

# Ordinance 2024-04

An Ordinance amending the Land Use Ordinance for sections 12.50, 12.60, 12.110, 12.190, 12.210, 12.230 & 12.260

**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,** State Code has been updated requiring City Code to be updated.

**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 [12.50 - Planning Commission](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.50_Planning_Commission)

Sections:

12.50.010 Membership

12.50.011 Terms of Office

12.50.020 Removal for Cause

12.50.021 (Reserved)

12.50.030 Members Serve with Compensation

12.50.031 Meetings

12.50.040 Contracts and Employees

12.50.050 Powers and Duties

12.50.060 Record of Proceedings

12.50.070 Rules and Regulations

12.50.080 Land Use Authority Designations

[**12.50.010 Membership**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.50.010_Membership)

The Planning Commission shall consist of five (5) members. The City Administrator or a member of the City staff appointed by the City Administrator will be an ex-officio member and will serve as secretary, having no vote. The five (5) voting members will be appointed by the mayor from the duly qualified electors of Hyde Park City with the consent of the City Council. The mayor, with advice and consent of the City Council, shall select a Chairperson and other officers as deemed necessary. The Chairperson of the Planning Commission shall serve a one (1) year term and may be reselected with no term limits.

[**12.50.011 Terms Of Office**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.50.011_Terms_Of_Office)

The term of each voting member shall generally be for five (5) years, with one (1) member’s term expiring at the end of each year. Members of the Planning Commission shall serve until the expiration of the term for which they were appointed, if possible, and until a successor is appointed and qualified. Standing members may be reappointed.

[**12.50.020 Removal For Cause**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.50.020_Removal_For_Cause)

The City Council may remove any member of the Planning Commission for cause after a public hearing if one is requested by the member. The Planning Commission may also recommend to the City Council that a member of the Planning Commission be removed from office for failure to attend three (3) consecutive meetings without notice during a calendar year.

[**12.50.030 Members Serve With Compensation**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.50.030_Members_Serve_With_Compensation)

Members of the Planning Commission shall serve with compensation for each meeting attended, the amount shall be set from time to time by the City Council. They may also be reimbursed for reasonable expenses incurred, with the approval of the City Council.

[**12.50.031 Meetings**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.50.031_Meetings)

During the first meeting of each year the Planning Commission shall adopt a meeting schedule for the upcoming year. The meeting schedule shall be posted in accordance with State requirements.

[**12.50.040 Contracts And Employees**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.50.040_Contracts_And_Employees)

The Planning Commission may recommend to the Mayor and City Council such employees, staff, planners, and other professional consultants as it may deem necessary for its work. The expenditures of the Planning Commission shall be within the amounts appropriated for that purpose by the City Council.

[**12.50.050 Powers And Duties**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.50.050_Powers_And_Duties)

The Planning Commission of Hyde Park shall have such powers and functions and shall perform such duties as are prescribed by Utah Code, as amended annually by the Utah State Legislature. Such powers and duties shall include, but shall not be limited to, submitting to the City Council recommendations concerning all proposed changes in ordinances pertaining to zoning as provided in General Provisions (Section 12.10) of this Zoning Ordinance. The Planning Commission shall have such other powers and duties as prescribed by law.

[**12.50.070 Rules And Regulations**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.50.070_Rules_And_Regulations)

The Planning Commission shall adopt rules and regulations subject to the provisions of the laws of the State of Utah and this Zoning Ordinance and may amend such rules and regulations from time to time. All such rules and all amendments thereof shall be filed with the City Recorder.

[**12.50.080 Land Use Authority Designations**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.50.080_Land_Use_Authority_Designations)

The Land Use Authority Designations of the Planning Commission are set forth in 12.10.035 and 13.10.065 of HPMC may be changed from time to time by of the City Council.

## **CHAPTER** [**12.60 - Nonconforming Building And Uses**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.60_Nonconforming_Building_And_Uses)

Sections:

12.60.010 Nonconforming Buildings: Maintenance, Repairs, And Upkeep

12.60.020 Nonconforming Buildings: Additions, Enlargements, And Moving

12.60.030 Nonconforming Buildings: Abandonment By Non-Use

12.60.040 Nonconforming Use of Buildings

12.60.050 Nonconforming Use of Buildings: Abandonment By Non-Use

12.60.060 Nonconforming Use of Land: Abandonment By Non-Use

12.60.070 Nonconforming Use Compliance

12.60.080 Signs Permitted with Nonconforming Uses

12.60.090 Loss of Nonconforming Use Rights

12.60.100 Nonconforming Lots Designated as Legal Building Lots

### [12.60.010 Nonconforming Buildings: Maintenance, Repairs, And Upkeep](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.60.010_Nonconforming_Buildings:_Maintenance,_Repairs_And_Upkeep)

A nonconforming building or structure existing at the time the applicable zoning regulations become effective may be maintained. Repairs and structural alterations may likewise be made to such a nonconforming building.

