



Hyde Park City Council / Zoom Meeting
September 27, 2023
7:00 p.m.
Agenda

Council meeting will be held live and via zoom
Zoom: 796 947 6317
Passcode: H88vx6

Welcome
Prayer
Pledge of Allegiance
Adoption of Agenda
Approval of Minutes from Sept 13th

Citizen Input

1. Consider Ordinance 2023-11 – An Ordinance amending regulations regarding disposal of waste and adopting provisions for the collection of waste within city limits.
2. Consider Ordinance 2023-12 – An Ordinance amending section 12.10 General Provisions
3. Consider Ordinance 2023-13 – An Ordinance amending the Residential Core (RC) Zone
4. Departments

In accordance with the Americans with Disabilities Act, individuals needing special accommodation for this meeting should contact the City Recorder at (435) 563-6507, at least three (3) days before the date of the meeting.

HYDE PARK CITY

ORDINANCE NO. 2023-11

AN ORDINANCE AMENDING REGULATIONS REGARDING THE DISPOSAL OF WASTE AND ADOPTING PROVISIONS FOR THE COLLECTION OF WASTE WITHIN CITY LIMITS.

WHEREAS, the Utah Code § 10-11-1(2)(ii) grants municipalities the right to regulate the abatement of garbage and refuse;

WHEREAS, in response to Logan City's abrupt termination of waste collection services to cities in Cache Valley, Hyde Park City (the "City") in concert with several other municipalities and Cache County formed an interlocal entity called the Cache Waste Consortium (the "Consortium") to procure waste collections services for Cache County and the participating municipalities;

WHEREAS, the Consortium entered into that certain Solid Waste Services Agreement with Waste Management of Utah, Inc. ("Waste Management") dated March 22, 2023 (the "Services Agreement") by which Waste Management agreed to provide waste collection services for all cities in the Consortium;

WHEREAS, as a condition of Waste Management entering into the Services Agreement, Waste Management demanded exclusive ability to provide waste collection services in all jurisdictions that are part of the Consortium;

WHEREAS, the Services Agreement requires the City to adopt an ordinance making Waste Management the exclusive waste collection services provider in the City; and

WHEREAS, the Hyde Park City Council determined it was in the best interests of the residents of the City to participate as part of the Consortium and adopt an ordinance as required by the Services Agreement;

NOW, THEREFORE, BE IT ORDAINED, by the Council of Hyde Park City, Cache County, State of Utah, as follows:

1. Title 10, Chapter 40, Sections 010 through 180 of the Hyde Park City Code (the "Code") are hereby repealed.

+2. Title 10, Chapter 40, Sections 010 through 180 of the City Code (the "Code") is are hereby adopted to read as follows:

SECTION 10.40.010: **PURPOSE.** The City is a party to that certain Interlocal Cooperation Agreement between Cache County and Participating Municipalities of Cache County for Creation of an Interlocal Entity for County and Municipal Solid Waste Disposal dated November 2022 (the "Interlocal Agreement") which established the interlocal entity called the Cache Waste Consortium (the "Consortium"). The Consortium may from time to time enter into certain Solid Waste Services Agreements (the "Services Agreement") whereby providers agree to provide waste collection services for all governmental entities who are a part of the Consortium. The Services Agreements require governmental entities in the Consortium to adopt ordinances for the enforcement of the exclusive right granted to the provider under contract with the Consortium. This Chapter is meant to, and should be interpreted to, meet the requirements of the current Services Agreement of the Consortium.

SECTION 10.40.020: **DEFINITIONS**

A. **"Bin"** means a watertight metal or heavy plastic receptacle with a hinged plastic lid and a capacity of between one (1) and eight (8) cubic yards, designed or intended to be mechanically dumped into a packer type truck and provided to the City by the City Collector.

B. **"Cart"** means a watertight heavy plastic receptacle with a rated capacity of approximately sixty-four (64) or ninety-six (96) gallons, having a hinged, tight-fitting lid, and two (2) wheels and provided to the City by the City Collector.

C. **"City Collector"** means the provider currently established by resolution of the City Council.

D. **"Collection Service(s)"** means the process by which Solid Waste is removed from a Commercial or Residential Premises, transported to a transfer, disposal or processing facility, and subsequently disposed or processed.

E. **"Commercial Premises"** means (i) Multi-Family Complexes, and (ii) Premises at which business or governmental activity is conducted, including, but not limited to, retail sales, services, medical facilities, wholesale operations, manufacturing and industrial operations, governmental operations, and schools.

F. **"Container"** means a Bin, Cart or Roll-Off Container provided by the City Provider.

G. **"Dwelling Unit"** means any individual living unit that includes a kitchen, and a room or suite of rooms, and is designed or occupied as separate living quarters for an individual or group of individuals. However, Dwelling Unit does not include a hotel or motel unit.

H. **"Green Waste"** means any vegetative matter resulting from normal yard and landscaping maintenance that is not more than three (3) feet in its longest dimension or six (6) inches in diameter. Green Waste includes, but is not limited to, plant debris such as palm, yucca and cactus, grass clippings, leaves, prunings, weeds, branches, brush, undecorated Christmas trees, and other forms of vegetative waste.

I. **"Multi-Family Complex"** means any Premises with four (4) or more Dwelling Units, where such Dwelling Units receive centralized Collection Services (and not individualized Cart-based Collection Services).

J. **"Multi-Family Dwelling Unit"** means a Dwelling Unit in a Multi-Family Complex.

K. **"Overage"** is defined as (i) Refuse, Recyclables or Green Waste exceeding its Container's intended capacity such that the lid is lifted by at least ten inches (or would be lifted by at least ten inches if lowered) or (ii) Refuse, Recyclables or Green Waste placed on top of or in the immediate vicinity of the Container, in bags or otherwise.

L. **"Premises"** means any parcel of real property in the City where Solid Waste is generated or accumulated.

M. **"Recyclables"** means aluminum cans, PET bottles with the symbol #1 with screw tops only, HDPE plastic bottles and containers with the symbol #2 (milk jugs, detergent containers, and shampoo bottles, etc.), PP plastic bottles and containers with symbol # 5 (ex. yogurt containers, syrup bottles), steel and tin cans, glass food and beverage containers – any color, newspaper, mail, uncoated paperboard (Cereal boxes, food and snack boxes), old corrugated containers/cardboard (uncoated) (moving boxes, pizza boxes), magazines, glossy inserts and pamphlets.

N. **"Refuse"** means Solid Waste that is set out for collection and disposal pursuant to this Agreement. Refuse does not include Recyclables or Green Waste set out for collection.

O. **"Residential Premises"** means a Single-Family Premises.

P. **"Roll-Off Container"** means an all-metal container with ten (10) cubic yards or more capacity that is loaded onto a specialized collection vehicle.

Q. **"Service Recipient"** means an owner or occupant of a Residential or Commercial Premises who is receiving Collection Services.

R. **"Single-Family Premises"** means (i) any Premises with less than four (4) Dwelling Units, and (ii) any Premises with four (4) or more Dwelling Units where each Dwelling Unit receives individualized Cart-based Collection Services (and not centralized Collection Services), which Premises have been registered or verified with the City for the receipt of Collection Services.

