to approve the Tucker Row at Water's Edge Phase Three Final Plat with the proposed conditions."

Attachments:

Proposed Final Plat



TUCKER ROW AT WATER'S EDGE

PHASE THREE

A PLANNED UNIT DEVELOPMENT

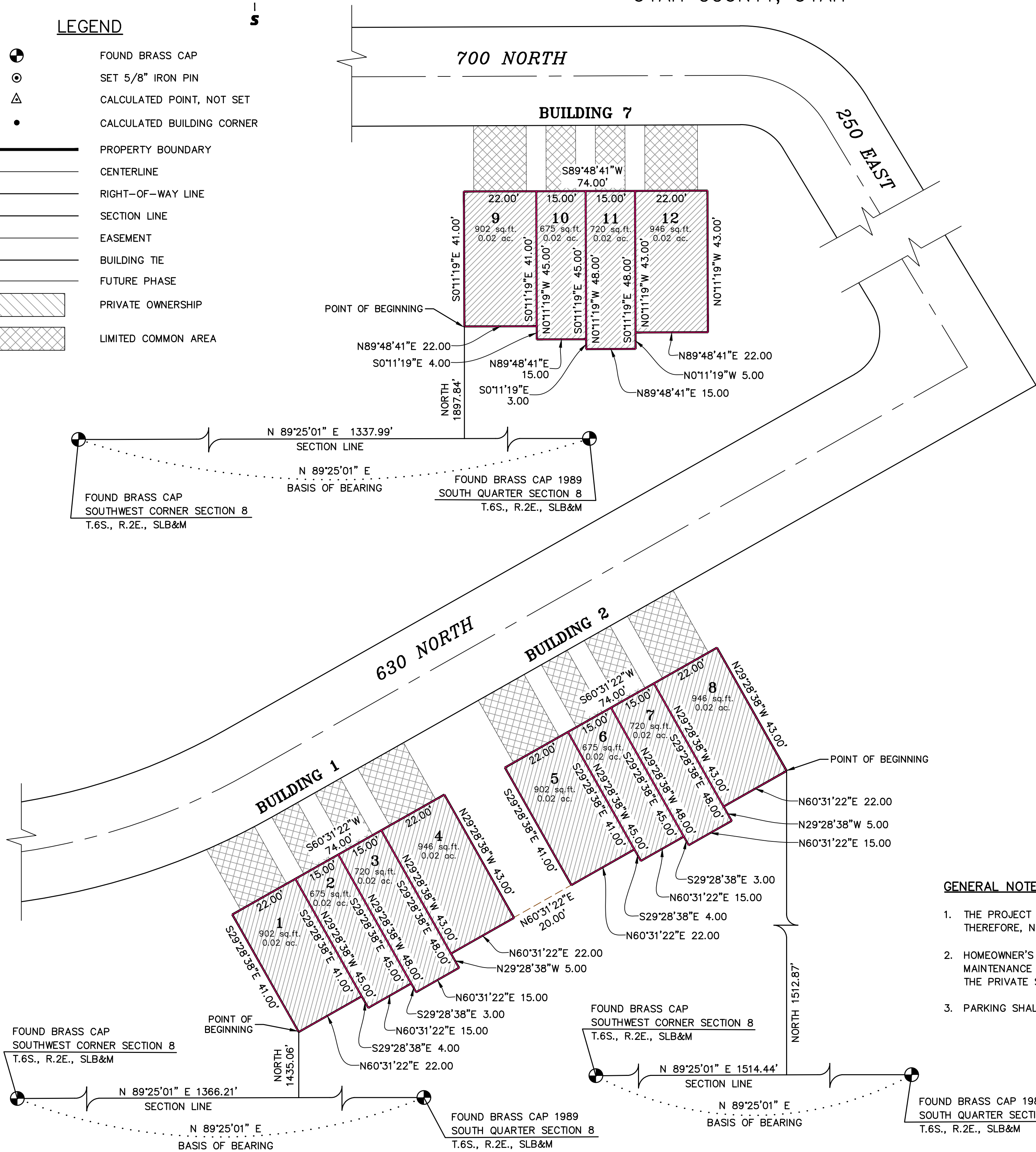
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 6 SOUTH, RANGE 2 EAST SALT LAKE BASE & MERIDIAN
UTAH COUNTY, UTAH

LEGEND

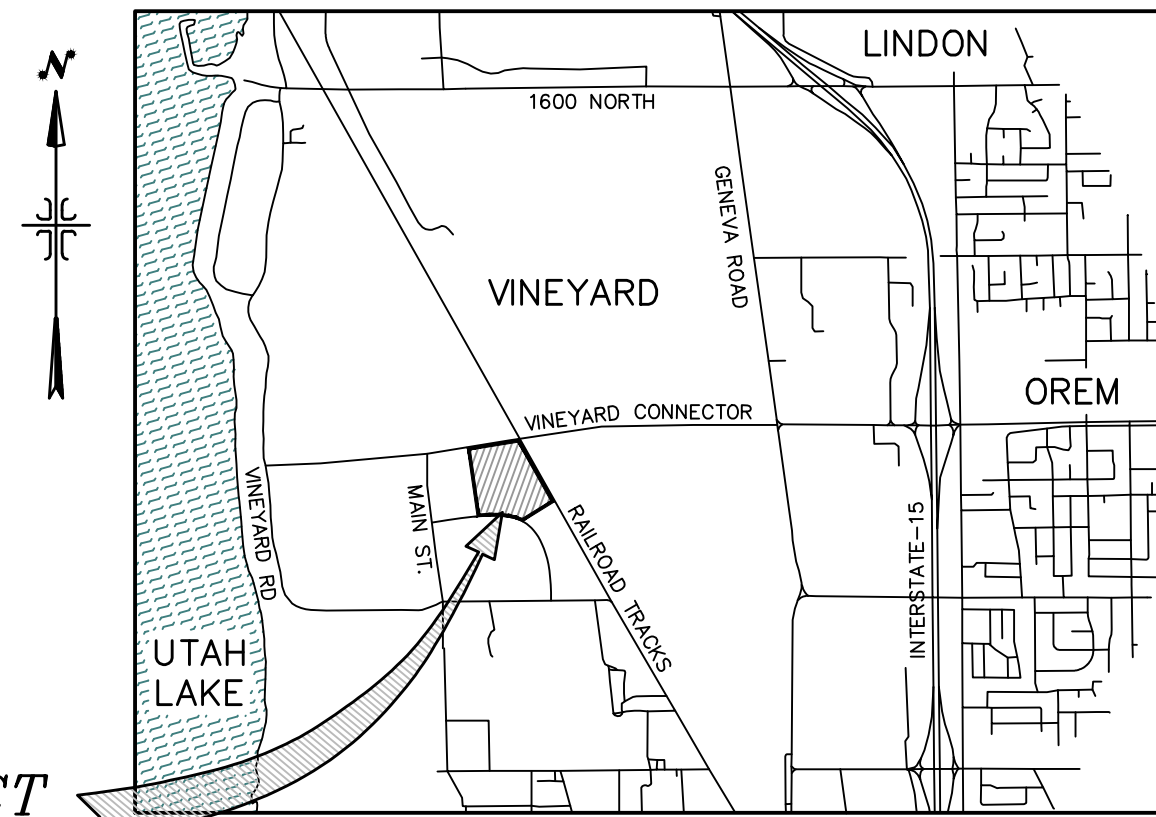
- FOUND BRASS CAP
- SET 5/8" IRON PIN
- CALCULATED POINT, NOT SET
- CALCULATED BUILDING CORNER

- PROPERTY BOUNDARY
- CENTERLINE
- RIGHT-OF-WAY LINE
- SECTION LINE
- EASEMENT
- BUILDING TIE
- FUTURE PHASE

- PRIVATE OWNERSHIP
- LIMITED COMMON AREA



PROJECT
SITE



VICINITY MAP

—NTS—

REQUIRED PLAT NOTES

- PLAT MUST BE RECORDED WITHIN 12 MONTHS OF FINAL PLAT APPROVAL, OR FOR PHASED DEVELOPMENTS, WITHIN 24 MONTHS OF RECORDATION OF MOST RECENT PHASE. THE FIRST FINAL PLAT APPROVAL WAS GRANTED ON THE _____ DAY OF _____, 20____.
- THE INSTALLATION OF IMPROVEMENTS SHALL CONFORM TO ALL CITY STANDARDS, REGULATIONS, AND ORDINANCES.
- BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL IMPROVEMENTS HAVE BEEN INSTALLED AND ACCEPTED BY THE CITY IN WRITING OR BONDED FOR.
- 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.
- NO CITY MAINTENANCE SHALL BE PROVIDED FOR STREETS DESIGNATED AS "PRIVATE" ON THIS PLAT.
- DRIVEWAYS AND LOT ACCESS SHALL BE LIMITED TO INTERIOR LOCAL SUBDIVISION STREETS ONLY.
- DRAINAGE SHALL NOT CROSS PROPERTY LINES. EXCESS OR CONCENTRATED DRAINAGE SHALL BE CONTAINED ON SITE OR DIRECTED TO AN APPROVED DRAINAGE FACILITY.
- VINEYARD ACCEPTS NO RESPONSIBILITY FOR ANY PROPERTY DAMAGE CAUSED BY GROUND WATER FLOODING.
- ALL BUILDING AND DEVELOPMENT SHALL BE IN CONFORMANCE WITH THE VINEYARD ZONING ORDINANCE.

ROCKY MOUNTAIN POWER

- PURSUANT TO UTAH CODE ANN. 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
- PURSUANT TO UTAH CODE ANN. 17-27A603(4)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
 - A RECORDED EASEMENT OR RIGHT-OF-WAY.
 - THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS.
 - TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND FACILITIES OR
 - ANY OTHER PROVISION OF LAW

QUESTAR GAS COMPANY

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 ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDE BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN 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.

GENERAL NOTES:

- THE PROJECT AREA HAS A SHALLOW GROUNDWATER TABLE. THEREFORE, NO BASEMENTS WILL BE ALLOWED.
- HOMEOWNER'S ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL PRIVATE STREETS INCLUDING REPAVING THE PRIVATE STREETS AFTER A LEAK OR BREAK IS REPAIRED.
- PARKING SHALL BE PROHIBITED ON ALL STREETS AND ALLEYS.

