12.10 General Provisions

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

Amended by Ord. 2023-12 on 9/27/2023

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, securing safety from fire and other danger, providing adequate light and air, efficiently classifying land uses and distribution of land development, protecting the tax base, securing the economy in governmental expenditures, fostering commercial and agricultural growth, protecting of the environment, and guiding both urban and non-urban development in the City.

HISTORY

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

Amended Ord. 2023-12 on 9/27/2023

12.10.030 Interpretation And Conflict

A. 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.
B. 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

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

Type of Land Use Application	Reviewing Body	Recommending Body	Land Use Authority	Appeal Authority
Conditional Use	DRC	Zoning Administrator	Planning Commission	City Council
Development Agreement (See 13.10.070 of HPMC)	DRC	Planning Commission	City Council	District Court

General Plan Amendment	DRC	Planning Commission	City Council	District Court
~~*Development Plan*~~ *Site Plan Review* ~~*(Commercial (C), Industrial (I)*~~	DRC	Planning Commission	Zoning Administrator	~~Hearing Officer~~
Mixed-Use (MXD) Development with Development Agreement	DRC	Planning Commission	City Council	District Court
Mixed-Use (MXD) Development with or without plat	DRC	Planning Commission	City Council	District Court
Master Development Plan (MR)	DRC	Planning Commission	City Council	~~Hearing Officer~~
Variances / Appeals	N/A	N/A	~~Hearing Officer~~	District Court
Zoning Map Change (Rezone)	DRC	Planning Commission	City Council	District Court
~~Zoning~~ Text Amendment	DRC	Planning Commission	City Council	District Court

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.

Adopted by Ordinance 2023-12 on 9/27/2023

Adopted by Ordinance 2024-19 on 7/10/2024

Ordinance 2023-12 - General Provisions.pdf
Ordinance 2024-19 - Designation of LUA Table - 12.10.035.pdf

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:

A. 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. All applications shall include a current title report, stamped survey, and owner/agent agreement if applicable. Applicants shall submit all applications to the Zoning Administrator or designee for review to ensure compliance with the requirements as outlined in this title.

B. 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.

C. 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.

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.

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.~~ the Zoning Administrator's determination of completeness . 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.

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.~~

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.

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.

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.

HISTORY

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

Amended by Ord. 2023-12 on 9/27/2023

12.10.045 General Plan Amendments

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.

C. Initiation. Anyone may propose amendments to the General Plan as provided in this section.

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

1. 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:

For map amendments

- One (1) 8 1/2 "x 11" map showing the area of the proposed amendment.
- Current copy of the County Assessor's parcel map showing the area of the proposed amendment.
- Mapped inventory of existing land uses within the area of the proposed amendment and extending one-half (½) mile beyond such area;
- Correct property addresses of parcels included within the area of the proposed amendment.
- Written statement specifying the potential use of property(ies) within the area of the proposed amendment.

· Written statement explaining why the existing General Plan designation for the area is no longer appropriate, desirable, or feasible; and

· 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.

For text amendments

· Written statement showing the desired language change and explaining why the existing General Plan language is no longer appropriate, desirable, or feasible.

· Analysis of potential impacts of the proposed amendment; and

· Map showing affected geographic areas based on the proposed text changes.

2. 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.

3. 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.

4. 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.

5. 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).

6. 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.

7. 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 there, 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.

Adopted by Ordinance 2023-12 on 9/27/2023

12.10.050 Zoning Map Changes and Zoning Text Amendments

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.
    a. 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:

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.

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. A stamped survey , current title report, and An accurate legal description ~~and an approximate common address~~ of the area proposed for rezoning ~~if one does not presently exist.~~
D. 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.
E. 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.
F. 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.
G. 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.
    a. 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;
    b. 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;
    c. The extent to which the proposed amendment may adversely affect adjacent property; and

d. 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.

H. 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).

I. 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.

J. 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.

HISTORY

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

Amended by Ord. 2023-12 on 9/27/2023

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 HPMC.

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.