S. **"Solid Waste"** means all putrescible and non-putrescible solid, semi-solid, and liquid wastes that are generated or coming to exist in the City, including discarded Recyclables and Green Waste, but excluding Unacceptable Waste.

T. **"Unacceptable Waste"** means any waste tires, radioactive, volatile, corrosive, flammable, explosive, biomedical, infectious, bio-hazardous, regulated medical or hazardous waste, toxic substance or material, as defined by, characterized, or listed under applicable federal, state, or local laws or regulations, any materials containing information protected by federal, state

or local privacy and security laws or regulations (unless tendered to the City Collector pursuant to a separate agreement), or any material the acceptance or handling of which would cause a violation of any applicable statute, rule or regulation, damage to the City Collector's equipment or facilities, or present a substantial endangerment to the health or safety of the public or the City Collector's employees. Title to and liability for Unacceptable Waste shall remain with the generator at all times.

SECTION 310.40.030: WASTE MANAGEMENT CITY COLLECTOR GRANTED EXCLUSIVE FRANCHISE.

The City Collector is hereby granted the exclusive duty, right and privilege to provide Collection Services or otherwise handle all Solid Waste generated, deposited, accumulated or coming to exist at Commercial and Residential Premises in the City.

SECTION 410.40.040: REQUIREMENT FOR COLLECTION SERVICES. All Commercial and Residential Premises in the City shall receive Collection Services through the City Collector and shall enroll in Collection Services with the City through the forms and agreements adopted by the City.

10.40.050: SERVICE CHARGE.

A. The service charges for Collection Services shall be established by resolution from time to time by the governing body.

B. Charges shall apply to all Commercial and Residential Premises in the city.

10.40.060: METHOD OF PAYMENT OF SERVICE CHARGES. The service charges imposed by this part shall be added to the other charges made or assessed by the city for utility or other city services and shall be billed and collected in the same manner as such other charges, unless the governing body provides otherwise by regulation.

10.40.070: NO ACCUMULATION OF GARBAGE. It shall be unlawful for any person to accumulate garbage, or refuse or cause garbage or refuse to be deposited upon any street or ally or upon any premises in the municipality without express permission from the municipal health officer. The health officer may permit the feeding or processing of garbage or refuse upon premises property equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the health officer may designate and under such restrictions as the governing body may by regulation impose. Additionally, the health officer may grant to any person permission for sorting, bailing and marketing trade waste upon premises property equipped and maintained.

10.40.080: CONTAINERS. All Solid Waste and Recyclables shall be placed in suitable and sufficient Containers within appropriate garbage receptacles, either receptacles with tight fitting lids, properly and sufficiently treated water resistant paper bags manufactured specifically for use in garbage and refuse collection, or plastic bags manufactured specifically for use in garbage and refuse collection.

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10.40.090: CLOSING OF GARBAGE CONTAINERS REQUIRED. All Solid Waste must be placed in rainproof and fly-proof receptacles of the type herein required, and the receptacle shall be tightly closed in such manner as to prevent offense odors or flies.

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10.40.100 TIME AND PLACE OF PICKUP.

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- A. All garbage and refuse subject to garbage collection by the municipality shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the governing body and at such time or times as shall be designated by regulations of the governing body.
- B. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the hour of collection designated by regulations of the governing body.
- C. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents.

10.40.110: DISPOSAL OF COMMUNITY WASTE. The city council from time to time may provide for the collection and disposal of community waste through community clean-up or bulk waste collection services as the city may decide to collect and haul in connection with its regular garbage, waste collection and disposal service.

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10.40.120: BURNING OF REFUSE PROHIBITED.

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- A. It shall be unlawful for any person to burn Solid Waste, Unacceptable Waste, Recyclables, or other garbage, manure, or refuse in the open air or in any furnace or stove within the municipality.
- B. Notwithstanding the foregoing, a person may conduct an open burn of appropriate materials and refuse with a permit issued through the Utah Department of Environmental Quality and in accordance with the rules and regulations adopted by the Utah Department of Environmental Quality.
- C. The governing body may adopt by resolution or ordinance additional regulations on the time and manner of open burns.

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10.40.130: DUMPING REFUSE PROHIBITED. It shall be unlawful for any person to place, deposit, or dump garbage, ashes, market waste, paper boxes, cartons, trade waste, manure or night soil, or any other refuse upon any lot within the municipality outside of an appropriate Container with the permission of the owner thereof, regardless of whether such lot is occupied or vacant and regardless of whether such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessor thereof or has the same under his jurisdiction. Dumping

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waste and garbage shall be permitted only in such places as are designated by the governing body in accordance with such rules and regulations as the governing body may adopt.

10.40.140: EQUIPMENT REQUIREMENTS

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- A. Enclosed Bodies; Covering: All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies or suitable provision for covering the body.
- B. Sanitation; Maintenance: Vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall: 1) have watertight, metal bodies of easily cleanable construction; 2) shall be cleaned at sufficient frequency to prevent nuisance or insect breeding; and 3) shall be maintained in good repair.
- C. Private Disposal: Provision and use of a tarpaulin or canvas cover or other appropriate covering to enclose open bodies of collection vehicles for personal disposal of Solid Waste, as authorized by this chapter, shall be required. Individuals operating private vehicles for the personal disposal of Solid Waste shall not permit Solid Waste to fall or escape from the vehicle.

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SECTION 510.40.150: PROHIBITIONS.

- A. Except as provided herein, it shall be unlawful for any person, except the City Collector, to collect or remove any Solid Waste, whether commercial or residential, accumulated or located within the City, or use the streets, avenues, alleys, or ways within the City for the purpose of collection or transportation of same.
- B. It shall be unlawful for more than one Single-Family Premises to share the same Collection Services account with the City.
- C. Except as may occur through ordinary wear and tear, it shall be unlawful for any person to lose, damage or destroy any Container.
- D. It shall be unlawful for any person to intentionally remit any ~~Unusable~~ Unacceptable Waste in any Container with the purpose of the ~~Unusual~~ Unacceptable Waste being picked up as part of Collection Services.
- E. It shall be unlawful for any person to cause any Overage with any Container.
- F. It shall be unlawful for any person to fill any Container until it is overweight. For the purposes of this subsection, "overweight" shall mean two times the volume capacity of the Container (e.g. 192 pounds for a 96-gallon Cart).
- G. Nothing herein shall be construed to prohibit any owner, occupant or tenant of a Premises from personally handling, hauling, or transporting Solid Waste generated by or from such Premises for purposes of disposing of the same at an authorized disposal area or transfer station.

H. Nothing herein shall be construed to prohibit the right of any person to sell Recyclables (i.e., receipt of a net payment) to any person lawfully engaged in the recycling business in the City or to donate Recyclables to any bona fide charity, provided that all such Recyclables are separated by the generator of the Recyclables.

SECTION 610.40.160: INDEMNITY. Any person who violates any provision of this Chapter shall indemnify the City against any and all costs and expenses incurred by the City as a result of the violation, including costs and attorney fees incurred in enforcing the provisions of this Chapter or collecting any amounts due and owing to the City due to Collection Services.

10.40.170: (RESERVED)

10.40.180: (RESERVED)

3. All ordinances, resolutions, and codes, or parts or provisions thereof, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.
4. This ordinance shall take effect immediately upon its adoption and publication according to law.

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ADOPTED AND PASSED, by the HYDE PARK CITY COUNCIL this _____ day of _____, 2023.