A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or Act of God or the public enemy, may be restored, and the occupancy or use of such building, structure, or part thereof that, existed at the time of such partial destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

### [12.60.020 Nonconforming Buildings: Additions, Enlargements, And Moving](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.60.020_Nonconforming_Buildings:_Additions,_Enlargements_And_Moving)

A building or structure nonconforming as to use regulations shall not be added to or enlarged in any manner, unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located.

A building or structure nonconforming as to height, area, or yard regulations shall not be added to or enlarged in any manner unless such addition and enlargement conforms to all the regulations of the zone in which it is located.

A building or structure lacking sufficient automobile parking space in connection therewith as required by this Zoning Ordinance may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirements of this Zoning Ordinance for such alterations or enlargements.

No nonconforming building or structure shall be moved, in whole or in part, to any other location on the lot, unless every portion of such building or structure is made to conform to all the regulations of the zone in which it will be located.

### [12.60.030 Nonconforming Buildings: Abandonment By Non-Use](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.60.030_Nonconforming_Buildings:_Abandonment_By_Non-Use)

A nonconforming building or structure or portion thereof shall be deemed abandoned by non-use during a continuous period of one (1) year. If a nonconforming building or structure or portion thereof has been or shall be abandoned, the same shall not thereafter be occupied or used except for a use which conforms to the use regulations of the zone in which it is located.

### [12.60.040 Nonconforming Use Of Buildings](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.60.040_Nonconforming_Use_Of_Buildings)

The nonconforming use of a building or structure existing at the time the applicable zoning regulations become effective may be continued.

A vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the building or structure became nonconforming.

A nonconforming use may be extended to include the entire floor area of the existing building in which it was conducted at the time use became nonconforming.

Except by permit of the Board of Adjustment, the nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made to a conforming use, the use shall not thereafter be changed back to a nonconforming use.

### [12.60.050 Nonconforming Use Of Buildings: Abandonment By Non-Use](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.60.050_Nonconforming_Use_Of_Buildings:_Abandonment_By_Non-Use)

The nonconforming use of a building or structure or portion thereof shall be deemed abandoned by non-use during a continuous period of one (1) year. If a nonconforming use of any such building or structure or portion thereof has been or shall be abandoned, the same shall not thereafter be occupied or used except for a use which conforms to the use regulations of the zone in which it is located.

### [12.60.060 Nonconforming Use Of Land: Abandonment By Non-Use](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.60.060_Nonconforming_Use_Of_Land:_Abandonment_By_Non-Use)

A nonconforming use of a tract of land or portion thereof may be continued. No such nonconforming use of land shall in any way be expanded or extended either on the same or any adjoining tract of land. A nonconforming use of land shall be deemed abandoned by non-use for a period of one (1) year. If a nonconforming use of land has been or shall become abandoned, such land shall not thereafter be used or occupied except for a use which conforms to the use regulations of the zone in which the use is located.

### [12.60.070 Nonconforming Use Compliance](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.60.070_Nonconforming_Use_Compliance)

Any building, structure, or use for which a valid building permit has been issued and actual construction was lawfully begun prior to the effective date of this Zoning Ordinance, or amendments to this Zoning Ordinance, may be completed and used in accordance with the plans, specifications, and permit on which said building permit was granted. “Actual construction” is hereby defined to be the actual placing of construction materials in their permanent position, fastened in a permanent manner; actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved.

### [12.60.080 Signs Permitted With Nonconforming Uses](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.60.080_Signs_Permitted_With_Nonconforming_Uses)

Signs permitted with nonconforming uses are outlined in Section 12.90, “Sign Regulations.”

### [12.60.090 Loss Of Nonconforming Use Rights](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.60.090_Loss_Of_Nonconforming_Use_Rights)

Any property which has a nonconforming use established as to its area may lose the right to non-conforming use of said property if the owner sells or otherwise disposes of a part of the said nonconforming property which reduces the area size to a smaller size than was in existence at the time the Zoning Ordinance was established on August 23, 1978.

### [12.60.100 Nonconforming Lots Designated As Legal Building Lots](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.60.100_Nonconforming_Lots_Designated_As_Legal_Building_Lots)

Purpose:

To make all non-conforming lots in the R1 Zone legal building lots.

Standards:

All nonconforming sites in the R1 Zone shall adhere to the same Development Standards as currently required in Section 12.100.012 of this Zoning Ordinance. Any alteration of the existing house or the replacement of an existing house must meet current setbacks requirements.

Penalty:

Any non-conforming lot created after October 1, 2019 shall have deed restrictions (private agreements that restricts the use of real estate in some way and are listed on the deed for the.  purpose of a certain amount of uniformity) placed on it until it is brought into compliance with the applicable City standards.

