

ORDINANCE NO. 2016-13

AN ORDINANCE AMENDING THE VERNAL CITY MUNICIPAL CODE, AMENDING SECTIONS 16.04.085 - BUILDING OFFICIAL OR CHIEF BUILDING OFFICIAL, 16.04.395 - NATURAL WATERWAYS, ADDING SECTION 16.04.461 - PLANNING DIRECTOR, AMENDING SECTIONS 16.04.486 - SETBACKS, 16.04.487 - SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES, 16.06.020 - ADMINISTRATION AND ENFORCEMENT, REPEAL SECTION 16.06.030 -BUILDING PERMITS REQUIRED, REPEALING SECTION 16.06.035 - GRADING PERMITS REQUIRED, AMENDING SECTION 16.06.090 - BUILDING PERMIT ISSUANCE, REPEALING SECTION 16.16.090 - BUILDING PERMIT ISSUANCE, 16.22.020 - PERMIT-REQUIRED, 16.22.040 - NONCOMPLIANCE, ADDING SECTION 16.24.080 - FENCE HEIGHT REQUIREMENTS, AMENDING SECTIONS 16.24.180 - CURB, GUTTER, SIDEWALK AND STREET PAVING, 16.26.210 - PARKING SPACE REQUIREMENTS - SUBMISSION OF PLANS, 16.26.230 - PARKING SPACE DESIGN AND ACCESS, 16.27.020 - INSTALLATION, 16.27.040 - VEGETATION REMOVAL, 16.42.090 - OFF-STREET PARKING LAYOUT AND LANDSCAPING PLAN REQUIREMENTS, 16.48.040 - SITE DEVELOPMENT STANDARDS, 16.50.030 - SITE DEVELOPMENT STANDARDS - CP-2 ZONE, 16.50.040 - SITE DEVELOPMENT STANDARDS - CCP-1 ZONE, 16.50.050 - FENCING REQUIREMENTS, 16.50.120 - FINAL DEVELOPMENT PLAT, 16.52.020 - USE REGULATIONS. (PERMITTED AND CONDITIONAL USES - CONDITIONS - COMPLIANCE REQUIREMENTS.), 16.54.015 - CONDITIONAL USE REQUIREMENTS, 16.54.030 - SITE DEVELOPMENT STANDARDS, 16.55.020 - SITE DEVELOPMENT STANDARDS, 16.55.025 - CONDITIONAL USE REQUIREMENTS.

WHEREAS, the City Council finds that the regulation of who is responsible for each function of planning and construction development is necessary for orderly growth and conduct of business within the City, and;

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

WHEREAS, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation.

BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:

Section 1. Chapter 16.04 is hereby amended to read as follows

16.04 DEFINITIONS

Section 2. Section 16.04.085 is hereby amended to read as follows

16.04.085 Building Official or Chief Building Official.

The official or other person charged with the administration and enforcement of ~~this~~ ~~† Title 15 of the Vernal City Municipal Code and other ordinances as specifically noted to be enforced by the Building Official,~~ or his duly authorized deputy. (PZSC § 03-15-017)

Section 3. Section 16.04.395 is hereby amended to read as follows

16.04.395 Natural waterways.

Those areas, varying in width, along streams, creeks, gullies, springs or washes which are natural drainage channels as determined by the ~~Building Official~~ ~~Planning Director~~ and in which areas no buildings shall be constructed. (PZSC § 03-15-079)

Section 4. A new Section 16.04.461 is hereby added to read as follows

16.04.461 Planning director.

~~The Planning Director shall be defined as the Planning Director of Vernal City.~~

Section 5. Section 16.04.486 is hereby renamed

16.04.486 Sexually oriented business ~~Setbacks.~~

~~The shortest horizontal distance permitted in each zoning district, as set forth in the Vernal City zoning ordinance, between the boundary lines of a lot and the building, structure or part thereof.~~ Sexually oriented business: All adult bookstores, adult video stores, adult media theaters, adult theater, escort services, out call services, semi-nude entertainment businesses, semi-nude entertainment bars, and semi-nude dancing agencies as defined by Chapter 5.72.050.