ATTEST:

HYDE PARK CITY

By: _____
Mayor

Town-City Recorder

Posting Date: _____

https://edge.sharepoint.com/sites/landfill/Shared%20Documents/SITE%20Users/Carole%20Waste%20Conversion%20Productivity%20Influence-Template-template_waste-management-2.docx

Ordinance 2023-12 – An Ordinance updating Section 12.10 General Provision

WHEREAS, the City Council of Hyde Park City, Cache County, Utah passed and adopted the Hyde Park City code on May 13, 2015; and

WHEREAS, The City Council of Hyde Park City adopted a new general plan on December 14, 2022; and

WHEREAS, The City Council of Hyde Park City determined there is a need to update, repeal, amend and/or modify certain provision contained in the referenced Municipal Code; and

NOW, THEREFORE, that City Council of Hyde Park City, Utah hereby adopts, passes and published the following:

CHAPTER 12.10 - General Provisions

Sections:

- 12.10.010 Short Title
- 12.10.020 Purpose
- 12.10.030 Interpretation And Conflict
- [12.10.035 Designation Of Land Use Authority](#)
- [12.10.040 General Application Requirements](#)
- [12.10.045 General Plan Amendments](#)
- 12.10.0540 Zoning Map Changes And [Zoning Text](#) Amendments
- [12.10.055 Conditional Use Permits](#)
- [12.10.060 Site Plan Review](#)
- 12.10.0750 Administration And Enforcement
- ~~[12.10.060 Building Permit](#)~~
- ~~[12.10.070 Certificate Of Occupancy Required](#)~~
- 12.10.080 Issuance Of Licenses And Permits
- 12.10.090 Violation A Misdemeanor
- 12.10.100 Territory Annexed To The City
- [12.10.110 Validity](#)

12.10.010 Short Title

This Ordinance shall be formally known as the "Uniform Zoning Ordinance of Hyde Park, Utah" and referenced throughout this document as "Zoning Ordinance."

HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

12.10.020 Purpose

This Zoning Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Hyde Park, Utah. It seeks to achieve these ends by, among other things, decongesting streets and roads, including amongst other things, the lessening of congestion on the streets or roads, securing safety from fire and other danger, providing adequate light and air, efficiently classifying the classification of land uses and distribution of land development, protecting ~~the~~ the tax base, securing the economy in governmental expenditures, fostering commercial and agricultural growth, protecting ~~the~~ the environment, and guiding the protection of both urban and non-urban development in the City.

HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

12.10.030 Interpretation And Conflict

In interpreting and applying the provisions of this Zoning Ordinance, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

This Zoning Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

12.10.035 Designation Of Land Use Authority

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The following chart designates the Land Use Authority for land use approvals within the City.

<u>Type Of Land Use Application</u>	<u>Reviewing Body</u>	<u>Recommending Body</u>	<u>Land Use Authority</u>	<u>Appeal Authority</u>
<u>Conditional Use</u>	<u>DRC</u>	<u>Zoning Administrator</u>	<u>Planning Commission</u>	<u>City Council</u>
<u>Development Agreement (See 13.10.070 of HPMC)</u>	<u>DRC</u>	<u>Planning Commission</u>	<u>City Council</u>	<u>District Court</u>
<u>General Plan Amendment</u>	<u>DRC</u>	<u>Planning Commission</u>	<u>City Council</u>	<u>District Court</u>

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<u>Development Plan Review</u> • <u>(Multi-Family, Commercial (C), Industrial (I))</u>	<u>DRC</u>	<u>Planning Commission</u> ~~DRC~~	<u>Zoning Administrator</u>	<u>Hearing Officer</u>
• <u>Mixed-Use (MXD) Development With Development Agreement</u>	<u>DRC</u>	<u>Planning Commission</u>	<u>City Council</u>	<u>District Court</u>
• <u>Mixed-Use (MXD) Development With Plat</u>	<u>DRC</u>	<u>Zoning Administrator</u>	<u>Planning Commission</u>	<u>Hearing Officer</u>
<u>Master Development Plan (MR)</u>	<u>DRC</u>	<u>Planning Commission</u>	<u>City Council</u>	<u>Hearing Officer</u>
<u>Variances/Appeals</u>	<u>N/A</u>	<u>N/A</u>	<u>Hearing Officer</u>	<u>District Court</u>
<u>Zoning Map Change (Rezone)</u>	<u>DRC</u>	<u>Planning Commission</u>	<u>City Council</u>	<u>District Court</u>
<u>Zoning Text Amendment</u>	<u>DRC</u>	<u>Planning Commission</u>	<u>City Council</u>	<u>District Court</u>

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Note: DRC shall mean the Development Review Committee outlined in 12.40 of HPMC. Hearing Officer shall mean the Administrative Appeals Hearing Officer outlined in 12.210 of HPMC.

Pursuant to §10-9a-306 of Utah State Code (as amended), the Land Use Authority shall apply the plain language of land use regulations. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application. A land use decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the City Council.

12.10.040 General Application Requirements

The City shall review and approve submitted applications for land use and development as provided in this title. The following general requirements shall apply to an application required by this title:

- Application Forms. Submitted applications shall be on forms provided by the City's Planning Department, and with the required documentation outlined on such application in quantities as reasonably required by the Zoning Administrator for each particular type of land use application. Applicants shall submit all applications to the Zoning Administrator or designee for review to ensure compliance with the requirements as outlined in this title.
- City-Initiated Applications. The Zoning Administrator, Development Review Committee, Planning Commission or City Council may initiate any action under this title without an application. Notice, hearing, and other procedural requirements of this chapter shall apply to an application initiated by the City.
- Accurate Information. All applications, accompanying documents, plans, reports, studies and information provided to the City by an applicant in accordance with the requirements of this title shall be accurate and complete.

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(d) Determination Of Complete Application. After receipt of an application, the Zoning Administrator or designee shall determine whether the application is complete. If the application is not complete, the Zoning Administrator or designee shall notify the applicant in writing and identify the deficiencies by specifying the required information, and shall advise the applicant that the City will take no further action on the request until the submission of a complete application.

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(e) Fees. The applicant shall pay the City fees as outlined in the City's fee schedule as adopted and amended from time to time by the City Council upon the filing of an application. Application fees shall be in amounts reasonably determined to defray actual costs incurred by the City to review applications and their accompanying documents including plans and specifications, act upon applications, and conduct subsequent inspections to ensure compliance with City regulations. The Zoning Administrator or designee shall return any application as incomplete if the application has not been submitted with the required fee. Fees shall be non-refundable, except as provided in subsection (f) of this section. Applications initiated by the City shall not require fees.

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(f) Remedy Of Deficiencies. If an applicant fails to correct specified deficiencies within thirty (30) days after notification thereof, the City may deem an application withdrawn and shall return it to the applicant upon request. The City shall refund application fees to the applicant, less any fee established to cover the cost of determining completeness of the application.

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(g) Substantial Action Required. If any applicant has not taken substantial action to obtain approval within six (6) months after filing an application, the application shall expire and any vested rights accrued thereunder shall terminate.