Location:

The following table This spread sheet shshows the tax parcel number, city address, street frontage, lot size, lot type, and whether if a house already exists on the lot in the building status for current lots in the R1 Zone.

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| **Tax Parcel** | **City Address** | **Street Frontage (in feet)t.** | **Lot Size (acre)** | **Lot Type** | **Building** |
| Lots in the R1 Zone and *inside* the City Core: |
| 04-008-0045 | 207 N 200 W | 102 | 0.28 | R | House |
| 04-010-0001 | 209 N 100 W | 90.75 | 0.23 | CL | House |
| 04-010-0002 | 121 W 200 N | 57.75 | 0.16 | R | House |
| 04-010-0005 | 171 W 200 N | 55 | 0.4 | R | House |
| 04-010-0013 | 5 W 200 N | 61.5 | 0.25 | CL, CAN | House |
| 04-010-0014 | 25 W 200 N | 87 | 0.23 | Can | Trailer |
| 04-010-0027 | 127 W 100 N | 55 | 0.3 | R | House |
| 04-010-0028 | 139 W 100 N | 93.5 | 0.79 | R | House |
| 04-010-0037 | 193 W 100 N | 66 | 0.23 | CL | House |
| 04-010-0043 | 55 W 100 N | 74.25 | 0.51 | R | House |
| 04-010-0045 | 65 W 100 N | 74.25 | 0.53 | R | House |
| 04-011-0016 | 255 N 200 E | 90 | 0.61 | R | House |
| 04-011-0022 | 166 N Main | 74.25 | 0.51 | R | House |
| 04-011-0023 | 180 N Main | 60 | 0.20 | R | House |
| 04-011-0029 | 185 E 100 N | 89 | 0.31 | R | House |
| 04-011-0033 | 117 E 100 N | 63.5 | 0.16 | R | House |
| 04-011-0034 | 109 E 100 N | 85 | 0.21 | CL | House |
| 04-011-0053 | 195 E 100 N | 59.5 | 0.21 | CL | House |
| 04-033-0014 | 57 W Center | 76 | 0.24 | R | House |
| 04-033-0015 | 73 W Center | 63.5 | 0.77 | FL | House |
| 04-033-0018 | 16 N 100 W | 49.5 | 0.18 | R | House |
| 04-033-0020 | 191 N 100 W | 71.3 | 0.45 | R | House |
| 04-033-0024 | 93 N Main | 82.25 | 0.25 | R | House |
| 04-033-0025 | 85 N Main | 74.5 | 0.28 | R | House |
| 04-033-0026 | 75 N Main | 78.38 | 0.53 | R | House |
| 04-033-0047 | 70 S 200 W | 50 | 0.32 | CL | House |
| 04-033-0061 | 155 W Center | 58.5 | 0.91 | FL | Vacant |
| 04-034-0001 | 193 E Center | 74 | 0.18 | CL | House |
| 04-034-0013 | 51 E 100 S | 75 | 0.28 | R | House |
| 04-034-0015 | 39 E 100 S | 67.5 | 0.32 | CAN | House |
| 04-034-0020 | 96 E Center | 82.25 | 0.21 | CL | House |
| 04-034-0035 | 180 E Center | 89 | 0.55 | R | House |
| 04-034-0036 | 192 E Center | 92.5 | 0.30 | CL | House |
| 04-034-0043 | 70 E Center | 58.5 | 0.17 | R | House |
| 04-034-0051 | 185 E Center | 74.5 | 0.18 | R | Vacant |
| 04-036-0002 | 169 S 100 E | 170 | 0.26 | CAN | House |
| 04-036-0010 | 122 S Main | 66 | 0.26 | R | House |
| 04-036-0011 | 50 E 100 S | 80 | 0.45 | R | Vacant |
| 04-036-0013 | 64 E 100 S | 83.5 | 0.24 | R | House |
| 04-036-0026 | 130 E 100 S | 90 | 0.45 | R | House |
| 04-036-0029 | 194 E 100 S | 81.5 | 0.28 | CL | House |
| 04-036-0031 | 16 E 100 S | 82.5 | 0.30 | CL | House |
| 04-036-0034 | 140 E 100 S | 79.5 | 0.36 | R | House |
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| Lots in the R1 Zone but *outside* the City Core: |
| 04-038-0013 | 128 E 200 S | 66 | 0.22 | R | House |
| 04-039-0013 | 261 E Center | 85 | 0.39 | CL | Vacant |
| 04-041-0030 | 395 E 200 S | 94.75 | 0.27 | CL | House |
| 04-041-0029 | 377 E 200 S | 85.66 | 0.64 | R | House |
| 04-041-0010 | 180 S 200 E | 89 | 0.21 | R | House |
| 04-119-0013 | 260 E Center | 109 | 0.23 | CAN | House |
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Lot Type key: R - Regular;  CL - Corner lLot;,   CAN an- Impacted by a Canal;,   FL - Flag lot.