Section 6. Section 16.04.487 is hereby amended to read as follows

16.04.487 Sexually oriented business & employee.

~~A. Sexually Oriented Business: Sexually oriented business: All adult bookstores, adult video stores, adult media theaters, adult theater, escort services, out-call services, semi-nude entertainment businesses, semi-nude entertainment bars, and semi-nude dancing agencies as defined by Chapter 5.72.050.~~

~~B. Sexually Oriented Business Employee:~~ Sexually oriented business employees: means those employees who work on the premises of the sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, entertainers, escorts, models, and other similar employees whether or not hired as employees, agents, or as independent contractors. Employees does not include individuals whose work is unrelated to the sexually oriented portion of the business such as janitor, bookkeepers and similar employees. Sexually oriented business employees does not include cooks, serving person, bartenders, and similar employees; except where they are managers or supervisors of the business or where the employee will be required or chooses to appear in the sexually oriented business in a nude or semi-nude condition. All sexually oriented business employees making the

"out-call" meetings under this Chapter, including escorts, models, entertainers, guard, escort runners, drivers, chauffeurs, and other similar employees are sexually oriented business employees, regardless of the location of the premises of the licensed business employing the out-call employee.

Section 7. Section 16.06.020 is hereby amended to read as follows

16.06.020 Administration and enforcement.

A. The ~~Building Official~~ **Planning Director** of the City is charged with the administration and enforcement of this title.

B. ~~The Building Official shall not grant a permit for the construction or alteration of any building or structure, nor issue any certificates of occupancy or alteration or change in the use of land, if such construction or alteration or change would be in violation or would involve a violation of any of the provisions of this title or any ordinance of the City or any of the laws of the state.~~

~~C.~~ The ~~Building Official~~ **Planning Director** shall enforce all of the provisions of this ~~title~~. He shall ~~inspect or~~ cause to be inspected all of the buildings in the course of construction, alteration or repair, and any change in the use of land. If, in the course of such inspection or otherwise, it shall come to his attention that any such construction, alteration or repair, or that any use or contemplated use of land is in violation of the provisions of this ~~title~~, he shall ~~cause to be~~ issued ~~a~~ his written order to the person to cease and desist such construction, alteration or repair or use. He shall report violations of this title to the City Attorney for prosecution and make complaint thereof before the court or courts having jurisdiction over such violation.

~~D.~~ The ~~Building Official~~ **Planning Director** may call for assistance of law enforcement personnel whenever, in his opinion, such assistance is necessary in the investigation of a suspected violation of this ~~title~~.

~~E.~~ The ~~Building Official~~ **Planning Director** may establish reasonable rules and regulations necessary or desirable in the administration of this ~~title~~. Upon the approval of the City Council, three (3) copies of such rules and regulations shall be filed with the City Recorder and such rules and regulations shall become effective when so filed.

~~F.~~ The City Council may, by resolution, prescribe an exact payment of reasonable fees to cover the expense of examining plans ~~and~~, ~~issuing building permits,~~ inspecting uses ~~and issuing certificates of occupancy,~~ and may determine the method of collecting such fees. (PZSC § 03-02-002)

Section 8. Section 16.06.030 is hereby repealed in its entirety

16.06.030 Building permits required.

~~No building, structure, pipeline, or transmission line shall be constructed, altered or moved, nor shall the use of land be changed except after the issuance of a permit for the same by the Building Official; provided, that no permit shall be necessary where the erection, construction, reconstruction or alteration is minor in character as defined herein, or as determined by the Building Official. Minor in character means erection, construction, reconstruction or alteration that does not impact public health, public safety or structural integrity. A careful record of such applications and permits shall be kept in the office of the Building Official for a period of one (1) year from the date of receipt thereof. (PZSC § 03-02-003)(Ord. No. 94-09, Amended, 4/14/94)~~

Section 9. Section 16.06.035 is hereby repealed in its entirety

16.06.035 Grading permits required.

~~_____ No grading, excavating or earthwork is allowed prior to the issuance of a permit by the Building Official. A grading permit shall not be required on any development project that does not require master site plan approval or that is under one half (1/2) acre in overall size. In all cases, development that requires a flood plain development permit in accordance with Chapter 16.18 of the Vernal City Code shall also require a grading permit. A fee may be charged for such permit as set by resolution of the Vernal City Council. A careful record of such applications and permits shall be kept in the office of the Building Official for a period of one (1) year from the date of receipt thereof.~~

Section 10. Section 16.16.090 is hereby repealed in its entirety

16.16.090 Building permit issuance.

~~_____ The Building Official shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed. Approved development plans shall be filed with the Planning Commission, Building Official and City Recorder. (PZSC § 03-07-009)~~

Section 11. Section 16.22.020 is hereby repealed in its entirety

16.22.020 Permit Required.

~~_____ To assure compliance with the provisions of this chapter, a home occupation permit shall be obtained from the City Building Official before a dwelling unit in any zone may be used for business purposes. (PZSC § 03-10-002)~~

Section 12. Section 16.22.040 is hereby repealed in its entirety

16.22.040 Noncompliance.

~~_____ Any home occupation permit and/or business license shall be revoked by the Vernal City Council only after review and recommendation by the Building Official, or his / her designee, and in accordance with the business license code of Vernal City. (PZSC § 03-10-004)~~

Section 13. A new Section 16.24.080 is hereby added to read as follows

16.24.080 Fence height requirement.

No fence or other similar structure shall be erected in any required front yard of a dwelling to a height in excess of four (4) feet; nor shall any fence or similar structure be erected in any side yard or rear yard to a height in excess of seven (7) feet except where authorized by a conditional use permit in accordance with Section 16.20.350 of this code.