Northern
ENGINEERING INC.
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT
1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992



SURVEYOR'S CERTIFICATE

I, KENNETH E. BARNEY, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 172762 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND EASEMENTS, HEREINAFTER TO BE KNOWN AS **TUCKER ROW AT WATER'S EDGE PHASE 3, A PLANNED UNIT DEVELOPMENT**, AND THAT A SURVEY OF THE DESCRIBED TRACT OF LAND HAS BEEN COMPLETED BY ME IN ACCORDANCE WITH SECTION 17-23-17 AND THAT I HAVE VERIFIED ALL MEASUREMENTS AND HAVE PLACED MONUMENTS AS SHOWN HEREON. I FURTHER CERTIFY THAT ALL LOTS MEET FRONTAGE, WIDTH AND AREA REQUIREMENTS OF THE APPLICABLE ZONING ORDINANCES.

KENNETH E. BARNEY

DATE

BOUNDARY DESCRIPTION -- BUILDING 1

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SLB&M, SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE N.89°25'01"E. ALONG SECTION LINE 1366.21 FEET AND NORTH 1435.06 FEET TO THE REAL POINT OF BEGINNING;
THENCE N.60°31'22"E. 22.00 FEET; THENCE S.29°28'38"E. 4.00 FEET; THENCE N.60°31'22"E. 15.00 FEET; THENCE S.29°28'38"E. 3.00 FEET; THENCE N.60°31'22"E. 15.00 FEET; THENCE N.29°28'38"W. 5.00 FEET; THENCE N.60°31'22"E. 22.00 FEET; THENCE N.29°28'38"W. 43.00 FEET; THENCE S.60°31'22"W. 74.00 FEET; THENCE S.29°28'38"E. 41.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,243 SQUARE FEET = 0.074 ACRES OF LAND.

BOUNDARY DESCRIPTION -- BUILDING 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SLB&M, SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE N.89°25'01"E. ALONG SECTION LINE 1514.44 FEET AND NORTH 1512.87 FEET TO THE REAL POINT OF BEGINNING;
THENCE N.29°28'38"W. 43.00 FEET; THENCE S.60°31'22"W. 74.00 FEET; THENCE S.29°28'38"E. 41.00 FEET; THENCE N.60°31'22"E. 22.00 FEET; THENCE S.29°28'38"E. 3.00 FEET; THENCE N.60°31'22"E. 15.00 FEET; THENCE N.60°31'22"E. 3.00 FEET; THENCE N.60°31'22"E. 15.00 FEET; THENCE N.29°28'38"W. 5.00 FEET; THENCE N.60°31'22"E. 22.00 FEET; TO THE POINT OF BEGINNING.

CONTAINING 3,243 SQUARE FEET = 0.074 ACRES OF LAND.

BOUNDARY DESCRIPTION -- BUILDING 7

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SLB&M, SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE N.89°25'01"E. ALONG SECTION LINE 1337.99 FEET AND NORTH 1897.84 FEET TO THE REAL POINT OF BEGINNING;
THENCE N.89°48'41"E. 22.00 FEET; THENCE S.011°19'E. 4.00 FEET; THENCE N.89°48'41"E. 15.00 FEET; THENCE S.011°19'E. 3.00 FEET; THENCE N.89°48'41"E. 15.00 FEET; THENCE N.011°19'W. 5.00 FEET; THENCE N.89°48'41"E. 22.00 FEET; THENCE N.011°19'W. 43.00 FEET; THENCE S.89°48'41"W. 74.00 FEET; THENCE S.011°19'E. 41.00 FEET; TO THE POINT OF BEGINNING.

CONTAINING 3,243 SQUARE FEET = 0.074 ACRES OF LAND.

OWNER'S DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE BOUNDARY DESCRIPTION HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, AND EASEMENTS, AND DO HEREBY OFFER AND CONVEY TO ALL PUBLIC UTILITY AGENCIES AND THEIR SUCCESSORS AND ASSIGNS A PERMANENT EASEMENT SHOWN AS PUBLIC UTILITY EASEMENTS ON AND WITHIN THIS PLAT FOR CONSTRUCTION AND MAINTENANCE OF SUBTERRANEAN ELECTRICAL, TELEPHONE, NATURAL GAS, SEWER, STORM DRAINAGE, LAND DRAIN, AND WATER LINES APPURTENANCES TOGETHER WITH THE RIGHT-OF-WAY ACCESS THERETO.

IN WITNESS WHEREOF, WE HAVE HERE UNTO SET OUR HANDS.

BY:

DATE

BY:

DATE

STATE OF _____ } s.s.

ACKNOWLEDGMENT

ON THIS _____ DAY OF _____, A.D. 20____, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION NUMBER _____

SIGNED

(A NOTARY PUBLIC COMMISSIONED IN UTAH)

MY COMMISSION EXPIRES _____

PRINT NAME OF NOTARY

ACCEPTANCE BY LEGISLATIVE BODY

THE LEGISLATIVE BODY OF VINEYARD CITY OF UTAH COUNTY, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, 20____.

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

TUCKER ROW AT WATER'S EDGE

PHASE THREE

A PLANNED UNIT DEVELOPMENT

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 SOUTH,
RANGE 2 EAST SALT LAKE BASE & MERIDIAN, UTAH COUNTY, UTAH

VINEYARD _____ UTAH COUNTY, UTAH
SCALE: 1" = 30 FEET
SHEET 1 OF 1

SURVEYOR'S SEAL NOTARY PUBLIC SEAL CLERK-RECORDER SEAL



VINEYARD

COMMUNITY DEVELOPMENT

Date: September 23, 2020
From: Morgan Brim, Community Development Director
To: Mayor and City Council
Item: 5.3 Final Plat – Vacation of Lots 10 & 11, Phase 9, James Bay at Waters Edge Subdivision (Combining two lots)
Address: 309 N. 350 W.
Applicant: Chase Williams, Mill Haven Homes



INTRODUCTION:

The applicant is requesting to consolidate lot 10 and 11 of the James Bay Subdivision. The new lot will consist of .97 acres in size. Staff has reviewed the final plat application and is recommending approval.

FINDINGS:

With the proposed conditions, the proposed final plat meets the standards and requirements set forth in the zoning ordinance.

RECOMMENDATION:

Staff recommends the City Council grant approval of the Vacation of Lots 10 & 11, Phase 9, James Bay at Waters Edge Subdivision Final Plat with the listed conditions:

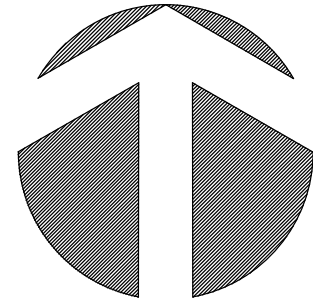
1. The applicant makes any redline corrections prior to the recording of the plat.
2. Extra water meter needs to be removed back to the water main in the street if unused. Meter may be used for landscaping.
3. The applicant pays any outstanding fees.
4. The applicant is subject to all local, state and federal laws.

PROPOSED MOTION:

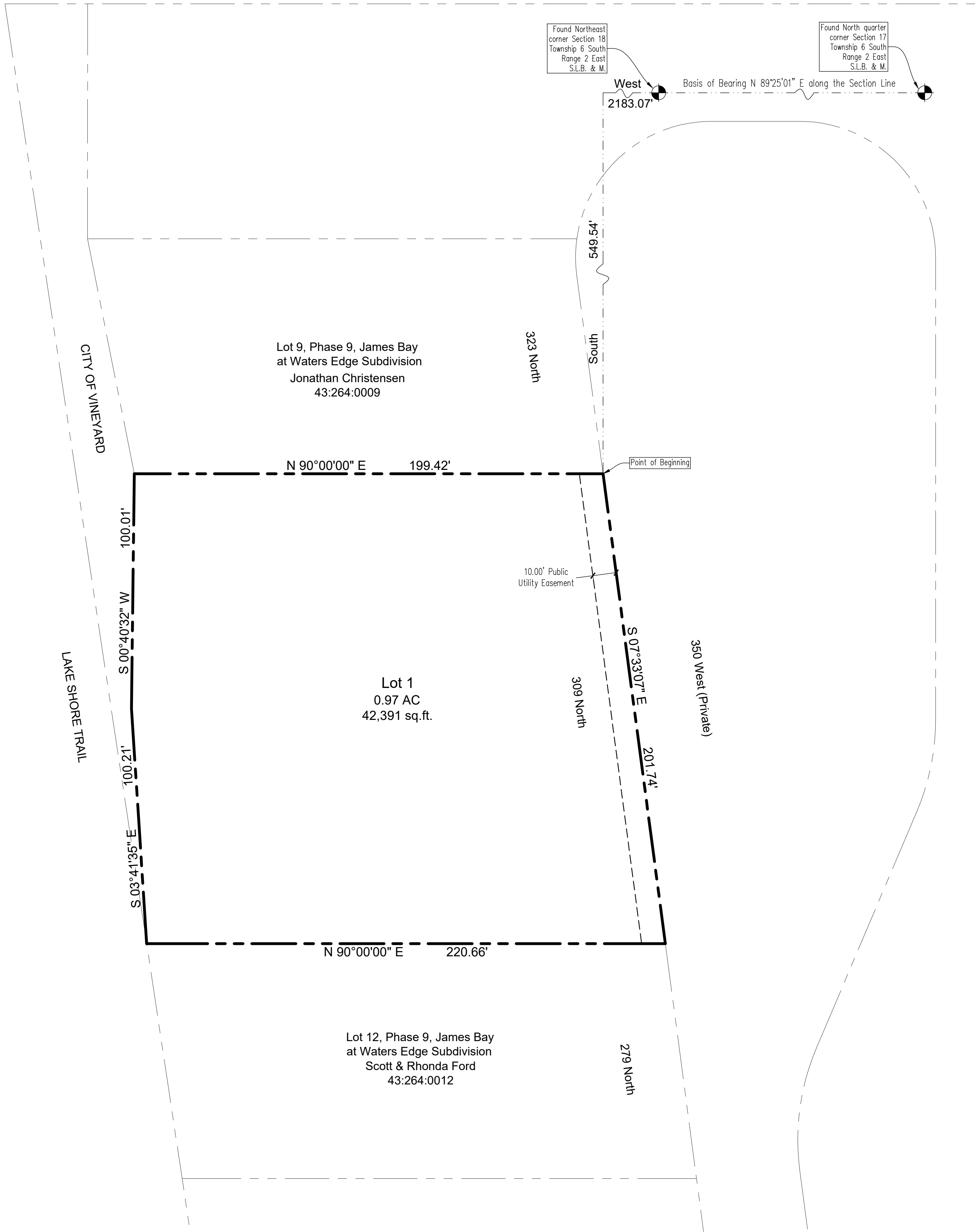
"I move to approve the Vacation of Lots 10 & 11, Phase 9, James Bay at Waters Edge Subdivision Final Plat with proposed conditions."