[12.110 Agricultural Zone (A-1](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.110_Agricultural_Zone_A-1))

Sections:

12.110.010 Purpose and Intent

12.110.020 Permitted, Conditional and Prohibited Uses

12.110.030 Site Development Standards

12.110.0480 Sign Regulations

12.110.050 Parking Requirements

[**12.110.010 Purpose And Intent**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.110.010_Purpose_And_Intent)

The purpose of the A-1 Zone is to designate areas that, are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits ( including the keeping of farm animals in those areas, and to direct orderly, low-density residential development in a continuing rural environment.

[**12.110.020 Permitted, Conditional And Prohibited Uses**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.110.020_Permitted_Uses)

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

**[12.110.0350 Site Development Standards](https://hydepark.municipalcodeonline.com/book?type=ordinances" \l "name=12.110.050_Site_Development_Standards_Requiring_One_Acre_A-1)**

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| **SITE DEVELOPMENT STANDARDS** |
| **Agriculture (A) Zone** |
| **~~Use~~** | ~~Uses requiring~~ **~~one~~** ~~acre~~ | ~~Uses requiring~~ **~~two~~** ~~acres~~ | ~~Uses requiring~~ **~~five~~** ~~acres~~ |
| **~~Code Reference~~** | ~~Uses: 12.110.020, 12.110.030~~~~Requirements: 12.110.050~~ | ~~Uses: 12.110.020, 12.110.030~~~~Requirements: 12.110.060~~ | ~~Uses: 12.110.020, 12.110.030~~~~Requirements: 12.110.070~~ |
| **Minimum Lot Area** | Standard: 1 acreSBD: 20,000' sq. | ~~Standard: 2 acres~~~~SBD:~~ | ~~Standard: 5 acres~~~~SBD: 1 acre~~ |
| **Minimum Lot Width** | Standard: 120'SBD: 100' | ~~Standard: 150'~~~~SBD:~~ | ~~Standard: 150'~~~~SBD: 125'~~ |
| **Minimum Setbacks (Main Building)** | Front: 30'Rear: 30' (with encroachment) \*Side (standard): 20'Side (SBD): 10' + 15' \*\*Min. Total Side: 40' | ~~Front: 30'~~~~Rear: 30' (with encroachment) \*~~~~Side (standard): 20'~~~~Side (SBD):~~~~Min. Total Side: 40'~~ | ~~Front: 30'~~~~Rear: 30' (with encroachment) \*~~~~Side (standard): 20'~~~~Side (SBD): 12' + 12' \*\*~~~~Min. Total Side: 40'~~ |
| **Minimum Setbacks (Corner Lots, Main & Accessory)** | Designated Front: 30'Street Side: 20'Side/Rear Yard: 1' (but 10' from dwellings on neighboring lots) | ~~Designated Front: 30'~~~~Street Side: 20'~~~~Side/Rear Yard: 1' (but 10' from dwellings on neighboring lots)~~ | ~~Designated Front: 30'~~~~Street Side: 20'~~~~Side/Rear Yard: 1' (but 10' from dwellings on neighboring lots)~~ |
| **Building Heights** | Main Bldg Max: 35'Main Bldg Min: 10'Accessory Bldg Max: 25' | ~~Main Bldg Max: 35'~~~~Main Bldg Min: 10'~~~~Accessory Bldg Max: 25'~~ | ~~Main Bldg Max: 35'~~~~Main Bldg Min: 10'~~~~Accessory Bldg Max: 25'~~ |
| **Accessory Buildings (Detached)** | See "Residential Accessory Setbacks" table | ~~See "Residential Accessory Setbacks" table~~ | ~~See "Residential Accessory Setbacks" table~~ |
| *Notes:*"**Lot Coverage:** includes total building coverage (accessory and main buildings)**Building Heights:** measured from grade level to average roof height (the midpoint of the roof from ridge to eave)**Corner Lots:** regarded as having two front yards and two side yards.*Superscripts:*\* An encroachment of a maximum two-and-a-half-foot (2.5') projection into the rear setback with no more than sixty square feet (60' sq.) of total encroachment, as measured at the outside dimensions, is allowed. |

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| **ACCESSORY BUILDING SETBACKS** |
| **AZones** |
| **Class** | **Standard**(<200' sq.) | **Class A**(≥200’ sq., <450’ sq.) | **Class B**(≥450’ sq. orheight ≥14’) |
| **Front** | 30' | 30' | 30' |
| **Side** | 1' \* | 5' (but 2' with firewall) \* | 10' |
| **Rear (If ≥6' Behind Main Bldg)** | 1' \* | 5' (but 2' with firewall) \* | 5' (if height <14') or 10' (if height ≥14') |
| **Rear (If <6' Behind Main Bldg)** | Same as main building | Same as main building | Same as main building |
| **Max Area** | 25% of rear lot | 25% of rear lot | 25% of rear lot |
| *Superscripts:*\* But not closer than ten feet (10’) to any dwelling on an adjacent lot. |