Section 14. Section 16.24.180 is hereby amended to read as follows

16.24.180 Curb, gutter, sidewalk and street paving.

It is the intent of Vernal City that all developed property have curb, gutter, sidewalk and street paving along the public road frontage, and that all streets abutting all developed property be paved.

A. Curb, Gutter and Sidewalk. Prior to the issuance of a building permit for any new development within Vernal City, one (1) of the following requirements must be met:

1. Where curb, gutter and sidewalk can be installed, providing for the proper flow and discharge of storm water as determined by the Public Works Department, the applicant shall be required to install such curb, gutter and sidewalk prior to occupancy of the property being developed by the applicant. An extension of time may be granted by the ~~building official~~ City Planning Director when inclement weather prevents the completion of the required curb, gutter and sidewalk improvements provided that a financial guarantee in the form of a duly executed escrow account filed with the City ensuring completion of such improvements.

2. Where it is determined by the City that the proper flow and discharge of storm water cannot be facilitated with the curb, gutter and sidewalk improvements, the applicant developing the property shall be required to sign an affidavit recorded with the County recorder's office indicating that the applicant will not oppose a Special Improvement District being created for the purpose of installing the street improvements. The affidavit shall be binding on the property owners and successors.

B. Street Paving. Prior to occupancy of any developed property not required to comply with Sections 16.58.060 through 16.58.320, the property owner shall be required to pave all roadways abutting curb and gutter along the full length of his developed property. Minimum widths of paved roadway measured face-to-face of curb shall be as follows:

1. Where no present roadway exists:

a. Residential streets: thirty-eight (38) feet,

b. Collector roads: forty-four (44) feet,

c. Secondary arterial streets: sixty (60) feet, or conformance to master plan, whichever is greater;

2. Where present road exists, the property owner shall be required to pave from the existing roadway to his curb and gutter;

3. All improvements, curb, gutter, sidewalk and street paving, shall comply with Vernal City ~~s~~Standard ~~s~~Specifications for ~~e~~Construction of ~~p~~Public ~~w~~Works.

4. Variances to street width may be granted by the City Council upon review of the master street plan, safety issues and recommendation of the Planning Commission regarding the width of the street.

C. The preceding requirements shall not apply to minor additions to existing developments, except for construction or addition of parking lots. For the purpose of this section "minor additions" means the addition (attached or detached) of less than forty (40) percent of the square footage of the existing structure or structures. (PZSC § 03-11-18)(Ord. No. 95-21, Amended, 11/02/95; Ord. No. 96-10, Amended, 04/20/96)

Section 15. Section 16.26.210 is hereby amended to read as follows

16.26.210 Parking space requirements--Submission of plans.

The plans for any proposed parking area shall be submitted to the ~~Building Official~~ Planning Director at the time of application for a ~~building permit for the building site plan~~

approval to which the parking area is accessory. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot. ~~Where required by the provisions of the respective zone, the plans shall also be submitted and approved by the Planning Commission.~~ (PZSC § 03-12-015 (7))

Section 16. Section 16.26.230 is hereby amended to read as follows

16.26.230 Parking space design and access.

A. Parking spaces:

1. All parking spaces shall have minimum dimensions of nine (9) feet by twenty (20) feet; a garage or carport shall have inside dimensions of not less than ten (10) feet by twenty (20) feet per space. The width of each parking space shall be measured at a right angle to the side lines of the parking space. Refer to 16.26.110 (4) when larger spaces are required.

2. Handicapped parking spaces shall have minimum dimensions of eight (8) feet by twenty (20) feet and shall have a separation strip ~~between adjoining parking spaces of five (5) feet~~ in accordance with the International Building Code.

B. Adequate automobile access to a garage, carport or parking area shall be provided. The minimum size of the access strip shall be as follows;

1. Sixteen (16) foot access strips - two (2) are required for one-way traffic;
2. Twenty-four (24) foot access strip - one is required for two-way traffic;
3. A greater number of access strips may be required as determined by the Planning Commission during site plan approval.