Attachments:

Proposed Final Plat



1" = 30'



VICINITY MAP

Surveyor's Certificate

I, **ROGER D. DUDLEY**, do hereby certify that I am a registered Land Surveyor and that I hold a license, Certificate No. 147089, in accordance with the Professional Engineers and Land Surveyors Licensing Act found in Title 38, Chapter 22 of the Utah Code. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described below, have subdivided said tract of land into lots, streets, and easements, have completed a survey of the property described on this plat in accordance with Utah Code Section 17-23-17, have verified all measurements, and have placed monuments as represented on the plat. I further certify that every existing right-of-way and easement grant of record for underground facilities, as defined in Utah Code Section 54-8a-2, and for other utility facilities, is accurately described on this plat, and that this plat is true and correct to the best of my knowledge.

Boundary Description

Commencing at the Northeast corner of Lot 10, Phase 9, James Bay at Waters Edge Subdivision, as shown on record in the Office of the Utah County Records Office, Utah County, Utah, said point also located West 2183.07 feet and South 549.54 feet from the found Northeast corner of Section 18, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 07°33'04" East along 350 West 201.74 feet to the Northeast corner of Lot 12, Phase 9, James Bay at Waters Edge Subdivision; thence West along said Lot 12, 220.66 feet to the westerly boundary of Phase 9, James Bay at Waters Edge Subdivision; thence North 03°41'36" West 100.21 feet; thence North 00°40'32" East 100.01 feet to the Southwest corner of Lot 9, Phase 9, James Bay at Waters Edge Subdivision; thence East along said Lot 9, 199.42 feet to the point of beginning.

Area = 42,390 sq.ft. or 0.97 Acre

Basis of Bearing is North 89°25'01" East along the section line from the Northeast corner of Section 18 to the North quarter corner of Section 17, Township 6 South, Range 2 East.

Date _____ Professional Land Surveyor
(See Seal below)

Owner's Dedication

Know all men by these presents that we, all of the undersigned owners of all the property described in the Surveyor's Certificate hereon and shown on this map, have caused the same to be subdivided into Lots, Blocks, Streets, and Easements and do hereby dedicate the streets and other public areas as indicated hereon for perpetual use of the public.

In witness hereof we have hereunto set our hands this _____ day of _____, A.D. 20____.

CHASE WILLIAMS _____

Acknowledgement

STATE OF UTAH }
COUNTY OF UTAH } S.S.

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who represented that he is the owner of the above-described property and has the authority to execute this instrument.

My Commission Number _____ Signed (a Notary Public Commissioned in Utah)

My Commission Expires _____ Print name of Notary

Acceptance by the City of Vineyard

The City of Vineyard, County of Utah, approves this subdivision and hereby accepts the dedication of all Streets, Easements, and other parcels of land intended for public purposes for the perpetual use of the public. Signed this _____ day of _____, A.D. 20____.

Vineyard Planning Commission Chair _____ Vineyard Attorney _____
Vineyard Engineer _____ Vineyard City Manager _____
Clerk/Recorder _____

Occupancy Restriction Notice

The City of Vineyard has an Ordinance which restricts the occupancy of buildings within this subdivision. Accordingly, it is unlawful to occupy any building located within this subdivision without first having obtained a Certificate of Occupancy issued by the City.

Planning Commission Approval

Approved this _____ day of _____, 20____, by the Vineyard City Planning Commission.

Director-Secretary _____ Chairman, Planning Commission _____ Resolution No. _____

Phase 10

James Bay at Waters Edge
Including a Vacation of Lots 10 & 11, Phase 9, James Bay at Waters Edge Subdivision

Subdivision

Vineyard City, _____ Utah County, Utah
Scale: 1" = 30 Feet

Plat Vacation Notice

The City of Vineyard is satisfied that neither the public nor any person will be materially injured by the Vacation of Lots 10 & 11, Phase 9, James Bay at Waters Edge Subdivision. Lots 10 & 11, Phase 9, James Bay at Waters Edge Subdivision are hereby vacated.

SURVEYOR'S SEAL

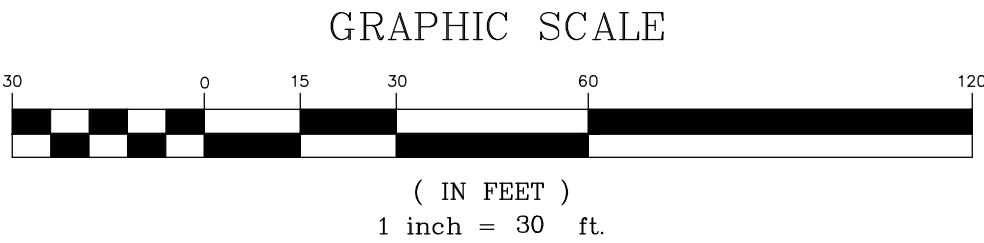
NOTARY PUBLIC SEAL

CITY-COUNTY ENGINEER SEAL

CLERK-RECORDER SEAL

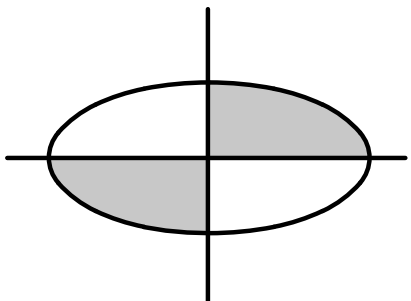
Prepared by:

Dudley and Associates, Inc.
353 East 1200 South
Orem, Utah 84058
office 801-224-1252
fax 801-224-1264



Note:

This area has historically had a high water table, and the Town of Vineyard will have no liability of r any damages due to the high water table. A land drain for each lot will be required and maintained by the property owner.





VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: September 23, 2020

Agenda Item: 8.1 PUBLIC HEARING – Consolidated Fee Schedule

Department: Finance

Presenter: Mariah Hill, Assistant Finance Director

Background/Discussion:

Utah Code section 10-3-17 authorizes cities to create, amend, and set a fee schedule appropriate for the services rendered by the municipality by way of a resolution. The provided attachment shows recommended changes to Vineyard's current fee schedule to assure our fees are up to date.

Fiscal Impact:

The proposed changes should have minimal fiscal impact as fees are increased and added to assure that the City's costs (supplies, labor, overhead, etc) are covered for the provided services.

Recommendation:

The Finance Department recommends accepting all changes as they are presented in the attachment.

Sample Motion:

I move to adopt, by Resolution, the amended Consolidated Fee Schedule as presented.

Attachments:

Consolidated Fee Schedule – Amended 2020-2021 Fiscal Year

RESOLUTION NO. 2020-16

A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE

WHEREAS, Section 10-3-717 UCA authorizes cities to establish the amounts of fees to be charged for municipal services to be set by resolution, and

WHEREAS, The City Ordinances, in various locations, provides for the establishment of fee amounts for certain municipal services, by resolution of the City Council.

WHEREAS, a Public Hearing was duly noticed and was held on the 23rd day of September, 2020 on the proposed amendment.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF VINEYARD, UTAH as follows:

See exhibit A

PASSED BY THE CITY COUNCIL OF VINEYARD, UTAH THIS 23rd DAY OF September, 2020.

APPROVED:

Julie Fullmer, Mayor

ATTEST:

Pamela Spencer, City Recorder



Consolidated Fee Schedule 2020-2021 Fiscal Year

Administrative	2
Recreation.....	2
Utilities	3
Sanitation	3
Facilities Rental	3
Special Event Permit.....	5
Code Enforcement Fess.....	5
Business Licensing	5
Land Use Applications	6
Building Permit Fees	8
Building Inspection Fees	9
Impact Fees	10
Pass Through Fees	10
Water Department Fees	11



ADMINISTRATIVE FEES

Records (GRAMA) Requests	per hour for staff time after first 15 minutes (based on lowest paid employee working on the request) Copies \$0.10 per page
Returned Checks	\$10.00
Credit Card Convenience Fee	3% of transaction
Colored Map Copies – 8 1/2 x 11	\$3.00
Black and White Map Copies	Free
Notarization	Free
Library Card/Fitness Center Reimbursement	\$80 annual reimbursement per Vineyard household (can be used toward non-resident library card OR municipal fitness center membership)
Weed Abatement	Actual Abatement Costs
Bond Processing Fee	\$60
Administrative Citation	\$100
Credit Card Fee	3% of Transaction Total
Candidate Filing Fee	\$35

RECREATION FEES

Youth 3-5 Soccer Registration	\$40
Youth 6-9 Soccer Registration	\$45
Race Registration	\$25
Youth T-Ball Registration	\$45
Youth Coach Pitch Registration	\$45
Youth Flag Football Registration	\$45
Adult Flag Football Team Registration	\$350
Adult Soccer Team Registration	\$350



Pickleball Tournament Team	\$30
3 on 3 Basketball Tournament	\$40
Late Registration	\$10
Late Team Registration	\$50

UTILITY FEES

Water Base Rate $\frac{3}{4}$ " Meter	\$27.09 first 5,000 gallons
Water Base Rate 1" Meter	\$37.93 first 5,000 gallons
Water Base Rate 1 $\frac{1}{2}$ " Meter	\$48.76 first 5,000 gallons
Water Base Rate 2" Meter	\$78.56 first 5,000 gallons
Water Base Rate 3" Meter	\$297.99 first 5,000 gallons
Water Base Rate 4" Meter	\$386.48 first 5,000 gallons
Water Base Rate 6" Meter	\$568.89 first 5,000 gallons
Water Base Rate 8" Meter	\$758.52 first 5,000 gallons
Residential Water Usage Rates:	
Tier 1 (5,001 – 15,000)	\$1.77 per 1,000 gallons
Tier 2 (15,001– 30,000+)	\$2.03 per 1,000 gallons
Tier 3 (30,001 – 50,000)	\$2.50 per 1,000 gallons
Tier 4 (50,001+)	\$2.75 per 1,000 gallons
Commercial Water Usage Rates:	
Tier 1 (5,001 – 30,000)	\$1.77 per 1,000 gallons
Tier 2 (30,001 – 100,000)	\$2.50 per 1,000 gallons
Tier 3 (100,001+)	\$2.75 per 1,000 gallons
Sewer Base Rate	\$17.25
Sewer Usage Rate	\$3.50 per 1,000 gallons
Transportation Utility	\$3.5 Per ERU
Storm Water Utility	\$5 Per ERU

SANITATION FEES

90-Gallon Residential Can	\$13
Second 90-Gallon Residential Can	\$8
Recycling Can	\$6