A. 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:

a. Address and lot/parcel identification of the subject property; a current title report and stamped survey.

b. Current zoning designation, zone district boundary, and present use of the subject property;

c. Complete description of the proposed conditional use;

d. 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.

E. 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;

F. A statement by the applicant demonstrating how the proposed use meets or would meet the approval standards of this section; and

G. 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.

A. 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.

B. 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.
C. The Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the conditional use substantially complies with approval standards.
D. After the Land Use Authority has rendered a decision, the Zoning Administrator or designee shall give the applicant written notice of the decision.
E. 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.
F. Approval Standards. The following standards shall apply to the issuance of conditional use permits.

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.

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 omissions 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.

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.
D. 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.

E. 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 HPMC. 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.

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

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

    a. Any of the following shall be grounds for revocation or suspension:

        i. 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.

b. 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 convening. 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.

(1) Expiration.

(2) Conditional use permit approval issued by the City shall expire if any of the following occur:

a. The applicant does not implement the granted permit within one (1) year of the issued approval date.

b. The conditional use of land or structure ceases for any reason for a period of more than one (1) year.

(3) 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.

H. 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 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 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 HPMC.

C. Initiation. A property owner or their designated agent may request approval of a site plan as provided in this section.

A site plan shall be required for any of the following uses, unless expressly exempted from such requirement by another provision of this title:

A. Any ~~multifamily~~ residential use;
B. Any commercial use;

3. Any professional use;

A. Any industrial or warehouse use;
B. Any manufacturing use; and
C. Any institutional use.

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.

A. 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:

a. ~~One (1) plan set, size 22"x34" drawings;~~

b. ~~One (1) plan set, size 11"x17" drawings; and~~

c. One (1) PDF copy.

A. 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~~ stamped 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 a 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:

A. The entire site shall be developed at one time, unless a phased development plan is approved by the Land Use Authority.

B. A site plan shall conform to all applicable standards as set forth in the title and HPMC. In addition, consideration shall also be given to the following:

a. Considerations relating to buildings and general site layout.

i. 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

ii. 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.

b. Considerations relating to traffic safety and traffic congestion.

i. Effect of the proposed site plan of traffic conditions on abutting streets and neighboring land uses, both existing and as planned;

ii. Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;

iii. Arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provision of City ordinances regarding the same;

iv. Locating, arrangement, and dimensions of truck loading and unloading spaces;

v. Vehicular and pedestrian circulation patterns within the boundaries of the development;

vi. Surfacing and lighting of off-street parking facilities; and

viii. Provision for transportation modes other than personal motor vehicles, including such alternative modes such as pedestrian, bicycle, and mass transit.

c. Considerations relating to landscaping.

i. 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;

ii. Planning of ground cover or other surfaces to prevent dust and erosion; and

iii. Unnecessary destruction of existing healthy trees.

d. Considerations relating to drainage and irrigation.

i. The effect of the site development on the adequacy of the storm and surface water drainage; and

ii. The need for piping of irrigation ditches bordering or within the site.

e. Other considerations including, but not limited to:

i. Buffering;

ii. Lighting;

iii. Placement of trash containers and disposal facilities;

iv. 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.

A. 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.

B. All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner.

C. 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 the 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 HMPC.

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.

HISTORY

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

Amended by Ord. 2023-12 on 9/27/2023

12.10.070 Administration and Enforcement

The Zoning Administrator is hereby charged with the administration and enforcement of this Zoning Ordinance.

The Zoning Administrator shall make recommendations to the Chief Building Official 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.

HISTORY

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

Amended by Ord. 2023-12 on 9/27/2023

12.10.080 Issuance Of Licenses And Permits

All departments, officials and public employees of the City, which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Ordinance 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 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, causing or permitting the violation of any of the provisions of this 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). Upon conviction thereof, the guilty party shall be punishable under the applicable provisions of State law. 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 to the City, the City Council, 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

A. 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.

B. 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.

C. A Temporary Land Use Regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

D. A Temporary Land Use Regulation may not impose an impact fee or other financial requirement on building or development.

E. 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.

Adopted by Ordinance 2023-12 on 9/27/2023

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.