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(h) Validity. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

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(i) Extensions Of Time. Unless otherwise prohibited or outlined in this title, upon written request and for good cause shown, any decision-making body or official having authority to grant approval of an application may without any notice or hearing, grant extensions of any time limit imposed by this title on such application, its approval, or the applicant, provided the Zoning Administrator receives such a request or initiates an extension prior to the date of expiration. The total period of time granted by any such extension or extensions shall not exceed half the length of time of the original time period.

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12.10.045 General Plan Amendments

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(a) Purpose. The City has previously adopted a General Plan. For purposes of this section, general plan amendments shall include the addition of new elements to the General Plan as well as any comprehensive revisions to or adoption of the same.

(b) Authority. The City may from time to time amend the General Plan as provided in this section. Such amendments may include any matter within the scope of the General Plan or as required in §10-9a-4 of Utah State Code (as amended). The Land Use Authority for General Plan amendments is outlined in 12.10.035 of HPMC.

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(c) Initiation. Anyone may propose amendments to the General Plan as provided in this section.

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(d) Procedure. The City shall process and consider General Plan amendments as provided in this section.

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(i) Application. Anyone proposing an amendment to the General Plan shall do the survey and analysis work necessary to justify the proposed amendment. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:

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(1) For map amendments:

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a) One (1) 8 1/2 " x 11" map showing the area of the proposed amendment;

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- b) Current copy of the County Assessor's parcel map showing the area of the proposed amendment; Formatted: Font: 11 pt
- c) Mapped inventory of existing land uses within the area of the proposed amendment and extending one-half (1/2) mile beyond such area; Formatted: Font: 11 pt
- d) Correct property addresses of parcels included within the area of the proposed amendment; Formatted: Font: 11 pt
- e) Written statement specifying the potential use of property(ies) within the area of the proposed amendment; Formatted: Font: 11 pt
- f) Written statement explaining why the existing General Plan designation for the area is no longer appropriate, desirable, or feasible; and Formatted: Font: 11 pt
- g) Analysis of potential impacts of the proposed amendments on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, and such other matters as the City may require. Formatted: Font: 11 pt
- (2) For text amendments: Formatted: Font: 11 pt
 - a) Written statement showing the desired language change and explaining why the existing General Plan language is no longer appropriate, desirable, or feasible; Formatted: Font: 11 pt
 - b) Analysis of potential impacts of the proposed amendment; and Formatted: Font: 11 pt
 - c) Map showing affected geographic areas based on the proposed text changes. Formatted: Font: 11 pt
- (ii) Determination Of Complete Application. After the Zoning Administrator or designee determines the completeness of an application, or prior to a City initiated General Plan amendment, the City shall provide Class A notice of the intent to prepare a general plan or comprehensive general plan amendment in accordance with the provisions as outlined in §10-9a-203 and 10-9a-204 of Utah State Code (as amended). After providing the required notice, the Zoning Administrator or designee shall transmit the application to the DRC for review and preparation of a staff report evaluating the proposed amendment. Formatted: Font: 11 pt
- (iii) Planning Commission Hearing. The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-9a-404 of Utah State Code (as amended) and shall review the staff report prepared by the DRC and recommend approval, approval with modifications, or denial of the proposed amendment to the City Council. Formatted: Font: 11 pt
- (iv) City Council Adoption. The City Council shall review the proposed general plan amendment, and the recommendation of the Planning Commission. The City Council may either approve, approve with modifications, or reject the proposed amendment. The City Council may also table the matter for further information or future consideration or action. Formatted: Font: 11 pt
- (v) Appeals. Any person adversely affected by the final decision of the City Council to amend the General Plan may appeal that decision to the District Court as provided in §10-9a-801 of Utah State Code (as amended). Formatted: Font: 11 pt
- (vi) Effect Of Approval. No person shall deem approval of an application to amend the General Plan as an approval of any zone, conditional use, site plan, or other permit. Obtaining approval of a particular zone or permit shall be in accordance with the applicable provisions of this title. Formatted: Font: 11 pt
- (vii) Effect Of Disapproval. The City Council's denial of an application to amend the General Plan shall preclude another person from filing another application covering substantially the same subject or property, or any portion thereof, for six (6) months from the date of the disapproval. This section shall not limit the City Council, Planning Commission, DRC, Zoning Administrator or other authorized City Staff from initiating a General Plan amendment at any time. Formatted: Font: 11 pt

12.10.05-40 Zoning Map Changes And Zoning Text Amendments

This Zoning Ordinance, including the zoning map, may be amended from time to time by the City Council after receiving recommendation from the Planning Commission. The Planning Commission shall hold a public hearing as required by Utah Code. Noticing of the time and place of such hearing shall be as required by Utah Code. All proposed amendments shall be reviewed for consideration within thirty (30) days. Failure of the Planning Commission to take action on the proposed amendment within the prescribed time shall be deemed approval of such Commission of the proposed change or amendment. The requested change or amendment will move to the City Council for a decision.

- (a) Purpose. This section sets forth the procedures for amending the provisions of this title and the City's Official Zoning Map.
- (b) Authority. The Land Use Authority may, from time to time, amend the text of this title and the City's Official Zoning Map as provided by this section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations, or any other provisions of this title. The provisions set forth in this section shall not apply to temporary zoning regulations that the City Council may enact without a public hearing in accordance with §10-9a-504 of Utah State Code (as amended). The Land Use Authority for zoning map changes and zoning text amendments is outlined in 12.10.035 of HPMC.
- (c) Initiation. Anyone may propose amendments to the text of this title and the City's Official Zoning Map as provided in this section.
- (d) Procedure. The City shall process and consider amendments to the text of this title and the City's Official Zoning Map as provided in this section.
 - (i) Application. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
 - (1) For amendments to the text of this title:
 - a) Name and address of every person or company the applicant represents;
 - b) Explanation of the proposed amendment and reasons supporting the request; and
 - c) Title, chapter, and section references of the affected sections, including a draft of the proposed text.
 - (2) For amendments to the City's Official Zoning Map:
 - a) An accurate map depicting present and proposed zoning classifications;
 - b) All abutting properties and their present zoning designations; and
 - c) An accurate legal description and an approximate common address of the area proposed for rezoning if one does not presently exist.
 - (ii) Determination Of Complete Application. After the Zoning Administrator or designee determines the completeness of an application, the Zoning Administrator or designee shall transmit the application to the DRC for preparation of a staff report evaluating the application.
 - (iii) Planning Commission Hearing. Class B notice shall be provided pursuant to §10-9a-205 of Utah State Code (as amended). The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-9a-502 of Utah State Code (as amended) and shall review the staff report prepared by the DRC and shall recommend approval, approval with modifications, or denial of the proposed amendment to the City Council.
 - (iv) City Council Adoption. The City Council shall review the proposed amendment, and the recommendation of the Planning Commission. The City Council may either approve, approve with modifications, or reject the proposed amendment. The City Council may also table the matter for further information or future consideration or action.