FACILITIES RENTAL FEES

Small Park Pavilion Rental	\$40 for Resident, \$80 for Non-Resident
Small Park Pavilion Cleaning Deposit	\$40 for Resident, \$80 for Non-Resident
Large Park Pavilion Rental	\$75 for Resident, \$150 for Non-Resident
Large Park Pavilion Cleaning Deposit	\$75 for Resident, \$150 for Non-Resident
Inflatables Fee with Pavilion Rental	\$25
Inflatable Deposit with Pavilion Rental	\$175
Pavilion Rental Cancellation Fee	\$5
Single Soccer 4 Hour Field Rental (Monday – Thursday)	\$300 Deposit + \$150 for Residents, \$300 for Non-Resident
Single Soccer 4 Hour Field Rental (Weekend)	\$300 Deposit + \$200 for Residents, \$400 for Non-Residents
Tennis/Pickleball Court Rental	\$25 per hour per court
Pickleball Net Rental	\$50 Refundable Deposit
Pickleball Net Repair/Replacement Fee	Up to \$300
Outdoor Basketball Court Rental	\$25 per hour per ½ court
Non-Existing Line Painting – Per Field	1-499 Feet - \$100 500-999 Feet - \$125 1000+ Feet - \$150
Remarking Line Painting – Per Field	1-499 Feet - \$20 500-999 Feet - \$25 1000+ Feet - \$30
Town Hall Rental – Resident	Unavailable at this time
Town Hall – Non-Resident	Unavailable at this time
Town Hall Cleaning Deposit – Resident	Unavailable at this time
Town Hall Cleaning Deposit – Non-Resident	Unavailable at this time
Town Hall – Wedding/Reception – Resident (currently unavailable)	Unavailable at this time



~~Town Hall—Wedding/Reception—
Non-resident (currently unavailable)~~

~~Unavailable at this time~~

SPECIAL EVENT FEES

Special Event Permit	\$50
Special Event with Vendors	\$75
Special Events with >250 participants	\$100
Summer Celebration Food Vendor	\$300
Summer Celebration Vendor Booth	\$100
Boo-A-Palooza Vendor Fee	\$50

CODE ENFORCEMENT FEES

Code Violation Fee (per calendar year from first offense)	1 st Offense - \$100 2 nd Offense - \$200 3 rd (or more) Offense - \$400
Civil Penalty Fee	\$25 per day, per violation
Code Violation Fee - Interest	20% per annum of total outstanding amounts
Default/Administrative Code Enforcement Hearing Fee	\$100
Animal Defecation without Removal Fine	\$250
Off-Leash Animal Fine	\$250

ANNUAL BUSINESS LICENSING FEES

Home-Based Occupation (exceeds residential impact)	\$25
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Home-Based Occupation (does not exceed residential impact)	\$0
<u>Accessory Dwelling Unit Business License (Biennial)</u>	<u>Initial Fee \$100</u> <u>Renewal Fee \$50</u>
Industrial Manufacturing/Distribution	\$250
Restaurant/Food	\$190
Food Truck Fee	\$25 per truck
Retail	\$215
Service Related	\$75
Solicitor License	\$30
Transient/Itinerant Merchant (90-day maximum)	\$30
Towing/Parking Enforcement Certificate	\$30
Beer License	\$400 + Bond
A, B, or C Liquor License	\$300 + Bond
Duplicate Paper Copy of License	\$10 (Electronic copy - \$0)
Unclassified Business	\$25 Base fee until classification established by Resolution
Business fitting in 2+ Categories	Higher rate
Late Renewal Fee	50% of license fee, or \$25, whichever is greater, if not paid by the license expiration date.
Penalty Fee for doing business without a Vineyard Business License	Double the license fee

LAND USE APPLICATION FEES

Development Agreement	\$1,500
Development Agreement Amendment	\$1,500
Subdivision – Preliminary Plat	\$1,930 + \$6.20 per lot
Subdivision – Preliminary Plat – Additional Review	\$786 + \$2.50 per lot



Subdivision – Final Plat	\$1,940 + \$6.20 per lot
Subdivision – Final Plat Additional Reviews	\$1010 + \$2.50 per lot
Condominium Plat – New or Conversion	\$1,406 + \$25 per unit
Major Plat Amendment	\$1,706
Minor Plat Amendment	\$1,406
Recording Fees	As charged by Utah County Recorder
Site Plan – Residential	\$2,663
Site Plan – Non-residential	\$3,756
Site Plan – Non-residential – Additional Reviews	\$1,693 for each additional review after two reviews
Site Plan – Minor Amendment	\$500
General Plan Text or Map Amendment	\$1,000
Land Use Ordinance Text or Map Amendment	\$1,000
Lot Line/Property Boundary Line Adjustment	\$300
Conditional Use Permit	\$400
Temporary Use Permit	\$75
Variance	\$100
Appeals	\$100
Zoning Verification	\$100
Accessory Dwelling Unit Application	\$100
Sign Permit	\$150
Sign Standard Waiver	\$250
Commercial Temporary Sign Permit	\$25
Street and Traffic Control Signs	\$350 per post
Land Disturbance Permit	\$50 + \$20 per acre + \$30 per month
Land Disturbance Permit – Subdivision and Site Plan	Included in engineering inspection fees
Engineering Inspection Fees – Subdivision Related	3% of bid tabulation placed in escrow before construction begins.



Engineering Inspection Fees – Non-Subdivision Related	\$150 per hour, rounded up to nearest hour
Engineering Re-Inspection Fees	\$150 per hour, 2 hour minimum
Demolition	Up to \$500 plan review fee
Encroachment Permit	\$150 + \$1 per square foot
Jet Truck Work Request	\$190/hour – Minimum of 2 hours
Fine for Use of Public Right of Way without Approved Permit	\$300 + \$150 per hour inspector is onsite past initial hour
Infrastructure Construction	Bond/Escrow account as determined by bid tabulation
Building Relocation	\$500 Plan Review Fee
Full or Partial Road Closure	\$50
Use of City Barricades for Road Closure	\$300 refundable deposit per set of barricades
Additional plan review required by changes, additions, or revisions to any land use applications	\$65 per hour, half hour minimum
Special Planning Commission Meeting	\$390 per meeting

BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1 to \$1,300	\$48
\$1,301 to \$2,000	\$48 for the first \$1,300; plus \$3 for each additional \$ 100 or fraction thereof, to and including \$2,000
\$2,001 to \$40,000	\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, to and including \$40,000



\$40,001 to \$100,000	\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000; plus \$3 for each additional \$1,000 or fraction thereof, to and including \$5,000,000
\$5,000,001 and over	\$18,327 for the first \$ 5,000,000; plus \$1 for each additional \$1,000 or fraction thereof
Residential Plan Review	25% of Building Permit Fee
Commercial Plan Review	35% of Building Permit Fee
Duplicate Plan Review	15% of Building Permit Fee
Reinstating an Expired Permit	\$50 + any additional review time
Fire Inspection & Plan Review	10% of Building Permit Fee

BUILDING INSPECTION FEES

Inspections outside of normal business hours	\$48 per hour, two-hour minimum
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Re-inspection	\$48 per hour
Inspection for which no specific fee is indicated	\$48 per hour, one-hour minimum
Additional plan review required by changes, additions, or revisions to plans,	\$85 per hour, one-hour minimum
Use of outside consultants for plan checking and inspections, or both	Actual costs, including administrative and overhead costs
Fire Inspection	Included in Business License Fee
Work Without a Permit*	\$100 per infraction
Working Beyond a Stop Work Order*	\$200 per infraction

*Fines doubled for each subsequent infraction

IMPACT FEES

(Impact Fee Area Maps are found on the website)

Sewer Facilities	• Area A - \$539 • Area B - \$2,391 • Area C – RDA
Culinary and Irrigation Water Systems	• Area A - \$873 • Area B (RDA) - \$521
Roadway Facilities	• Area A - \$3,586 • Area B (RDA) - \$1,286
Storm and Ground Water	• Area A - \$222 • Area B - \$337 • Area C - \$237

PASS THROUGH FEES

Timpanogos Special Service District	Equal to TSSD's impact fee as dictated by their up-to-date Impact Fee Facilities Plan.
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Orem Water Reclamation	Equal to Orem City's Water Reclamation as dictated in their up-to-date Consolidated Fee Schedule.
Orem Water Rights	Equal to Orem City's Water Rights as dictated in their up-to-date Consolidated Fee Schedule.

All impact fees will be assessed at the time building permits are issued. All other development Impact Fees will be calculated based on Equivalent Residential Units.

WATER DEPARTMENT FEES

¾" Water Meter & Connection Fee	\$363
1" Water Meter & Connection Fee	\$495
1½" Water Meter & Connection Fee	\$775
2" Water Meter & Connection Fee	\$1,206
Water Lateral Inspection Fee	\$50
Water Meter Reconnect Fee	\$50
Utility Application Fee	\$20
Fire Hydrant Meter Rental Deposit	\$1250
Daily Rate – Fire Hydrant Meter	\$10/100 month
Water Rate – Fire Hydrant Meter	\$2 Per 1,000 gallons of water
Residential Construction Water	\$50 minimum
Non-Residential Construction Water	\$50 minimum
Illegal Connection to Water System	\$1,000 per occurrence



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: September 23, 2020

Agenda Item: 8.2 Water and Sewer Code Amendments

Department: Finance

Presenter: Mariah Hill, Assistant Finance Director

Background/Discussion:

Utah Code section 10-7-10.5 authorizes cities to require written applications for water and sewer services and to terminate service for failure to pay. The code amendments attached are clarifying that the City requires homeowners to apply for utilities and that they are responsible for the water and sewer of the home while they own it. The amendments also include technical changes to address changes in the water and wastewater departments and the overall handling of utilities.

Fiscal Impact:

The proposed changes will have no fiscal impact.

Recommendation:

The Finance Department recommends accepting all changes as they are presented in the attachment.

Sample Motion:

I move to adopt Ordinance 2020-12 amending Municipal Code Title 7 – Public Utilities as presented.