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**[12.110.040 Sign Regulations](https://hydepark.municipalcodeonline.com/book?type=ordinances" \l "name=12.110.080_Sign_Regulations)**

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

**12.110.050 Parking Requirements**

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

[12.190 Open Space (OS) Zone O-1](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.190_Open_Space_Zone_O-1)

[12.190.010 Purpose And Intent](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.190.010_Purpose_And_Intent)

[12.190.020 Permitted, Conditional And Prohibited Uses](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.190.020_Permitted_Uses)

[12.190.030 Site Development Standards](https://hydepark.municipalcodeonline.com/book?type=ordinances" \l "name=12.190.040_Site_Development_Standards)

[12.190.040 Sign Regulations](https://hydepark.municipalcodeonline.com/book?type=ordinances" \l "name=12.190.050_Sign_Regulations)

12.190.050 Parking Requirements

[**12.190.010 Purpose And Intent**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.190.010_Purpose_And_Intent)

The Open Space (OS) Zone is specifically intended to encourage the preservation of a natural environment in an otherwise urban setting; to hold for future generations open space in which plants and animals can be protected and studied; to inhibit erection of unnecessary buildings on a flood plain, on areas of severe slope and areas of fault line and rock slides; to provide suitable areas for recreation and relaxation, and to alleviate stream pollution.

[**12.190.020 Permitted, Conditional And Prohibited Uses**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.190.020_Permitted_Uses)

Permitted, conditional and prohibited uses within the Open Space (OS) Zone shall be those as outlined in [12.29 Land Use Table ] of HPMC.

[**12.190.0340 Site Development Standards**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.190.040_Site_Development_Standards)

* No buildings of any kind shall be allowed in the Open Space (OS) Zone.

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[**12.190.0450 Sign Regulations**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.190.050_Sign_Regulations)

Any signs in the Open Space (OS) Zone shall conform to 12.30 and 12.90 of HPMC

[**12.190.050 Parking Requirements**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.170.080_Parking_Requirements)

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

[12.210 Appeal Authority](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.210_Appeal_Authority)

[12.210.010 Appeal Authority](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.210.010_Appeal_Authority)

[12.210.020 Appointment Of Administrative Appeals Hearing Officer](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.210.020_Appointment_Of_Administrative_Appeals_Hearing_Officer)

[12.210.030 Appealing Land Use Authority's Decision](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.210.030_Appealing_Land_Use_Authority's_Decision)

[12.210.040 Variances](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.210.040_Variances)

[**12.210.010 Appeal Authority**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.210.010_Appeal_Authority)

The authority to hear requests for variances from the terms of the zoning ordinances and appeals from decisions applying the zoning ordinances shall be vested in the Hyde Park City Administrative Appeals Hearing Officer referred to in this title as Hearing Officer.

[**12.210.020 Appointment Of Administrative Appeals Hearing Officer**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.210.020_Appointment_Of_Administrative_Appeals_Hearing_Officer)

The Mayor shall appoint the Hearing Officer with the advice and consent of the City Council.  The Hearing Officer may serve until a replacement is appointed.

[**12.210.030 Appealing Land Use Authority's Decision**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.210.030_Appealing_Land_Use_Authority's_Decision)

An applicant, a board or officer of the City, or any person adversely affected by a Land Use Authority’s decision applying any zoning ordinance may, within the time period provided in subsection (A) below, appeal that decision to the administrative appeals Hearing Officer by alleging there is error in any order, requirement, decision, or determination made by the Land Use Authority in the decision applying the zoning ordinance.

1. Time to Appeal. Any appealmust be filed in writing with the City Recorder within (14) fourteen calendar days of the issuance of the written decision applying the zoning ordinance.
2. Time for Hearing Appeal. The Hearing Officer should hear the appeal within 30 (thirty) days of the date the appeal was filed.
3. Filing Fee. Upon filing of any appeal or application to the City Recorder, the appellant or applicant shall pay to the City a fee prescribed by the City Council. The Appeal Authority shall consider no appeal or application unless and until such fee has been paid.
4. Written Statement Setting Forth Theories of Relief Required. The appellant shall deliver to the Hearing Officer and all other participants, five (5) business days prior to the hearing, a written statement setting forth each and every theory of relief he intends to raise at the hearing, along with a brief statement of facts in support thereof.
5. Condition Precedent to Judicial Review. No person, board or officer of the City may seek judicial review of any decision applying the zoning ordinance until after challenging the land use authority’s decision in accordance with this part. No theory of relief may be raised in the District Court unless it was timely and specifically presented to the Hearing Officer.
6. Standard of Review and Burdon of Proof on Appeal. The Hearing Officer shall, on appeal, presume that the decision applying the zoning ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The burden of proof on appeal is on the appellant.
7. Due Process Rights. The Hearing Officer shall respect the due process rights of each participant.
8. Direct Appeal to District Court. Notwithstanding the forgoing, decisions of the City Council relative to adopting or amending the general plan or any other land use ordinance may only be appealed directly to the District Court.