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- (v) Approval Standards. A decision to amend the text of this title or the City's Official Zoning Map shall be consistent with the current General Plan including the future land use map. In making an amendment the Land Use Authority shall also consider:
 - (1) Whether the proposed amendment would be harmonious with the overall character of existing development in the vicinity of the subject property, or in cases of text amendments, in areas governed by the amended text;
 - (2) Whether the proposed amendment would be consistent with the standards of any applicable overlay zone(s) and, in cases of text amendments, harmonious with areas governed by the amended text;
 - (3) The extent to which the proposed amendment may adversely affect adjacent property; and
 - (4) The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
- (vi) Appeals. Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the District Court as provided in §10-9a-801 of Utah State Code (as amended).
- (vii) Effect Of Approval. No person shall deem approval of an application to amend the provisions of this title or the City's Official Zoning Map as an approval of any conditional use, site plan, or other permit. Obtaining approval of such permits shall be in accordance with the applicable provisions of this title.
- (viii) Effect Of Disapproval. The Land Use Authority's denial of an application to amend the text of this title or the City's Official Zoning Map shall preclude another person from filing another application covering substantially the same subject or property, or any portion there, for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application or the application is for a change to a different zone. This section shall not limit the City Council, Planning Commission, DRC, Zoning Administrator or other authorized City Staff from initiating an amendment to the text of this title or to the City's Official Zoning Map at any time.

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HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

12.10.055 Conditional Use Permits

- (a) Purpose. This section sets forth the procedures for considering and approving conditional use permits.
- (b) Authority. The Land Use Authority for conditional use permits is outlined in 12.10.035 of HPAK.
- (c) Initiation. A property owner or their designated agent may request a conditional use permit as provided in this section.
- (d) Procedure. The City shall process and consider an application for a conditional use permit as provided in this section.
 - (i) Application. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:
 - (1) Address and lot/parcel identification of the subject property;
 - (2) Current zoning designation, zone district boundary, and present use of the subject property;
 - (3) Complete description of the proposed conditional use;
 - (4) A site plan depicting the following:

- a) Applicant's name;
- b) Subject property's address;
- c) Subject property's boundaries and dimensions;
- d) Subject property's layout of existing and proposed buildings and structures, parking, landscaping, utilities and easements;
- e) Adjoining property lines and uses within one hundred feet (100') of the subject property; and
- f) Any other information determined to be necessary by the Land Use Authority.
- (5) Traffic study or other impact analysis reports, including but not limited to: utilities, school, soil and water, existing conditions, line-of-site and building massing, etc., if required by the Land Use Authority upon recommendation of the Zoning Administrator or other City Staff;
- (6) A statement by the applicant demonstrating how the proposed use meets or would meet the approval standards of this section; and
- (7) A statement indicating whether the applicant will require any variances in connection with the proposed conditional use. Note: If the conditional use would require a variance, the applicant shall also submit a variance application concurrently with the proposed conditional use application.
- (ii) Determination Of Complete Application. After the Zoning Administrator or designee determines the completeness of an application the Zoning Administrator or designee shall transmit the application to the DRC for the preparation of a staff report evaluating the application.
- (iii) The Land Use Authority shall hold a public meeting (with Class A notice) on the proposed application and shall review the staff report prepared by the DRC and approve, approve with modifications, or deny of the proposed application for a conditional use permit. The Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the conditional use substantially complies with approval standards.
- (iv) After the Land Use Authority has rendered a decision, the Zoning Administrator or designee shall give the applicant written notice of the decision.
- (v) Following the issuance of a conditional use permit, the Zoning Administrator or designee shall inspect such conditional use to ensure the use is undertaken and completed in compliance with the conditional use permit. The Zoning Administrator shall maintain a record of all conditional use permits.
- (vi) Approval Standards. The following standards shall apply to the issuance of conditional use permits.
 - (1) The Land Use Authority may:
 - a) Issue a conditional use permit for a use located within a zone that would allow, through regulations, the particular conditional use.
 - b) Impose conditions as necessary to prevent or minimize the adverse effects upon other property(ies) or improvements in the vicinity of the proposed conditional use, the City as a whole, or public facilities and services. These conditions may include but shall not be limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this title. The Land Use Authority shall expressly set forth such conditions in the motion authorizing the conditional use permit.
 - c) Approve, approve with conditions, or deny a conditional use permit. But shall approve whenever the Land Use Authority can impose reasonable conditions to mitigate the reasonably anticipated detrimental impacts or effects of the proposed use in accordance with applicable standards. Only when insufficient reasonable conditions exist that the Land Use Authority could impose may the Land Use Authority deny the request.
 - d) Request additional information as needed to determine the potential for compliance with the requirements of this section.

(2) The Land Use Authority shall review and consider the following factors in determining whether to approve, approve with conditions, or deny a conditional use permit application:

- a) Compliance of the proposed use meets the intent of the City's General Plan and the regulations and conditions outlined in this title;
- b) The proposed use at the proposed location is necessary or desirable to provide a service or facility that will contribute positively the general well-being of the neighborhood and the community;
- c) Any reports and/or studies relating to impacts such as utilities, traffic, school, soil and water, existing conditions, line of sight and building massing, including any other additional information in order to render a proper decision;
- d) Safeguards proposed to ensure adequate utilities, transportation access, drainage, parking, loading spaces, lighting, screening, landscaping, open space, fire protection, pedestrian and vehicular circulation, and the prevention of noxious or offensive emissions such as noise, glare, dust, pollutants, and order for the proposed use;
- e) Appropriate buffering of adjacent uses and buildings, including proper parking and traffic circulation and use of building materials and landscaping to ensure the proposed use is in harmony and compatible with adjoining uses; and
- f) Impacts to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

(3) When an applicant proposes a use that requires a conditional use permit on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit subject to the following requirements:

- a) A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Authority shall consider the nature, characteristics and impacts of the existing and proposed uses, and compatibility and compliance of the proposed use with the factors previously outlined in this section;
- b) The allowance of nonconformance with respect to building setbacks, building height, landscaping, and parking space requirements; and
- c) The ability to meet all current building, construction, engineering, fire, health and safety standards as a condition of approval.

(e) Appeals. Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the City Council by filing a written notice of appeal stating the grounds therefor within fifteen (15) days from the date of such final determination.

(f) Effect Of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorizations or permits required under this title or any other title of HPM/C. Unless otherwise specified by the Land Use Authority and subject to the provisions relating to amendment, revocation, or expiration of a conditional use permit, a conditional use permit shall be on indefinite duration and shall run with the land.

(g) Amendments. The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.

(h) Revocation Or Suspension. On behalf of the Land Use Authority the Zoning Administrator may revoke or suspend a conditional use permit.

(i) Any of the following shall be grounds for revocation or suspension:

- (1) The use for which the City granted the permit has ceased for one (1) year or more;
- (2) The holder or user of the conditional use permit failed to comply with the conditions of approval, or is in violation of any other City, State, or Federal law governing the conduct of the use;
- (3) The holder or user of the conditional use permit failed to construct or maintain the site as shown on the approved site plan or map; or

- (4) The Land Use Authority determined that operation of the use or character of the site was a nuisance or a court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance.
- (ii) The Land Use Authority shall not revoke a conditional use permit without first holding a public hearing. The Zoning Administrator or designee shall notify the permittee in writing, which shall be served by registered mail or personal service, at least ten (10) days prior to the date of such hearing and the grounds for its covering. At any such hearing, the permittee shall be given an opportunity to testify, call witnesses, and present evidence. Upon conclusion of the hearing, the Land Use Authority shall decide whether to revoke or suspend the permit. In the event the determination is to revoke or suspend the permit, the permittee may appeal the decision to the City Council within fifteen (15) days from the date of such final determination. Revocation or suspension of a conditional use permit shall not limit the City's ability to complete other legal proceedings against the holder or user of the conditional use permit.
- (i) Expiration.
- (i) Conditional use permit approval issued by the City shall expire if any of the following occur:
- (1) The applicant does not implement the granted permit within one (1) year of the issued approval date.
 - (2) The conditional use of land or structure ceases for any reason for a period of more than one (1) year.
- (ii) The holder of a conditional use permit may submit a written request to the Zoning Administrator, prior to the expiration date of said permit for an extension of up to six (6) months, subject to approval of the Land Use Authority.
- (j) Effect Of Disapproval. The Land Use Authority's denial of an conditional use permit application shall preclude another person from filing another application covering substantially the same subject or property, or any portion thereof, for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application or the application is for a change to a different conditional use. This section shall not limit the City Council, Planning Commission, DRC, Zoning Administrator or other authorized City Staff from initiating a conditional use permit request any time.