Attachments:

Ordinance 2020-12

**VINEYARD
ORDINANCE 2020-12**

**AN ORDINANCE OF THE VINEYARD CITY COUNCIL AMENDING THE
VINEYARD MUNICIPAL CODE TITLE 7 - PUBLIC UTILITIES**

WHEREAS, the Vineyard City Council has the authority under Utah Code 10-3 to amend the municipal code; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the city to regulate public utilities; and

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

SECTION 1: AMENDMENT “7.04.030 Administration” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.04.030 Administration

- A. ~~SEWER~~WASTEWATER DEPARTMENT AND SYSTEM. The ~~sewer~~wastewater(sewer) department is hereby created. It shall comprise all of the property, equipment and personnel necessary to the maintenance and operation of the city's ~~sewage~~wastewater collection and disposal system. The department shall administer the operation and maintenance of the city ~~sewer~~wastewater system.
- B. ~~SUPERINTENDENT~~MANAGER OF THE ~~SEWER~~WASTEWATER DEPARTMENT. There is hereby created the position of ~~superintendent~~manager of the ~~sewer~~wastewater department.
- C. DUTIES OF THE ~~SUPERINTENDENT~~WASTEWATER MANAGER. The ~~superintendent~~manager of the ~~sewer~~wastewater department shall manage and supervise the city's ~~sewer~~wastewater system under the direction of the ~~City Council~~Public Works Director which from time to time shall ~~by resolution or otherwise~~ prescribe ~~his~~the wastewater manager's powers and duties and direct the manner and frequency with which ~~he~~the wastewater manager shall make reports to the ~~mayor~~city relating to the ~~sewer~~wastewater system.
- D. APPLICATION FOR ~~SEWER~~WASTEWATER SERVICE. Any person who ~~purchases a property in Vineyard that requires~~ desires or is required to secure~~sewer~~wastewater service when such service is available from the ~~city municipal~~sewer~~sewer~~wastewater systems shall ~~apply therefor to the recorder and file an file with the utility department a Utility Application and~~ agreement for service beginning on the date the property was purchased. ~~with the municipality which shall be in~~

~~substantially the form shown below.~~ Failure to submit a Utility Application does not relieve the property owner of responsibility to pay for the wastewater services provided during ownership.

~~TO THE CITY OF VINEYARD~~

~~The under undersigned hereby applies for sewer services from the municipality for premises located at _____ and hereby agrees to pay charges for such sewer services as shall be fixed by the City Council of the municipality by resolution or ordinance until such time as I shall direct such service to be discontinued. In the event of a failure to pay for this service within the due dates fixed by the city council or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the city council relating to the use of the sewer system, the municipality shall have the right to discontinue my water service from the city water system until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to the sewer ordinances or regulations issued thereunder is eliminated.~~

~~Additionally, I agree that the municipality shall have the right to institute collection proceedings by all means available to it, including suit in a court of proper jurisdiction.~~

~~The applicant agrees to pay all costs of collection including court costs and attorney's fees.~~

~~The undersigned agrees to be bound by the rules, regulations resolutions or ordinances enacted or adopted by the City Council of the municipality applicable to the city's sewer system.~~

~~Dated this _____ day of _____, 20__.~~

(Applicant)

-
- ~~E. NON-OWNER APPLICANTS – AGREEMENT~~ ~~BY~~ OF ~~OWNER.~~ If the property is leased, it is required for the owner to submit a Landlord Agreement to the utility department. Failure to submit a Landlord Agreement upon leasing does not relieve the property owner of responsibility to pay for wastewater services provided during ownership. ~~Applications for sewer services made by the tenant or an owner must in addition to the above requirement be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the form shown below.~~

~~OWNERS SEWER SERVICE AGREEMENT~~

In consideration of the acceptance of the application for sewer service submitted by (any present or future tenant) _____, I, or we, will pay for all sewer services furnished to such tenant, or other occupant of _____ (premises) _____, in case such tenant or occupant shall fail to pay for the same according to the ordinances, resolutions, rules or regulations of the municipality.

Dated this _____ day of _____, 20__.

(Applicant)

- F. RATES AND CONNECTION FEES. The rates, penalty fee for delinquency in payment and connection and impact fees for ~~sewer~~wastewater services from the city's~~sewer~~wastewater system shall be fixed from time to time by resolution or ordinance of the City Council. The City Council may from time to time enact rules for levying, billing, guaranteeing and collecting charges for ~~sewer~~wastewater services and all other rules necessary for the management and control of the ~~sewe~~wastewater system.
- G. SPECIAL RATES. The City Council may from time to time fix by agreement or resolution special rates and conditions upon such terms as they may deem proper for users of the ~~sewer~~wastewater service discharging wastes of unusual characteristics or making use thereof under exceptional circumstances.
- H. BOARD OF EQUALIZATION, RATES AND REBATES. The City Council is hereby constituted a board of equalization of ~~sewer~~wastewater rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal, or unjust.
- I. DELINQUENCY – DISCONTINUANCE OF SERVICE.
1. The ~~sewer~~wastewater department, or such other person as the ~~City Council~~city may designate, shall furnish to each user or mail or leave at ~~his~~their place of residence or usual place of business, a written or printed statement stating the ~~sewer~~wastewater service charges assessed against ~~him~~them once each month or at such other regular intervals as the ~~City Council~~city shall direct. The statement shall specify the amount of the bill, the place of payment, and the date due.
 2. If any person fails to pay ~~his~~their~~sewer~~wastewater charges within 30 days of the date due, ~~the recorder or the sewer superintendent~~the utility department shall give the customer notice in writing of the intent to discontinue the service of water to the premises unless the customer pays the bill in full within ~~five~~two days from date of notice.
 3. If the water service is thereafter discontinued for failure to make payment of the ~~sewer~~wastewater service charges, before the water service to the premises shall again be provided, all delinquent ~~sewer~~wastewater charges must have been paid to the ~~City Treasurer~~ or arrangements made for their payment that are satisfactory to the municipality.
 4. In the event water is turned off for nonpayment of ~~sewer~~wastewater charges, before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent charges, such extra charges for turning the water on and off as the City Council may have established by resolution or

ordinance.

5. If any person fails to pay his ~~sewer~~wastewater charges within 30 days of the due date, ~~the recorder or the sewer supervisor~~ the utility department is hereby authorized to take all action necessary to enforce collection, including but not limited to the commencement of legal proceedings in a court of proper jurisdiction seeking judgment for the amount of the delinquent fees and service charges and all costs of collection, including court costs and attorney's fees.
- J. USE OF ~~SEWER~~WASTEWATER SYSTEM MANDATORY. It shall be unlawful for the owner or any other person occupying or having charge of any premises within the municipality which are located within 300 feet of a ~~sewer~~wastewater main to dispose of ~~sewage~~wastewater there ~~from~~ by any means other than by use of the city ~~sewer~~wastewater system. It shall be unlawful to construct or to continue the use of any other ~~sewage~~wastewater disposal system such as a privy, vault, cesspool, or septic tank on the property except by written approval of the City Council in cases of undue hardship.
- K. QUALIFIED PLUMBING NECESSARY. It shall be unlawful for any person to connect any drain or ~~sewer~~wastewater pipe with the city ~~sewer~~wastewater system unless the person is a duly licensed plumber or unless, in the absence of a duly licensed plumber, any proposed connection to, alteration of, or change of connection to the ~~sewer~~wasatewater system shall be first submitted to the ~~sewer~~superintendentwastewater manager for review and approval. After such approval, the installation or work done shall be subject to inspection by the ~~superintendent~~wastewater manager or ~~designee~~ his agent.
- L. PERMITS FOR INSTALLATIONS. It shall be unlawful for any person to directly or indirectly engage in the laying, repairing, altering or connecting of any drain or ~~sewer~~wastewater pipe connected with or part of the city ~~sewer~~wastewater system without first having received a permit from the ~~office of the recorder or the sewer superintendent~~ city.
- M. WHEN PERMITS SHALL NOT BE ISSUED. Permits to connect to the municipality ~~sewer~~wastewater system shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of the building and plumbing codes of the municipality.
- N. REVOCATION OF PERMITS. All construction permits for ~~sewer~~wastewater connections or installations shall be issued to the plumber who is to do the work or to the owner of the property, subject to the supervision and inspection by the ~~superintendent~~wastewater manager or ~~designee~~ his agents. The ~~recorder or superintendent~~ wastewater manager may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work.
- O. PIPES TO BE KEPT IN GOOD REPAIR. All users of the ~~sewer~~wastewater services shall keep their service pipes, connections, and other apparatus in good repair and protected from frost at their own expense. No person, except under the direction of the ~~sewer~~superintendentwastewater manager, shall be allowed to dig into the street for the purpose of removing or repairing any ~~sewer~~wastewater service pipe or main.
- P. QUALITY OF SERVICE PIPE. All service and other pipes used in conjunction with

the ~~sewer~~wastewater services of the municipality shall be of such material, quality and specifications as the City ~~Council~~ may from time to time ~~by resolution~~ provide and shall be installed at such distances below ground as may be specified by regulations relating to the ~~sewer~~wastewater department. All work, alterations or extensions affecting ~~sewer~~wastewater pipes shall be subject to the acceptance of the ~~sewer~~superintendentwastewater manager, and no connections with ~~sewer~~wastewater mains shall be made without first obtaining a permit therefor from the ~~recorder~~city.

- Q. DEPARTMENT TO HAVE FREE ACCESS. The ~~sewer~~superintendentwastewater manager and ~~his agents~~ designees shall at all ordinary hours have free access to places supplied with ~~sewer~~wastewater services from the municipality system for the purpose of examining the apparatus, ascertaining the ~~sewer~~wastewater service being used and the manner of its use.
- R. TRIAL ~~SEWER~~WASTEWATER SURVEY. In order to determine the feasibility of connecting a basement or proposed basement to the sanitary ~~sewer~~wastewater system, the owner or plumber may make an application for a trial ~~sewer~~wastewater survey, the cost of which shall be as established from time to time by resolution of the City Council. The result of a trial ~~sewer~~wastewater survey shall not constitute a permit to connect to the ~~sewer~~wastewater system and is merely for informational purposes.

SECTION 2: AMENDMENT “7.04.040 Regulation And Control Of Sewer”
of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

7.04.040 Regulation And Control Of Sewer

- A. PROHIBITED USES AND REGULATIONS. The City Council shall have power to and retains the right to adopt regulations controlling the manner and circumstances under which the ~~sewer~~wastewater system may be used in addition to the regulatory provisions set forth expressly in this chapter. Violation of any duly adopted use regulations shall be a class B misdemeanor.
- B. OWNERSHIP OF CONNECTING LINES. Unless provision is expressly made for ownership of mains by owner of the adjacent property by means of a written agreement, all mains which are situated in the public right of way shall be deemed to be the property of the municipality and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises. All lines or laterals from the main to the business or residence shall be the property and responsibility of the land owner or resident whether the lateral or line is within the public right of way or on private property.
- C. ~~SEWER~~WASTEWATER MAN-HOLES. It shall be unlawful for any person to open any ~~sewer~~wastewater man-hole without permission from the wastewater ~~manager~~superintendent.
- D. DESTRUCTION. It shall be unlawful for any person to destroy, deface, injure or

interfere with the operation of any part or appurtenance of the ~~sewer~~wastewater system.

SECTION 3: AMENDMENT “7.06.030 Water Department And System” of the Vineyard Municipal Code is hereby *amended* as follows:

AMENDMENT

7.06.030 Water Department And System

The water department of the municipality is hereby created. It shall administer the operation and maintenance of the water system of the municipality.