C. In residential zones, access from the street for single family dwellings shall not exceed more than sixty (60) feet with not more than one (1) thirty-four (34) foot access.

D. Backing space shall be provided for parking areas which are composed of five (5) or more spaces so that cars need not back into a public street or alley or into other automobiles. Public sidewalks shall not be permitted to be used as part of the required backing space.

E. Tandem parking (front to rear) shall not be permitted except for single-family or two-family dwellings when the front and back spaces are both designed to serve the same dwelling.

F. Every parcel of land hereafter used as a parking area shall be paved with asphalt or concrete surface and shall have appropriate bumper guards or curbs where needed, as determined by the ~~Building Official~~ Planning Director, to protect adjacent property owners or persons using a sidewalk. All storm water shall be collected and retained in accordance with Section 16.06.060.

G. For all uses permitted in a residential zone, only twenty-five (25) percent of the front yard area required by the respective zones shall be used for parking. Access across and over the required front yard is allowed to the side yard or rear yard. In the case of multiple-family dwellings, not more than fifty (50) percent of the required side and rear yard shall be used for parking or vehicular access lands. In such cases where it is deemed necessary to utilize more than the required front, side or rear yards, said yard area used in excess of the limits shall be provided in an equivalent amount of land area elsewhere on the same lot as the building as open green areas, patios, play areas or courts.

H. All commercial off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a fence, wall or hedge of not less than four (4) feet nor more than seven (7) feet high. Provided, however, that

front yard and corner lot fences, walls or plantings shall maintain height requirements of their respective zones. (PZSC § 03-12-017)(Ord. No. 94-06, Amended, 3/24/94; Ord. No. 96-27, Amended, 11/20/96)

Section 17. Section 16.27.020 is hereby amended to read as follows

16.27.020 Installation.

A. It shall be the responsibility of the developer to grade, place topsoil, seed or sod, install automatic sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials in accordance with the site plan approved by the Planning ~~Commission~~ **Director**.

B. All landscape work shall be installed prior to a Certificate of Occupancy of the building being issued. The ~~Building Official~~ **Planning Director** may grant an extension in the event a situation arises that prevents the completion of the required landscaping provided that a financial guarantee **in accordance with Section 16.60.010 (F)** is filed with the City ensuring the completion of such improvements. (Ord. No. 94-15, Enacted, 07/14/94)

Section 18. Section 16.27.040 is hereby amended to read as follows

16.27.040 Vegetation Removal.

A. Once the required landscaping has been installed in conformance with the approved site plan, major changes or modifications shall not be made without review and approval of the Planning ~~Commission~~ **Director**. Where a change or modification of 10% or less of the required landscaping is proposed, the change or modification may be approved by ~~the Building Official without the need for review and approval by the Planning Commission~~ **Director**.

B. Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced in accordance with the approved site plan. (Ord. No. 94-15, Enacted, 07/14/94)

Section 19. Section 16.42.090 is hereby amended to read as follows

16.42.090 Off-street parking layout and landscaping plan requirements.

Plans showing proposed off-street parking layout and landscaping in conformance with Chapter 16.27 herein shall be submitted to and approved by the ~~Building Inspector or Planning Director~~ **Commission** as applicable for buildings containing five (5) or more dwelling units, boarding houses, rest homes, clubs, lodges, churches, schools, and similar uses prior to the issuance of a building permit. The plans shall provide that all land not covered by buildings or by off-street parking space shall be planted in lawn, trees, shrubs or groundcover and otherwise landscaped and maintained in accordance with good landscaping practice as outlined in Chapter 16.27 herein. **Where structures are to be placed on the property,** ~~The~~ required thirty (30) foot setback space shall not be used for automobile parking, but shall be landscaped and maintained with lawn, trees, shrubs or groundcover except for permitted driveways. (PZSC § 03-21-008 (2))(Ord. No. 94-22, Amended, 11/2/94; Ord. No. 96-27, Amended, 11/20/96)