12.10.060 Site Plan Review

- (a) Purpose. This section set forth the procedures for all site plan applications and required submittals. These standards and procedures are established to encourage adequate advanced site planning and review in order to assure the highest quality of development for the City. Such standards and procedures are intended to provide for orderly, harmonious, safe and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the City's General Plan and this title. This section is not intended to so rigidly control design so as to stifle creativity or individual expression, or to cause substantial, unnecessary expense, rather, any control exercised is intended to be the minimum necessary to efficiently achieve the objectives stated herein.
- (b) Authority. The Land Use Authority for site plan reviews is outlined in 12.10.035 of HPAC.
- (c) Initiation. A property owner or their designated agent may request approval of a site plan as provided in this section.
- (i) A site plan shall be required for any of the following uses, unless expressly exempted from such requirement by another provision of this title:
- (1) Any multifamily residential use;
 - (2) Any commercial use;
 - ~~++(3)~~ Any professional use;
 - (4) Any industrial or warehouse use;
 - (5) Any manufacturing use; and
 - (6) Any institutional use.
- (ii) In situations requiring site plan approval, no building permit for the construction of any building, structure, or other improvement to the site shall be issued prior to approval of the site plan by the

Land Use Authority. Furthermore, no clearing, grubbing, grading, drainage work, parking lot construction, or other site improvements shall be allowed prior to site plan approval.

(d) Procedure. The City shall process and consider an application for site plan review as provided in this section.

(i) Application. An application shall be submitted to the Zoning Administrator along with the fee as outlined in the City's fee schedule. The application shall include:

(1) One (1) plan set, size 22"x34" drawings; one (1) plan set, size 11"x17" drawings; and one (1) PDF copy. The application and plan sets shall include at a minimum the following documents and information:

- a) A plan set cover sheet showing the entire site plan including a title block showing the name, address, and phone number of the applicant, designer, engineer, and any other professionals that contributed to the production of the plans and drawings. The cover sheet shall also include the name (if applicable) and address of the proposed project, and date of preparation of the plans and drawings. A general vicinity map shall be inset on this sheet.
- b) A detailed boundary survey sheet showing the following information:
 - i) The location and width of existing and proposed abutting streets;
 - ii) All property and parcel lot lines;
 - iii) Existing and proposed easements and dedications, adjacent property owners and holding strips;
 - iv) The location of all existing and proposed structures on the site, including the building height and any provisions to screen roof-based mechanical equipment, and the location of existing structures on adjoining properties;
 - v) The location of existing fencing and significant existing trees and shrubbery;
 - vi) The location of off-street parking, driveways, loading facilities, and hard-surfaced areas;
 - vii) The location of existing and proposed curb, gutter, sidewalk, and curb cuts. If the property abuts a State owned highway, the applicant must obtain approval from the Utah Department of Transportation (UDOT) for the location of curb, gutter, and sidewalk. UDOT shall also approve the location and number of curb entrances;
 - viii) The location of refuse container(s); and
 - ix) The location of vehicular and pedestrian access and circulation including all existing and proposed traffic, pedestrian, and road safety signs.
- c) A detailed utilities plan showing the location and size of all existing or proposed utilities that will provide service to the project (including location of nearest fire hydrants) consistent with the design standards approved by the City.
- d) A detailed landscaping plan that shows the following information:
 - i) The proposed landscaping including identification of plant species and fencing in sufficient detail for review of screening and aesthetic qualities;
 - ii) Irrigation sprinkler designs indicating the location and service size of secondary water connections;
 - iii) Location and design of all exterior lighting;
 - iv) Data table showing parcel, building, landscaping, parking areas and percentages, and the number of parking stalls required and provided;
- e) Floor plans and elevations including exterior building finishes and colors.
- f) Required engineered drawings for on and off site improvements.
- g) Traffic study and geotechnical study unless waived by the Land Use Authority, Zoning Administrator or City's Engineer.

- h) Each sheet shall be signed and stamped by the relevant design professional registered in the State of Utah (i.e. engineer, professional landscape architect, etc.) as applicable.
- (e) Determination Of Complete Application. After the Zoning Administrator or designee determines the completeness of an-site plan application, the Zoning Administrator or designee shall transmit the application to the DRC for preparation of a staff report evaluating the application.
- (f) Review By Planning Commission In Public Meeting. The Planning Commission shall review the proposed site plan application including the staff report prepared by the DRC and shall recommend approval, approval with modifications, or denial of the proposed site plan to the Land Use Authority.
- (g) City Council Adoption In Public Meeting. The City Council shall review the proposed site plan application, and the recommendation of the Planning Commission. The City Council may either approve, approve with modifications, or reject the proposed site plan application. The City Council may also table the matter for further information or future consideration or action.
- (h) Approval Standards. City Staff may provide advisory comments to the applicant prior to the scheduling of the site plan application before the Land Use Authority. Staff comments or feedback shall not guarantee or imply approval of any portion of the site plan. The following standards shall apply to the approval of a site plan:
 - (i) The entire site shall be developed at one time, unless a phased development plan is approved by the Land Use Authority.
 - (ii) A site plan shall conform to all applicable standards as set forth in the title and HPMK. In addition, consideration shall also be given to the following:
 - (1) Considerations relating to buildings and general site layout.
 - a) The general silhouette and mass, including the location on the site and elevations in relationship to the character of the neighborhood and the applicable provisions of the City's General Plan; and
 - b) Exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade fronting onto rights-of-way, line and pitch of roofs, the arrangement of structures on the parcel or lot, and the appropriate use of materials and colors to promote the objectives of the General Plan relating to the character of the area or neighborhood.
 - (2) Considerations relating to traffic safety and traffic congestion.
 - a) Effect of the proposed site plan of traffic conditions on abutting streets and neighboring land uses, both existing and as planned.
 - b) Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
 - c) Arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provision of City ordinances regarding the same;
 - d) Locating, arrangement, and dimensions of truck loading and unloading spaces;
 - e) Vehicular and pedestrian circulation patterns within the boundaries of the development;
 - f) Surfacing and lighting of off-street parking facilities; and
 - g) Provision for transportation modes other than personal motor vehicles, including such alternative modes such as pedestrian, bicycle, and mass transit.
 - (3) Considerations relating to landscaping.
 - a) Location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development;
 - b) Planning of ground cover or other surfaces to prevent dust and erosion; and
 - c) Unnecessary destruction of existing healthy trees.
 - (4) Considerations relating to drainage and irrigation.
 - a) The effect of the site development on the adequacy of the storm and surface water drainage; and