- A. ~~SUPERINTENDENT~~WATER MANAGER. There is hereby created the position of ~~superintendent~~manager of the water department.
1. DUTIES OF THE ~~SUPERINTENDENT~~WATER MANAGER. The ~~superintendent~~manager of the water system shall manage and supervise the municipal water system pursuant to the provisions of this section and ~~pursuant to resolutions, rules and regulations adopted by the City Council~~under the direction of the Public Works Director, who from time to time prescribing ~~his~~the water managers powers and duties and directing the manner and frequency with which ~~he~~the water manager shall make reports to the ~~mayor~~city relating to the water system. All of the functions and activities of the ~~superintendent~~water manager shall be carried on under the direction of the ~~mayor~~Public Works Director.
- ~~B.~~ APPLICATION FOR WATER CONNECTION. Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the municipal water system, shall file with the water department for each such connection a written and signed connection application ~~in substantially the following form:~~

~~APPLICATION FOR WATER CONNECTION~~

~~TO THE CITY OF VINEYARD~~

~~I hereby apply for permission to connect my premises at~~
~~_____ with the municipality of Vineyard water system and~~
~~hereby agree as follows:~~

- ~~1. (a) The municipality shall make the requested connection from its water main to and including the water meter and up to my property line or to the meter if the meter is installed with in my property. I agree to pay the municipality the connection charges and fees as may be fixed by the City Council by resolution or ordinance including a~~

~~reservoir charge if so provided.~~

~~Additionally, I agree to pay \$ _____ for inspection and overhead charges and other miscellaneous costs of the municipality as may be fixed by the City Council by resolution or ordinance.~~

~~The work of extending the water connection from the point to which the municipality installs it to the place at which the water is to be used shall be my responsibility and shall be performed at my sole cost.~~

~~(b) The connection so made by the municipality, including the meter, shall remain the property of the municipality at all times, and the municipality shall have access thereto at all times.~~

~~2. The location of the meter, whether on my premises or at some point near my premises, may be decided solely by the municipality.~~

~~3. Before making connection with the water system, I shall cause the plumbing upon my premises to be inspected by the municipality and if the plumbing is not approved, I will cause the plumbing to be rectified at my own expense to meet the requirements of the municipality or of any other governmental agency having jurisdiction to regulate the water system within the municipality.~~

~~4. I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the municipality applicable to the municipality's water system.~~

~~5. The purpose for which the water connection will be used is~~

~~_____~~

~~6. The municipality shall have free access to the lines and meters installed under this agreement and, at reasonable times, through my property if necessary.~~

~~Dated this _____ day of _____, 20__.~~

~~_____~~

~~(Applicant)~~

- C. APPLICATION FOR WATER CONNECTION BY SUBDIVIDER. Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.
- D. APPLICATION FOR WATER SERVICE. Any person who ~~desires or is required to~~ secure purchases a property in Vineyard that requires water service when such service is available from the municipal water system, shall file with the ~~water~~ utility department a

Utility Application and agreement for the service beginning on the date the property was purchased. ~~written application and agreement for the service which shall be in substantially the following form:~~ Failure to submit a Utility Application does not relieve the property owner of responsibility to pay for water services provided during ownership.

~~APPLICATION FOR WATER SERVICE~~

~~TO THE CITY OF VINEYARD, UTAH~~

The undersigned hereby applies for water service for premises located at _____, and hereby agrees:-

- ~~1. To pay charges for such water service as are fixed from time to time by the City Council until such time as I shall direct such service to be discontinued.~~
- ~~2. In the event of a failure to pay water charges within the due dates fixed by the City Council or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the City Council regulating the use of the water system, that the municipality shall have the right to discontinue the water system service at its election, pursuant to five days written notice of the municipality's intention, until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to this ordinance or regulations issued thereunder is eliminated.~~
- ~~3. To be bound by the rules, regulations, resolutions, or ordinances enacted or adopted by the City Council applicable to the municipality's water system.~~

~~Applicant does hereby deposit \$_____ with the municipality on the filing of this application for water service, and it is agreed and understood that the municipality may, but need not, apply the deposit upon bills due for prior service and that the right of the municipality to shut off service as above provided shall exist even though the deposit has not been applied to the payment of past due bills for services.~~

~~On final settlement of applicant's account, any unused balance of the deposit will be refunded to applicant upon return of the security deposit receipt issued by the municipality at the time the deposit is made.~~

- ~~4. That the deposit shall not be considered as an advance payment for any service. Charges and unpaid accounts shall be considered delinquent notwithstanding the existence of the deposit, and the applicant or user of water service shall not have the right to compel the municipality to apply the deposit to any account to avoid delinquency.~~

Dated this _____ day of _____, 20__.

(Applicant)

- E. NON-OWNER APPLICANTS — AGREEMENT OF OWNER. If the property is ever leased, it is required for the owner to submit a Landlord Agreement to the utility department. Failure to submit a Landlord Agreement upon leasing does not relieve the property owner of responsibility to pay for water services provided during ownership. Applications for water service made by the tenant of an owner must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the following form:-

~~OWNERS WATER SERVICE AGREEMENT~~

~~In consideration of the acceptance of the application for water service submitted by _____ (tenant), I or we will pay for all water services for any such tenant or any other occupant of _____ premises in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules regulations or resolutions enacted by the municipality.~~

~~Dated this _____ day _____, of 20__.~~

~~(Owner)~~

- F. RATES AND CONNECTION FEES. The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the municipal water system shall be fixed from time to time by resolution enacted by the City Council. The City Council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.
- G. SPECIAL RATES. The City Council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water ~~service~~ or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.
- H. BOARD OF EQUALIZATION, RATES, AND REBATES. The City Council is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person.
- I. USE WITHOUT PAYMENT PROHIBITED. It shall be unlawful for any person by

~~himself~~, family, servants, or agents to utilize the municipal water or ~~sewer~~wastewater system without paying therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement, or resolution. It shall be unlawful to injure, deface, or impair any part or appurtenance of the water or ~~sewer~~wastewater system, or to cast anything into any reservoir or tank belonging to the water system.

J. DELINQUENCY — DISCONTINUANCE OF SERVICE

1. The ~~recorder or water supervisor~~water department, or designee, shall furnish to each user, or mail to, or leave at ~~his~~their place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against ~~him~~them once each month or at such other regular interval as the City Council shall direct. The statement shall specify the amount of the bill, the place of payment, and the date due.
2. ~~The statement shall specify the amount of the bill for the water service and the place of payment and date due.~~ If any person fails to pay the water charges within 30 days of the date due, the ~~recorder or water supervisor~~utility department shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within ~~five~~two days from the date of notice.
3. If the water service is thereafter discontinued for failure to make payment of the water service charges, ~~then~~ before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the ~~treasurer~~city or arrangements made for their payment in a manner satisfactory to the municipality. In the event water is turned off for nonpayment of water charges, ~~then~~ before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charges for turning the water on and off as the City Council may have established by resolution. ~~Until such a resolution has been adopted, there shall be added an extra charge of \$50.00 for turning on the water. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has theretofore been applied to the payment of delinquent bills. The recorder is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the municipality.~~
4. If any person fails to pay their utility water charges within 30 days of the due date, the utility department is hereby authorized to take all action necessary to enforce collection, including but not limited to the commencement of legal proceedings in a court of proper jurisdiction seeking judgement for the amount of the delinquent fees and service charges and all costs of collection, including court costs and attorney's fees.

K. TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED. It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the ~~superintendent or recorder~~water manager.

- L. SEPARATE CONNECTIONS. It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the ~~City Council~~city and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this Part shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the municipality for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the municipality to require separate pipes, connections, or meters at a subsequent time.
- M. UNAUTHORIZED USERS. It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises.
- N. PERIOD FOR VISITORS. Individuals visiting the premises of an authorized user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed 1 month(s). Continued use thereafter shall be deemed unauthorized and violative of the provisions of this section relating to separate connections and unauthorized use.
- O. PIPES TO BE KEPT IN GOOD REPAIR. All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person except under the direction of the water ~~superintendent~~manager shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.
- P. QUALITY OF SERVICE PIPE
1. All service and other pipe used in conjunction with the water services of the municipality shall be of such material, quality, and specifications as the City Council may from time to time by resolution provide, and shall be installed at such distances below ground as may be specified by regulations relating to the water department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water ~~superintendent~~manager, and no connections with any water mains shall be made without first obtaining a permit therefor from the ~~recorder~~city.
 2. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water ~~superintendent~~manager and subject to such requirements relating to controls as may be imposed ~~by him~~.
- Q. FAULTY EQUIPMENT. It shall be unlawful for any water user to:
1. Waste water.
 2. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
 3. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.
 4. Use the water for purposes other than for those which ~~he~~they have ~~has~~ applied,

or to use water in violation of the rules and regulations for controlling the water supply.

R. DEPARTMENT TO HAVE FREE ACCESS. The water ~~superintendent~~department and ~~his~~agents shall at all ordinary hours have free access to any place supplied with water services from the municipal system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

S. NONLIABILITY FOR DAMAGES. The municipality shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This Part shall not be construed to extend the liability of the municipality beyond that provided in the Governmental Immunity Act.

T. WATER NOT SUPPLIED FOR MOTORS, SYPHONS, ETC. No water shall be supplied from the pipes of the municipal water system for the purpose of driving motor, syphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the ~~City Council~~city.

U. SPRINKLERS

1. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the ~~City Council~~water manager materially affect the pressure or supply of water in the municipal water system or any part thereof, and the City Council may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.

2. The ~~City Council~~water manager shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this section.

V. SCARCITY OF WATER. In time of scarcity of water, whenever it shall in the judgment of the mayor and the City Council be necessary, the mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, ~~his~~their family, servants, or agents, to violate any proclamation made by the mayor in pursuance of this section.

W. WASTE OF WATER

1. Users of water from the municipal water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water ~~superintendent~~manager or of any of the officers of the municipality, a user of municipal water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the ~~superintendent~~water manager or any officer may refer the matter to the City Council.

2. The City Council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate ~~his~~their water connection at least five days prior to the meeting of the City Council at which

termination of water service is to be considered. The notice shall inform ~~him~~them of the time and place of the meeting and of the charges which lead to the consideration of the termination.

3. A water user whose right to utilize municipal water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.
4. After due hearing, the City Council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify ~~him~~them of the decision and of the period during which the service will remain discontinued.