[**12.210.040 Variances**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.210.040_Variances)

Any person or entity desiring a waiver or modification of the requirements of a zoning ordinance as applied to a parcel of property that they owns, leases, or in which they holds some other beneficial interest may apply to the Hearing Officer for a variance from the terms of the ordinance.

1. The Administrative Appeals Hearing Officer may grant a variance only if:
	1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
	2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
	3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
	4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
	5. The spirit of the zoning ordinance is observed, and substantial justice done.
		1. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (A)(1), the Hearing Officer may not find an unreasonable hardship unless the alleged hardship:
			1. Is located on or associated with the property for which the variance is sought; and
			2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
		2. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (A)(1), the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.
		3. In determining whether or not there are special circumstances attached to the property under Subsection (A)(1), the Hearing Officer may find that special circumstances exist only if the special circumstances:
			1. Relate to the hardship complained of; and
			2. Deprive the property of privileges granted to other properties in the same zone.
2. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
3. Variances run with the land.
4. The appeal authority may not grant a use variance.
5. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
	1. Mitigate any harmful affects of the variance; or
	2. Serve the purpose of the standard or requirement that is waived or modified.

## [**12.230 Airport Overlay**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230_Airport_Overlay) **(AO)**

[12.230.010 Purpose](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.010_Purpose)

[12.230.020 General Provisions](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.020_General_Provisions)

[12.230.040 Airport Zoning Commission](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.040_Airport_Zoning_Commission)

[12.230.050 Airport Board Of Adjustment](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.050_Airport_Board_Of_Adjustment)

[12.230.060 Schedule Of Uses](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.060_Schedule_Of_Uses)

[12.230.070 Airport Master Plan](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.070_Airport_Master_Plan)

[12.230.080 Airport Zones](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.080_Airport_Zones)

[12.230.090 Regulations](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.090_Regulations)

[12.230.100 Notification](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.100_Notification)

[12.230.110 Airport Development Standards](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.110_Airport_Development_Standards)

### [12.230.010 Purpose](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.010_Purpose)

The Airport Limitation Overlay Zones are intended to establish standards assuring the long-range, safe and beneficial use of the Logan-Cache County Airport as it relates to the Hyde Park City Zoning Ordinances.

### [12.230.020 General Provisions](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.020_General_Provisions)

* These regulations reinforce specific provisions in the Logan-Cache Airport Master Plan (August 11, 1992) and Cache Countywide Comprehensive Plan (January 27, 1998), and the Hyde Park City General Plan, each plan as amended.
* The boundary of any officially recognized Airport Limitation Overlay Zone shall be as it appears on a map and/or other documents approved by the Hyde Park City Council.

### [12.230.040 Airport Zoning Commission](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.040_Airport_Zoning_Commission)

* Commission Established: The Planning Commission is designated as the "Hyde Park Airport Zoning Commission" as prescribed in Utah Code Annotated section 72-10-405. In this Chapter and State Law, any references to the “Airport Zoning Commission” shall also mean the Planning Commission.  If the Planning Commission is empowered in the Hyde Park Zoning Ordinance to take actions that are duties of the Airport Zoning Commission as prescribed by Utah Law, the Planning Commission shall be presumed to be functioning as the Airport Zoning Commission.
* Duties: The airport zoning commission shall recommend boundaries of the various zones to be established and the regulations to be adopted pertaining to any airport hazard area and to perform such other duties as may be assigned to it by Hyde Park City Council or Utah law.

### [12.230.050 Airport Board Of Adjustment](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.050_Airport_Board_Of_Adjustment)

The Hyde Park Appeal Authority is designated as the "airport board of adjustment" as prescribed in Utah Code Annotated section 72-10-408. In this Chapter and state law, any references to the "airport board of adjustment" shall mean the Hyde Park Appeal Authority.

If the Hyde Park Appeal Authority is empowered in the Hyde Park Zoning Ordinance to take actions that are duties of the airport board of adjustment as prescribed in Utah law, the Hyde Park Appeal Authority shall be presumed to be functioning as the airport board of adjustment.