- b) The need for piping of irrigation ditches bordering or within the site.
- (5) Other considerations including, but not limited to:
 - a) Buffering;
 - b) Lighting;
 - c) Placement of trash containers and disposal facilities;
 - d) Location of surface, wall and roof-mounted equipment.
- (i) **Bonding.** The applicant shall provide a guarantee of installation and construction of all on-site and off-site improvements required by this title, or as required by the Land Use Authority, prior to issuance of any building permits or the commencement of any work. The guarantee shall be in a form acceptable to the City and in an amount equal to one hundred ten percent (110%) of the estimated cost of all improvements. The guarantee shall assure the installation of improvements within one (1) year of the date of site plan approval, and shall provide a one (1) year warranty pertaining to the installed improvements. It shall be the responsibility of the developer to notify the City when the improvements are complete and ready for inspection.
- (j) **Appeal Of Decision.** Any person adversely affected by a decision of the Land Use Authority regarding approval or denial of a site plan application may appeal to District Court in accordance with the provisions of §10-9a-801 of Utah State Code (as amended).
- (k) **Effect Of Approval.** Every site for which a site plan has been approved shall conform to such plan.
 - (i) A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this section have been met. Any building permit issued shall expressly require that development be undertaken and completed in conformity with the approved site plan. No structures or improvements may be added to a site that are not included on the approved site plan.
 - (ii) All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.
 - (iii) Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this title.
- (l) **Amendments.** Except as may be provided for elsewhere in this title, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan from the Land Use Authority.
- (m) **Revocation.** A site plan approval may be revoked as outlined in 12.10.055 of HMPIC.
- (n) **Expiration.** Failure to obtain a building permit within one (1) year of approval of any site plan shall terminate and cancel the prior site plan approval given, whereupon the Zoning Administrator may require that a new site plan application be submitted and approval obtained pursuant to this section. A written request may be submitted to the Zoning Administrator prior to the expiration of the site plan for an extension of up to six (6) months. The Land Use Authority may grant such an extension where good cause can be shown.

12.10.070 Administration And Enforcement

The ~~Zoning Administrator~~ Chief Building Official of the City is hereby charged with the ~~a~~ Administration and enforcement of this Zoning Ordinance.

The ~~Zoning Administrator~~ shall make recommendations to the Chief Building Official ~~shall~~ regarding the issuance of building permits as required in this Ordinance and Title 9 of HPMC for constructing and altering buildings and structures. The City shall not, however, grant any permit or certificate that sanctions the violation of any provision of this Zoning Ordinance or any other law or ordinance of the City or of the State of Utah, not grant a permit for the construction or alteration of any building or structure, nor issue any Certificate of Occupancy for a change in the use of land, if such construction or alteration or change would be in violation or would involve a violation of any of the provisions of this Zoning Ordinance or any other ordinance of the City or of any law of the State of Utah.

~~The Chief Building Official shall enforce all of the provisions of this Zoning Ordinance. He shall inspect or cause to be inspected all of the buildings in course of construction, alteration, or repair, and any change in the use of land. If, in the course of such inspection, or otherwise, it shall come to his attention that any such construction, alteration or repair, or that any use or contemplated use of land is in violation of the provisions of this Zoning Ordinance, he shall issue his written order to the person responsible therefore, ordering and directing such person to cease and desist such construction, alteration, repair or use. He shall report violation of this Ordinance to the City's Legal Department for prosecution and make complaint thereof before the court or courts having jurisdiction of such violation. Upon the recommendation of the City Council, the Legal Department shall bring such legal action for violation of the Ordinance as provided by law.~~

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~~The Chief Building Official may call for the assistance of law enforcement personnel whenever in his opinion such assistance is necessary in the investigation of a suspected violation of this Zoning Ordinance. The City Council may, by resolution, prescribe an exact payment of reasonable fees to cover the expense of examining plans, issuing building permits, inspecting uses, and issuing Certificate of Occupancy, and may determine the method of collecting such fees.~~

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~~HISTORY~~

~~Adopted by Ord. 2013-02 on 5-13-2013~~

~~12.10.060 Building Permit~~

~~The construction, alteration, repair, removal or occupancy of any structure or of any part thereof, as provided or as restricted, in this Zoning Ordinance shall not be commenced or proceeded with, except after the issuance of a written permit for the same.~~

~~HISTORY~~

~~Adopted by Ord. 2013-02 on 5-13-2013~~

~~12.10.070 Certificate Of Occupancy Required~~

~~No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Chief Building Official stating that the building or structure or the proposed use thereof or the use of land, complies with the provisions of this Zoning Ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a non-conforming use. A Certificate of Occupancy either for the whole or a part of a building or structure shall be applied for coincidentally with the application for a Building Permit and shall be issued within ten days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed in conformity with the provisions of this Zoning Ordinance.~~

Commented [2]: Relocate to Title 9. (K)

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~~HISTORY~~

~~Adopted by Ord. 2013-02 on 5-13-2013~~

12.10.080 Issuance Of Licenses And Permits

Commented [3]: Relocate to Title 9. (K)

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All departments, officials, and public employees of the City ~~who, which~~ are vested with the duty or authority to issue permits or licenses shall ensure conformance to the provisions of this Zoning Ordinance. ~~They and~~ shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict

with the provisions of this Zoning Ordinance, ~~and a~~Any such permit or license, if issued in conflict with the provisions of the Zoning Ordinance, shall be null and void.

HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

12.10.090 Violation A Misdemeanor

~~Where punishment for specific provisions is not specified in this Zoning Ordinance, Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, or causing or permitting the violation of any of the provisions of this Zoning Ordinance shall be guilty of a Class "C" misdemeanor. Where punishment for the violated provision is specified, the violator shall be subject only to the fine or criminal charge set forth (and shall not necessarily be found guilty of a Class "C" misdemeanor). Wh and, u~~Upon conviction thereof, the guilty party shall be punishable under the applicable provisions of the State law, ~~unless the violated provision of this Ordinance specifies a more appropriate punishment. In that case, the violator shall be subject only to the fine or criminal charge pertaining to the violated provision.~~ Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this Zoning Ordinance is committed, maintained, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

12.10.100 Territory Annexed To The City

At the time of the annexation of new territory into the City, the City Council may, after reviewing the recommendation of the Planning Commission, ~~shall~~ classify such territory for zoning purposes according to the zones established by this Zoning Ordinance.

HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

12.10.110 Temporary Land Use Regulations

1. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the City if:
 - a. The City Council makes a finding of compelling, countervailing public interest; or
 - b. The area is unregulated.
2. A temporary land use regulation under this section shall be in conformance with §10-9a-504 of Utah State Code (as amended) and may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

3. A Temporary Land Use Regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
4. A Temporary Land Use Regulation may not impose an impact fee or other financial requirement on building or development.
5. Unless otherwise provided by §10-9a-504 of Utah State Code (as amended) a temporary land use regulation shall not exceed a period of one-hundred eighty (180) days, but:
 - a. may be renewed, if requested by the State of Utah Transportation Commission for up to two (2) additional periods of one hundred eighty (180) days by Ordinance enacted before the expiration of the previous regulation; however the renewed regulation is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

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12.10.120 Validity

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part hereof other than the part specifically so declared to be invalid.

HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

Commented [4]: Previously 12.170.180 (K)

Effective Date: This ordinance will become effective immediately upon its adoption by the City Council.

ADOPTED AND APPROVED by the HYDE PARK CITY COUNCIL this ____ day of ____ 2023.

HYDE PARK CITY, a municipal corporation

Bryan Cox, Mayor

ATTEST:

Donja J. Wright, Recorder

Ordinance 2023-13 – An Ordinance updating Section 12.130 Residential (RC) Core Zone

WHEREAS, the City Council of Hyde Park City, Cache County, Utah passed and adopted the Hyde Park City code on May 13, 2015; and

WHEREAS, The City Council of Hyde Park City adopted a new general plan on December 14, 2022; and

WHEREAS, The City Council of Hyde Park City determined there is a need to update, repeal, amend and/or modify certain provision contained in the referenced Municipal Code; and

NOW, THEREFORE, that City Council of Hyde Park City, Utah hereby adopts, passes and published the following:

12.130 Residential Core (RC) Zone

12.130.010 Purpose And Intent

12.130.020 RC Areas; Infill Development Only

12.130.030 Permitted, Conditional And Prohibited Uses

12.130.04 Site Development Standards

12.130.050 Sign Regulations

12.130.060 Parking Requirements

12.130.070 Flag Lots in the RC Zone

12.130.080 Reduction Of Impact Fees For Moderate Income Housing

12.130.010 Purpose And Intent

The purpose of the Residential Core (RC) zone is to provide regulated areas for single family residential uses and for the continued improvement of underdeveloped or undeveloped lots in the historic core of the City where the streets are a ninety-nine foot (99') right-of-ways (ROW). This allows permitting of accessory dwelling units (ADUs), and the reduction of certain development requirements (i.e., minimum lot area and setbacks) to encourage infill development.

The RC zone shall no longer be considered as a new subdivision choice for development. All additions and modifications to lots, dwellings and structures within this zone shall follow the conditions of this chapter.

HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

12.130.020 RC Areas; Infill Development

The RC zone is the area defined by the City's Core Blocks, bordered by 300 North, 200 South, 200 West and 200 East, except for the southwest block of this area which was wholly developed as Ollie's Place Subdivision. The RC zone is also defined by its ten (10) acre blocks and ninety-nine foot (99') right-of-ways (ROW). The purpose of defining this RC area is to encourage regulated infill development possibilities including single family detached, single family attached (i.e. duplex), or multi family dwelling (limited in form to a tri-plex which has been designed as a single family detached home) product types.

When proposed infill development is a lot split with frontages it must meet the requirements of a minor subdivision as outlined in 13.40 of HPMC, the minor subdivision approval process shall be utilized.

New infill developments within the RC zone shall be required to provide the following:

- A. Utility Connections. A separate water meter and separate connection for sewer shall be provided for each residential building. Utilities shall be installed as outlined in 12.30.075 of HPMC.
- B. Sidewalks. Sidewalks shall be provided for the street that is in front of the building lot. In the event a sidewalk is not required across the frontage per the City's master sidewalk/trail plan, payment of a sidewalk fee shall be made to the City pursuant to the City's fee schedule in lieu of the installation of the sidewalk.
- C. Street Improvements. Street improvements including the replacing of any asphalt damaged during utility improvements or during construction.

HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

12.130.030 Permitted, Conditional and Prohibited Uses

Permitted, conditional and prohibited uses within the RC zone shall be those as outlined in 12.290 of HPMC.

HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

Repealed by Ord. 2016-01 on 4/13/2016

12.130.040 Site Development Standards

<u>SITE DEVELOPMENT STANDARDS</u>	
<u>Residential Core (RC) Zone</u>	
<u>Minimum Lot Area</u>	<u>10,000 sq. ft.</u>
<u>Minimum Lot Frontage</u>	<u>70'</u>

<u>Minimum Setbacks (Main Building)</u>	<u>Front: 30' ***</u> <u>Rear: 30' ***</u> <u>Side: 8'</u> <u>Min. Total Side: 16'</u>
<u>Minimum Setbacks (Corner Lots, Main & Accessory)</u>	<u>Designated Front: 30' ***</u> <u>Street Side: 30' ***</u> <u>Side/Rear Yard: 1' (10' From Dwellings On Neighboring Lots)</u> <u>(Note: Accessory buildings located on a corner lot, adjacent to a 99' ROW in the RC zone may be located no closer than 10' from the non-frontage street. If the lot has access to said street the setback shall be increased to 20'. No reduction shall be granted for structures accessing Center Street.</u>
<u>Building Heights</u>	<u>Main Bldg Max: 35'</u> <u>Main Bldg Min: 1 Story</u> <u>Accessory Bldg Max: 25'</u>
<u>Accessory Buildings (Detached)</u>	<u>See "Residential Accessory Setbacks" Table</u>
<u>Maximum Lot Coverage</u>	<u>60%</u>

<u>A-1, RE-20, RC, R-4 Zones</u>			
<u>Class</u>	<u>Standard (<200' sq.)</u>	<u>Class A (≥200' sq., <450' sq.)</u>	<u>Class B (>450' sq. or height ≥14')</u>
<u>Front</u>	<u>30'***</u>	<u>30'***</u>	<u>30'***</u>
<u>Side</u>	<u>1' *</u>	<u>5' (but 2' with firewall) *</u>	<u>10'</u>
<u>Rear (If >6' Behind Main Bldg)</u>	<u>1' *</u>	<u>5' (but 2' with firewall) *</u>	<u>5' (if height <14') or 10' (if height ≥14')</u>
<u>Rear (If <6' Behind Main Bldg)</u>	<u>Same as main building</u>	<u>Same as main building</u>	<u>Same as main building</u>
<u>Max Area</u>	<u>25% of rear lot</u>	<u>25% of rear lot</u>	<u>25% of rear lot</u>

Superscripts:

*** But not closer than ten feet (10') to any dwelling on an adjacent lot.**

**** May be reduced to twenty feet (20') if located in the R-4 zone.**

*****May be reduced by to twenty feet (20') to accommodate additions to existing homes with grandfathered setbacks.**

12.130.050 Sign Regulations

Any signs in the RC zone shall conform to HPMC 12.90 Sign Regulations.

HISTORY

Adopted by Ord. 2015-03 on 5/13/2015

12.130.060 Parking Requirements

Off-street parking shall be provided as outlined in 12.70 of HPMC.

12.130.070 Flag Lots in the RC Zone

Development of new flag lots in the RC is not permitted.

12.130.080 Reduction Of Impact Fees For Moderate Income Housing

To promote the development of moderate income housing within the City, a proposed multi family building (duplex or tri-plex) within the RC zone may, upon written request to the City Council, receive approval for up to a fifty percent (50%) reduction of required impact fees. If approved by the City Council, such approval and any associated terms related thereto shall be documented and recorded with the County Recorder either through a notation on the final plat or by development agreement.

Effective Date: This ordinance will become effective immediately upon its adoption by the City Council.

ADOPTED AND APPROVED by the HYDE PARK CITY COUNCIL this ____ day of _____ 2023.

HYDE PARK CITY, a municipal corporation

Bryan Cox, Mayor

ATTEST:

Donja J. Wright, Recorder