X. WATER METERS

1. Except as otherwise expressly permitted by this section, ~~a~~-structures, dwelling units, establishments and persons using water from the municipal water system must have such number of water meters connected to their water system as are necessary in the judgment of the ~~superintendent~~water manager to adequately measure use and determine water charges to the respective users.
2. Meters will be furnished by the municipality upon application for a connection, and upon payment of such connection fees and other costs as may be established by the City Council from time to time by resolution.
3. Meters shall be deemed to be and remain the property of the municipality. Whenever a dispute between ~~superintendent~~the water manager and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the City Council after due notice in writing to the parties involved.
4. The ~~superintendent~~water manager shall cause meter readings to be taken regularly and shall advise the ~~recorder~~utility department thereof for the purpose of recording the necessary billings for water service.
5. Meters may be checked, inspected or adjusted at the discretion of the municipality, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the municipality unless special permission is given by the municipality through its representatives to the customer to do so.
6. If a customer submits a written request to the ~~superintendent~~water manager to test ~~his~~their water meter, the municipality may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the City Council, the meter shall be deemed to accurately measure the use of water.
7. If the municipality's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is

found to be recording less than 97% or more than 103% of accuracy, the municipality shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.

8. All damages or injury to the lines, meters or other materials of the municipality on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the municipality be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the municipality through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

Y. PERMITS FOR INSTALLATION. It shall be unlawful for any person to lay, repair, alter or connect any water line to the municipal culinary water system without first having received a construction permit from the ~~city office of the recorder or from the watersuperintendent~~.

Z. APPLICATIONS FOR INSTALLATION PERMIT

1. Applications for permits to make water connections or other alterations~~s~~ or for laying or repairing lines connected directly or indirectly to the municipal water system must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises who shall describe the nature of the work to be done for which the application is made. The application shall be granted if the ~~superintendent~~water manager determines that:
 - a. The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.
 - b. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the municipality. All connections, alterations or installations shall be to the line and grade designated by the water ~~superintendent~~manager.
2. Fees for permits or for inspection services shall be of such amounts as the City Council shall from time to time determine by resolution.

AA. MOVING OR REPLACEMENT OF WATER LINES. In the event that the municipality in its sole discretion determines that any water line of the municipality must be moved or replaced, the municipality shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer.

AB. WHEN PERMITS SHALL NOT BE ISSUED. Permission to connect with the municipal water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the municipality.

AC. DISCONTINUANCE OF SERVICE. Any customer desiring to discontinue service shall notify the municipality in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit

balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuance of service.

- AD. FIRE HYDRANTS. Water ~~for fire hydrants~~ used primarily for fire suppression will be furnished free of charge by the municipality. Installation and repairs on ~~such~~ hydrants shall be at the expense of the municipality and shall be made under the direction of the municipality. All customers shall grant the municipality, upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if the municipality concludes that hydrants shall be so installed for the protection of the residents of the municipality.
- AE. EXTENSION OF WATER MAINS WITHIN THE MUNICIPALITY. Any person or persons, including any subdivider, who desires to have the water mains extended within the municipality, and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the City Council by petition. The petition shall contain a description of such, proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the water ~~superintendent~~ manager. The City Council may grant or deny the petition as in its discretion seems best for the welfare of existing water users in the municipality.
- AF. COST OF EXTENSIONS DETERMINED. Upon the receipt of such petition and map and before the petition is granted, the City Council shall obtain from the water ~~superintendent~~ manager a certified statement showing the whole cost of expense of making such extension.
- AG. AMOUNT OF COST TO BE DEPOSITED WITH ~~RECORDER, CITY~~. If the City Council grants the petition, the amount of the cost of making the extension, as certified by the ~~superintendent~~ water manager shall be deposited with the ~~recorder~~ city before any work shall be done on such extension. The deposit shall be made within 30 days, or such other time as the City Council shall indicate, after the granting thereof.
- AH. RETURN OF ANY MONEY — FORFEITURE
1. At the time the City Council decides whether or not to grant petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.
 2. In the event any deposit remains unclaimed for a period of five years after the depositor has discontinued water service, the deposit may be forfeited and then transferred to the water utility fund.
- AI. OWNERSHIP OF EXTENSION. Any such extension shall be deemed the property of the municipality.

SECTION 4: AMENDMENT “7.06.040 Service Outside Municipality” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.06.040 Service Outside Municipality

- A. SUPPLY OF WATER SERVICES TO PERSON OUTSIDE THE MUNICIPAL LIMITS. The municipality may furnish water service from its water system to persons outside the municipality in accordance with the provisions of this section.
- B. PETITION FOR SERVICE. Any person located outside the municipal limits who desires to be supplied with water services from the municipal water system and is willing to pay in advance the whole expense of extending the water system to his property, including the cost of extending any water main beyond its present location, may make application to the governing body by petition containing:
1. A description of the proposed extension.
 2. A map showing the location thereof.
 3. An offer to pay the whole expense incurred by the municipality in providing such extension and to advance such expense as shall be verified to by the water ~~superintendent~~manager. The governing body and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded.
 4. An acknowledgement that the municipality in granting the petition need supply only such water to the petitioner which from time to time the governing body deems beyond the requirements of water users within the municipal limits, and that such extension shall be the property of and subject to the control of the municipality.
- C. EXTENSIONS MAY BE MASTER METERED. When an extension supplying more than one house or user outside the municipal limits is connected to municipal water mains, the water ~~superintendent~~manager may require a master meter to be installed near the point where the connection is to be made to the municipal main. This installation will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through the meter at the applicable water rates.
- D. COST OF EXTENSIONS TO BE DETERMINED BY WATER ~~SUPERINTENDENT~~MANAGER. Upon receipt of such petition and map and before the petition is granted, the governing body shall determine what portion, if any, of the extension of the municipal water mains to the municipal limits the municipality shall construct, and shall obtain from the water ~~superintendent~~manager a verified statement showing the whole cost and expense of making such extension. Such costs and expenses shall include administrative and supervisory expenditures of the municipal

water department, which shall in no event be deemed to be less than ten percent of the cost of materials and labor.

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

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.

EFFECTIVE DATE This Ordinance shall be in full force and effect from September 23, 2020 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	_____	_____	_____	_____
Cristy Welsh	_____	_____	_____	_____

Presiding Officer

Attest

Julie Fullmer, Mayor, Vineyard

Pamela Spencer, City Recorder
Vineyard



COMMUNITY DEVELOPMENT

DATE: September 23, 2020
FROM: Morgan Brim, Community Development Director
TO: Mayor and City Council
ITEM: Ord 2020-13: Public Hearing and Consideration of an ordinance to amend the Vineyard Zoning Ordinance to add medical cannabis and pharmacy uses.

INTRODUCTION:

On November 6, 2018, the State of Utah voted to approve Proposition 2 to legalize medical cannabis for qualified patients. This law has been since revised by the state legislature. This law provides allowances for Medical Cannabis Production and Pharmacies. Life Elevated, a Vineyard company, is in the process of applying for a license which would permit them to grow cannabis for medical uses.

The proposed text amendments will provide city allowances to medical cannabis production in the M and FOI districts and permit medical cannabis pharmacies in the FOI district. The attached ordinance adds applicable uses to the District Use Table, established development standards and adds a standard pharmacy use to our retail/commercial districts. Staff felt it was important to clearly distinguish between a standard pharmacy and a medical cannabis pharmacy.

RECOMMENDATION:

The Planning Commission held a public hearing on September 16, 2020 and forwards a positive recommendation of Ordinance 2020-13.

RECOMMENDED MOTION:

"I move to approve proposed Ordinance 2020-13."

ATTACHMENTS:

- Ordinance 2020-13

**VINEYARD
ORDINANCE 2020-13**

AN ORDINANCE OF THE VINEYARD CITY, UTAH, AMENDING THE VINEYARD ZONING ORDINANCE TO PROVIDE ALLOWANCES FOR MEDICAL CANNABIS PHARMACIES, MEDICAL CANNABIS ESTABLISHMENTS, AND PHARMACIES INCLUDING AMENDING SECTION 15.12.050 DISTRICT USE TABLE ADDING MEDICAL CANNABIS PHARMACIES, MEDICAL CANNABIS ESTABLISHMENTS AND PHARMACIES AS USES WITHIN THE TABLE; SECTION 15.60.020 DEFINITIONS ADDING DEFINITIONS FOR USES AND SECTION 15.34.210 TO ADD DEVELOPMENT STANDARDS FOR MEDICAL CANNABIS USES; 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 the 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 hearing on September 16, 2020, and after fully considering public comment and staff recommendations, recommended approval to the Vineyard City Council; and

WHEREAS, the Vineyard City Council, having reviewed the proposed Zoning Text Amendment, held a public hearing on September 23, 2020, 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 on September 23, 2020, adopt the proposed Zoning Text Amendments.

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

NCNP

ZONING DISTRICT USES		O S	A -1	R & A -5	R E -2 0	R -1-1 5	R -1-1 0	R -1-8	R -2-1 5	H D R -1	H D R -2	R M U	F M U	B P	R C	N C	FOI	M	P F
RES IDE NTI AL ⁸	Clinical Support Housing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P ₈	N	N	N
	Dwelling, Multiple-Family	N	N	N	N	N	N	N	N	N	P	P	P	N	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	N
	Dwelling, Two-Family	N	N	N	N	N	N	N	P	P	N	P	P	N	N	N	N	N	N
	Model Home or Unit	N	P	P	P	P	P	P	P	P	P	P	N	N	N	P	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	P ₂	N	N	N
	Residence for Persons with a Disability that are Substance Abuse Facilities	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	

located within 500 feet of a school																				
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		C ⁵ _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	N	N	
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	C	P	P	N		
Financial Institution	N	N	N	N	N	N	N	N	N	N	P	P	C	P	P	P	N	N		
Billboard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
<u>Cannabis Production Establishment</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>p⁸</u>	<u>p⁸</u>	<u>N</u>	
Car Wash	N	N	N	N	N	N	N	N	N	N	C	N	N	C ₃	N	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	N		
Commercial Day Care/Preschool Center	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C ₃	N	N		
Commercial Plant Nursery	N	C	C	N	N	N	N	N	N	N	C	N	N	P	N	P	P	N		
Commercial Recreation, Indoor	N	N	N	N	N	N	N	N	N	N	C	C	C	P	P	N	N	N		
Commercial Recreation, Outdoor	N	C	C	N	N	N	N	N	N	N	C	N	C	C	N	N	N	N		
Composting Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N		
Construction Sales and	N	N	N	N	N	N	N	N	N	N	P	N	N	C	N	C	P	N		

CO MM	Service																			
	Contractor's Office/Storage Yard	N	N	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	N	P	N	
	Drive-thru Facility	N	N	N	N	N	N	N	N	N	N	P ₇	P ₇	N	P ₇	N	N	P ⁷	N	
	Dry Cleaning	N	N	N	N	N	N	N	N	N	N	P	P	N	P	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	N	C	N	
	Funeral Home/Mortuar y	N	N	N	N	N	N	N	N	N	N	C	N	C	N	C	N	N	N	
	Golf Course	C	C	C	N	C	N	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	P	N	N	N	
	Hotel	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	N	N	N	
	Hybrid Production Facility	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C	P	N	N	
	Kennel, Commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	P ²	P ²	N	
	Kennel, Outdoor Commercial	N	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	N	P	P	N	
	Laundry, Self Serve	N	N	N	N	N	N	N	N	N	N	P	P	P	N	P	P	P	N	
	Manurfacturin g, Heavy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	
	Manufacturing , Light	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	P	P	N	
	Medical and Dental Clinic	N	N	N	N	N	N	N	N	N	N	P	P	P	N	P	N	N	N	