### [12.230.060 Schedule Of Uses](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.060_Schedule_Of_Uses)

The following table indicates the uses and conditions required of those uses within the five (5) designated zones for the airport:

**SCHEDULE OF USES**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Airport Overlay Zone****Land Use Descriptions** | Airport Influence Area (AIA) | Traffic Pattern Zone (TPZ) | Approach Zone (AZ) | Inner Approach Zone (IAZ) | 65 Ldn Noise Area (NA) |
| **Residential:** |  |  |  |  |  |
| Single-family, accessory apartments, residential facilities for elderly/handicapped | C6 | C4 | C3,4 | X | X |
| **Public:** |  |  |  |  |  |
| Schools, libraries, churches | C6 | C4 | C3,4 | X | X |
| Parking, cemeteries | P | P | P | C5 | C2,5 |
| **Commercial and industrial:** |  |  |  |  |  |
| Offices, retail trade, service commercial, wholesale trade, warehousing, light industrial, general manufacturing, utilities, extractive industry | P | C6 | C4 | C1 | C1 |
| **Agricultural and recreation:** |  |  |  |  |  |
| Cropland | P | P | P | P | P |
| Livestock breeding, parks, playgrounds, zoos, golf courses, riding stables, water recreation | P | P | P | P | C2 |
| Outdoor spectator sports | P | C3 | C3,4 | X | X |
| Amphitheaters | C | C3 | X | X | X |
| Open Space | P | P | P | P | P |

Notes:

1. If allowed, aviation easement and disclosure must be required as a condition of development.
2. Any structure associated with uses allowed in the 65 Ldn noise contour must be located outside the 65 Ldn noise contour.
3. If no reasonable alternative exists, use should be located as far from extended centerline as possible.
4. If allowed, disclosure of airport proximity must be required as a condition of development. An aviation easement should be considered based on proximity to runway centerline.
5. Transportation facilities in the 65 Ldn noise contour (i.e., roads, railroads, waterways) must comply with part 77 requirements.
6. Disclosure of airport proximity should be required as a condition of development.

### [Regulations](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.230.090_Regulations)

1. Conforming Uses Only: All uses in the airport limitation overlay zones shall be subject to the regulations of this chapter and prescribed development standards within the Airport Master Plan as amended.
2. Creation Of Airport Hazards Prohibited: No variance, permit or use shall be allowed in the airport hazard area that would create or enhance an airport hazard.
3. Use And Operational Limitations Within Airport Limitation Overlay Zones: No use shall be permitted which:
	1. Creates or tends to create electrical interference to navigational devices and communication between aircraft and airports.
	2. Creates or tends to create gas, smoke, dust, glare or other visual hazards in the atmosphere around airports or in the airport hazard area.
	3. Creates or tends to create structures that interfere with aircraft safety.
	4. Creates or tends to create any type of hazard for the airport that would inhibit or constrain safe and acceptable airport operations, including uses that:
		* Create electrical interference with radio communication between the airport and aircraft.
		* Make it difficult for pilots to distinguish between airport lights and other lights.
		* Result in glare in the eyes of pilots using the airport.
		* Impair visibility in the vicinity of the airport; or
		* Otherwise endanger the landing, taking off, or maneuvering of aircraft.
4. Height Limitation: Except as exempted in subsection E of this section or otherwise provided in this title, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow, in any zone created by this title to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:
	1. Runway precision instrument approach zone: Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') and continues on for a distance of forty thousand feet (40,000') at a slope of forty feet (40') outward for each foot upward along the extended runway centerline. (Approach to runway 17.)
	2. Runway non-precision instrument approach zone (larger than utility aircraft): Slopes thirty-four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline. (Approach to runway 35.)
	3. Visual runway approach zone: Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline. (Approach to runways 10 and 28.)
	4. Transitional zones: Slope seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of one hundred fifty feet (150') above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of five thousand feet (5,000') measured at ninety-degree (90°) angles to the extended runway centerline.
	5. Horizontal zone: Established at one hundred fifty feet (150') above the airport elevation or at a height of four thousand six hundred seven feet (4,607') above mean sea level (MSL).
	6. Conical zone: Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation (4,607 feet MSL) and extending to a height of three hundred fifty feet (350') (4,807 feet MSL) above the airport elevation.
	7. Within ten thousand feet (10,000') of the centerline of runway 17/35 the following height limitation shall apply:
		* From five thousand feet (5,000') of centerline of runway, the height of all structures, uses and trees shall not exceed fifty feet (50') above the contour of the land on which it is proposed to be located.
		* From five thousand feet (5,000') to ten thousand feet (10,000') of centerline of runway, the height of all structures, uses and trees shall not exceed seventy-five feet (75') above the contour of the land on which it is proposed to be located.
		* For structures or use from five thousand feet (5,000') to ten thousand (10,000) of centerline of runway, may apply to the City planning commission to exceed the seventy-five feet (75') height limitation if the structure or use does not pose a threat based on the conditions outlined in subsection C of this section.
5. Exemptions To Height Limitation:
	1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height and would be located in the congested area of a city, town, or settlement where it is beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
	2. Structures up to and including thirty-five feet (35') in height above the ground level at its site where the ground elevation at its site is less than or equal to thirty-five feet (35') below the height limitations defined in subsection D of this section and is beyond all reasonable doubt that the structure will not adversely affect safety in air navigation. If in doubt, submission of FAA Form 7460-1, Notice of Proposed Construction (as described in HPMC 12.230.100) shall be used to determine its effect on safety in air navigation.
6. Proposed development within an airport influence area shall conform with 14 C.F.R. Part 77 as amended.
7. As a condition to granting a building permit, subdivision plat, or a requested zoning change within the airport influence area, the Applicant may be required by the City to grant or sell to the airport owner, at appraised fair market value, an avigation easement if:
	1. It is desired to remove, lower, or otherwise terminate a nonconforming structure or use;
	2. The approach protection necessary cannot, because of constitutional limitations, be provided by airport land use regulations under this Chapter; or
	3. It appears advisable that the necessary approach protection be provided by the acquisition of property rights rather than by airport zoning regulations.

## [**12.260**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260_Planned_Unit_Development_(PUD)) **Public/Institutional (P/I) Zone**

[12.260.010 Purpose](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260.010_Purpose) And Intent

[12.260.020 Definitions](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260.020_Definitions)

[12.260.030 Permitted Use By Overlay Zone In All Residential Zones](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260.030_Permitted_Use_By_Overlay_Zone_In_All_Residential_Zones)

[12.260.040 Location](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260.040_Location)

[12.260.050 Unified Control](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260.050_Unified_Control)

[12.260.060 Standards And Conditions](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260.060_Standards_And_Conditions)

[12.260.070 Time Limit](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260.070_Time_Limit)

[12.260.080 Procedures](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260.080_Procedures)

[**12.260.010 Purpose**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260.010_Purpose) **And Intent**

The purpose of the Public Institutional (P/I) zone is to establish areas within the City for public or quasi-public land uses.  Development in this zone should include educational facilities, university or college campuses, libraries, cemeteries, public buildings or facilities, places of worship, city parks, and other land uses that provide essential services to the general public.

[**12.260.020**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260.020_Definitions) **Permitted, Conditional And Prohibited Uses**

Permitted, conditional and prohibited uses within the Public Institutional (P/I) zone shall be those as outlined in 12.290 of HPMC.

[**12.260.060 S**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.260.060_Standards_And_Conditions)**ite Design; Architectural Design And Materials**

The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site.  Requirements applicable to the design and approval of buildings and sites located within the Public Institutional (P/I) zone shall be:

1. General Site Design Requirements.

* 1. Utilities.  All utility lines and services shall be located underground in designated easements.  No pipe, conduit, cable, line, drainage, stream, or any other energy or service shall be installed or maintained upon any lot, outside of any building, above the surface of the ground except for hoses or moveable pipes used for irrigation or other purposes during construction.  Transformers shall be grouped with other utility meters where possible and shall be screened with vegetation or other methods approved by the Land Use Authority.  The property owner/developer shall be responsible to know the whereabouts of all underground utilities prior to commencing any development activities on the site.  Protection of all such utilities shall also be the sole responsibility of the property owner/developer.
	2. Curb and gutter.  All frontage and approaches shall be furnished by the property owner/developer with concrete curb and gutter.
	3. Sidewalks.  A sidewalk shall be required along the entire frontage of property(ies) which abut a street or right-of-way.  Sidewalks shall be a minimum of four feet (4’) in width and shall be constructed in accordance with current ADA requirements and the City’s construction standards.  The outside edge of walks shall be located one foot (1’) outside of the property line, and the minimum width of park strip shall be provided in accordance with the City’s adopted road cross sections construction standards.  If adequate space does not exist for the sidewalk and park strip, additional property shall be dedicated to the road right-of-way.  Snow removal on walkways shall be the responsibility of the adjacent property owner.
1. General Building Design Requirements.
	1. The design of all buildings located within the Public Institutional (P/I) zone shall be prepared by an architect licensed in the State of Utah.
	2. All sides of individual buildings located on the same site shall be designed with materials, shapes, and forms consistent and compatible with one another.
	3. Buildings shall be designed to relate to grade conditions with a minimum amount of grading and exposed foundation walls.
	4. Mechanical equipment shall be located or screened so as not to be visible from public or private streets.  Screens shall be aesthetically incorporated into the design of the building and shall meet the standards for screens if located on the ground or on the roof.  Screen materials shall be compatible with those materials used for the building.
	5. Plans for exterior modifications to any existing structures within the Public Institutional (P/I) zone shall meet the same requirements as all other new structures within the Public Institutional (P/I) zone.
2. Exterior Building Finish Requirements.
	1. Surface materials shall be limited to no more than three (3) types of materials per building and all buildings with the proposed development shall possess a similar architectural theme.  Building styles and design, including color schemes of exterior building materials shall be reviewed during the site plan approval process by the Land Use Authority outlined in 12.10.035 of HPMC.
	2. All exterior building materials shall be finished.  Corrugated galvanized metal, and unpainted or unfinished surfaces such as masonry block, wood, metal, and/or unfinished concrete shall not be allowed.