ER CIA L	Medical or Dental Laboratory	N	N	N	N	N	N	N	N	N	N	P	P	P	N	P	P		P	N	
	Motel	N	N	N	N	N	N	N	N	N	N	C	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	N	C		N	N	
	Nightclub	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C	N		N	N	
	Nursing Care Facility	N	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N		N	N	
	Nursing Home, Convalescent Care	N	C	C	C	C	C	C	C	C	C	N	N	N	N	N	N		N	N	
	Office	N	N	N	N	N	N	N	N	N	N	P	P	P	P ₄	P	p ⁴		N	N	
	Pawnshop	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N		N	N	
	Personal Care Services	N	N	N	N	N	N	N	N	N	N	P	P	N	P	P	N		N	N	
	Personal Instruction Service	N	N	N	N	N	N	N	N	N	N	P	P	C	P	P	C		N	N	
	<u>Pharmacy</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>		<u>N</u>	<u>N</u>	
	<u>Pharmacy, Medical Cannabis</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>p⁸</u>		<u>N</u>	<u>N</u>	
	Private Club	N	N	N	N	N	N	N	N	N	N	C	C	C	C		NC		N	N	
	Restaurant	N	N	N	N	N	N	N	N	N	N	P	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	p ³³		N	N	
	Retail Sales and Services (Community Commercial)	N	N	N	N	N	N	N	N	N	N	P	P	N	N	P	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	N	
	Salvage Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N				
	Sexually Oriented	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		N	C	N

Business	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	C ²	N	N		
	Storage - Self Service	N	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	N				
	Trailer/RV Camping Facilities	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	N	N		C	N	N
	Vehicle and Equipment Repair (Major)	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	P	N			
	Vehicle and Equipment Repair (Minor)	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	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	N	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	N	P	N	N		
	Warehouse	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	P	P	N		
	Warehouse Club	N	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	N	C	N	C	N	N	P	P	N		
	Business	Assembly, Place of	N	C ₁	C ₁	C ₁	C ₁	C ₁	C ₁	C ₁	C ₁	C ₁	C	C	C	N	C	N	N	N	
Commuter and Light Rail Facilities and Station		N	N	N	N	N	N	N	N	N	N	P	P	C	C	C	C	C	C		

PUBLIC AND UTILITIAN	Earth Station (Satellite Dish Farm)	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	P	N
	Educational Facility	N	C	C	C	C	C	C	C	C	C	P	P	P	C	P	N	N	N
	Emergency Care Facility	N	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	N	P	P	P	P	N	P	P	P
	Farmers' Market	N	N	N	N	N	N	N	N	N	N	C	C	C	N	C	N	N	C
	Heliport	N	N	N	N	N	N	N	N	N	N	C	N	N	C	N	N	C	N
	Hospital	N	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	N	C	C	N	C	C	N	N	N
	Major Facility of a Public Utility	C	C	C	C	C	C	C	C	C	C	C	N	N	C	N	C	C	C
	Minor Facility of a Public Utility	P	P	P	P	P	P	P	P	P	P	C	C	P	C	C	P	P	P
	Museum	N	N	N	N	N	N	N	N	N	N	P	P	C	C	P	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	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	C	P
	Recycling Collection Center	N	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	N	C	N
	Transit Passenger Hub (Intermodal)	N	N	N	N	N	N	N	N	N	N	P	P	N	C	N	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	N	C ²	C ²	C ₂
AC CES SO RY USE S	Accessory Building	P ₂	P ₂	P ₂	P ₂	P ₂	P ₂	P ₂	P ₂	P ₂	P ₂	N	N	N	N	P ₂	N	N	N
	Accessory Dwelling Unit	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	N
	Accessory Dwelling Unit for Owner or Employee	N	P	P	N	N	N	N	N	N	N	N	N	N	N	P	C	C	N
	Accessory Use	P	P	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	N
	Domestic Livestock and Fowl	N	P ₂	P ₂	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Home Day Care (one to seven children)	N	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N
	Home Day Care (eight to ten children)	N	C	C	C	C	C	C	C	C	C	N	N	N	N	N	N	N	N
	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	P ₂	N	N	N
	Home Preschool (one to seven children)	N	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N
	Home Preschool (eight to ten children)	N	C	C	C	C	C	C	C	C	C	N	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	P ₂	N	N	N
	Open/Outdoor Display of Products or Merchandise	N	N	N	N	N	N	N	N	N	N	C	N	N	C	C	C	P	N

Seasonal Use	T ₅	N	N	N	N	N	N	N	N	N	N	T ₅	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	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	P ₂	N	N	p ₂	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 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	P	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 the approval of a conditional use permit. See Part 12 of Section 15.34.190 of the VZC.

8. Use shall meet all licensing requirements as required by Utah State Code and conform to Section 15.34.210 Cannabis Production Establishments and Medical Cannabis Pharmacies development standards of this title.

SECTION 2: **AMENDMENT** “15.60.020 Definitions” of the Vineyard Zoning Code is hereby *amended* as follows:

AMENDMENT

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.

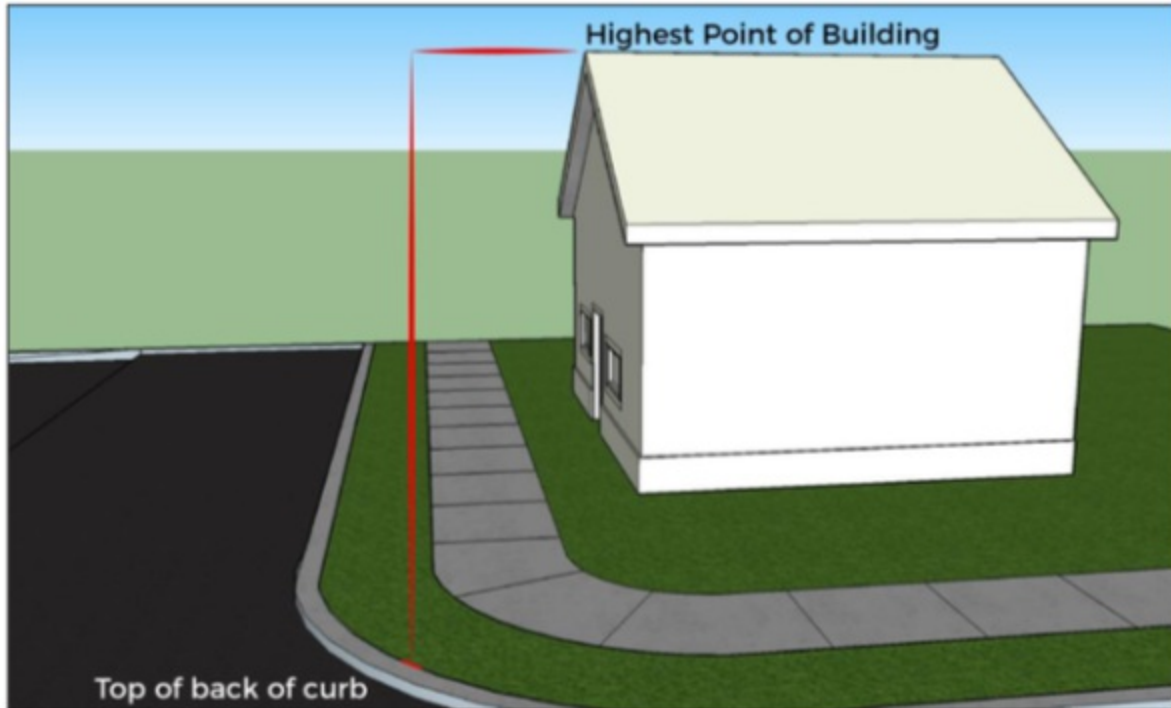
Building: Any structure, whether permanent or temporary, which is designed, intended, or used for occupancy by any person, business, animals, possessions, or for storage of property or materials of any kind.

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.

[Cannabis Production Establishment: See USC Section 26-61a-102 Definitions.](#)

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.

Clinical Support Housing: Residential housing whose occupancy is restricted to persons who are registered or employed as a patient, student, or staff member associated with the clinical or educational program of the facility or campus in which the housing unit or dormitory is located.

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 ten (10) 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 ten (10) 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.

Pharmacy: Any place where prescription drugs are dispensed, but does not include the dispensing of medical cannabis or associated products.

Pharmacy, Medical Cannabis: See USC Section 26-61a-102 Definitions.

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: ADOPTION “15.34.210 Cannabis Production Establishments And Medical Cannabis Pharmacies” of the Vineyard Zoning Code is hereby *added* as follows:

ADOPTION

15.34.210 Cannabis Production Establishments And Medical Cannabis Pharmacies(*Added*)

1. Purpose: The purpose of this section is to permit the establishment of cannabis production establishments and medical cannabis pharmacies as defined in section 15.60.020 definitions of this title, subject to licensing procedures required by the State of Utah.
2. Standards.
 - a. Health and Safety:
 - i. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where growing, processing, or testing of cannabis occurs, and
 - ii. Cannabis production establishments shall meet the land use requirements for the zone in which it is located.
 - b. The following standards apply to all medical cannabis pharmacies:
 - i. No cannabis products shall be visible from outside a medical cannabis pharmacy.
 - ii. The building square footage dedicated to the retail use of the medical cannabis pharmacy shall not exceed 25% of the building or development in which it is located, and
 - iii. Medical cannabis pharmacies shall meet the land use requirements for the zone in which it is located.
3. License Requirement: No cannabis production establishment or medical cannabis pharmacy shall be established, operated, or maintained within the City without a valid business license issued the City.
4. Location: Cannabis production establishments and medical cannabis pharmacies shall be located as required by Section 15.12.050 District Use Table.
5. Regulation Precedence: If any City regulation regarding cannabis production establishments or medical cannabis pharmacies is in conflict with the Utah Code, State code takes precedence.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	_____	_____	_____	_____
John Earnest	_____	_____	_____	_____
Tyce Flake	_____	_____	_____	_____
Chris Judd	_____	_____	_____	_____
Cristy Welsh	_____	_____	_____	_____

Presiding Officer

Attest

Julie Fullmer, Mayor, Vineyard

Pamela Spencer, City Recorder
Vineyard