Section 20. Section 16.48.040 is hereby amended to read as follows

16.48.040 Site development standards.

- A. Minimum lot area: none;
 - B. Minimum lot width: none;
 - C. Minimum yard setbacks:
 - 1. Front:
 - a. C-2 zone: thirty (30) feet,
 - b. CC-1 zone: none, ~~except as required by the Planning Commission.~~
 - c. Bus shelters in both C-2 and CC-1 zones;
 - i. Bus shelters must not interfere with ADA accessibility or pedestrian movements.
 - ii. Must be set back a minimum of five (5) feet from a barrier curb or where no curb is present, behind the edge of the sidewalk or ten (10) feet back from edge of travel way.
 - iii. Bus shelters must not interfere with any clear vision triangle.
 - iv. The entity installing the bus shelter shall be responsible for its maintenance.
 - 2. Side: none, except ten (10) feet adjacent to residential zone boundary,
 - 3. Side facing street on corner lot: twenty (20) feet, except average where fifty (50) percent frontage is developed,
 - 4. Rear: none, except ten (10) feet where building rears on residential zone;
 - D. Building height:
 - 1. Minimum: one (1) story,
 - 2. Maximum: none;
 - E. Landscaping shall be in conformance with Chapter 16.27 herein;
 - F. Minimum site development standards for dwelling units are the same as provided in the residential R-4 zone;
 - G. Site development standards for travel-trailer courts are set forth in Chapter 16.52 of this code;
 - H. Fence requirements: Commercial developments adjacent to property zoned and/or used for residential purposes shall install a six (6) foot privacy fence between commercial and residential properties to afford privacy for the residential dwellings. The fence shall be installed so as not to create a safety hazard for vehicular and pedestrian traffic. ~~Where the Planning Commission determines that such a fence is not necessary or in the best interest of the public, the Planning Commission may waive the fence requirement.~~
 - ~~I. Commercial buildings shall have a minimum four (4) foot wainscott of brick, architectural block, rock, stone or stucco. Where the Planning Commission determines these items are not necessary or in the best interest of the public, the Planning Commission may waive this requirement.~~
- (PZSC § 03-24-002)(Ord. No. 94-22, Amended, 11/2/94; Ord. No. 96-08, Amended, 03/20/96; Ord. No. 96-27, Amended, 11/20/96)

Section 21. Section 16.50.030 is hereby amended to read as follows

16.50.030 Site development standards--CP-2 zone.

Site development standards in the CP-2 zone are as follows:

- A. Minimum lot area: none;
- B. Maximum lot area: none;

C. Minimum yard setbacks:

1. Front: thirty (30) feet for the main building or walls or fences over three (3) feet high except:

a. Bus shelters.

i. Bus shelters must not interfere with ADA accessibility or pedestrian movements.

ii. Must be set back a minimum of five (5) feet from a barrier curb or where no curb is present, behind the edge of the sidewalk or ten (10) feet back from edge of travel way.

iii. Bus shelters must not interfere with any clear vision triangle.

iv. The entity installing the bus shelter shall be responsible for its maintenance.

2. Side: none, except ten (10) feet adjoining a residential zone,

3. Side facing street on corner lot: twenty (20) feet,

4. Rear: none, except ten (10) feet adjoining a residential lot;

D. Building height:

1. Minimum: One (1) story,

2. Maximum: none;

E. Lot coverage: the aggregate of all buildings shall not exceed fifty (50) percent of the entire lot area.

F. Landscaping shall be in conformance with Chapter 16.27 herein.

~~G. Commercial buildings shall have a minimum four (4) foot wainseott of brick, architectural block, rock, stone or stucco. Where the Planning Commission determines these items are not necessary or in the best interest of the public, the Planning Commission may waive this requirement.~~

(PZSC § 03-25-003 (1))(Ord. No. 96-08, Amended, 03/20/96; Ord. No. 96-27, Amended, 11/20/96)

Section 22. Section 16.50.040 is hereby amended to read as follows

16.50.040 Site development standards--CCP-1 zone.

Site development standards in the CCP-1 zone are as follows:

A. Minimum lot area: none;

B. Maximum lot area: none;

C. Minimum yard setbacks;

1. Front: none,

~~a. Except as determined by the Planning Commission for streets over seventy five (75) feet wide,~~

~~b. Bus shelters.~~

i. Bus shelters must not interfere with ADA accessibility or pedestrian movements.

ii. Must be set back a minimum of five (5) feet from a barrier curb or where no curb is present, behind the edge of the sidewalk or ten (10) feet back from edge of travel way.

iii. Bus shelters must not interfere with any clear vision triangle.

iv. The entity installing the bus shelter shall be responsible for its maintenance.

2. Side: none, except ten (10) feet adjoining a residential zone,

3. Side facing street on corner lot: none, ~~except as determined by the Planning Commission for streets over seventy five (75) feet wide.~~
 4. Rear: none, except ten (10) feet adjoining a residential zone,
- D. Building height:
1. Minimum: one (1) story,
 2. Maximum: none;
- E. Lot coverage: The aggregate of all buildings shall not exceed sixty (60) percent of the entire lot area.
- F. ~~Landscaping: none except as required by the Planning Commission.~~ (PZSC § 03-25-003 (2))(Ord. No. 96-08, Amended, 03/20/96)

Section 23. Section 16.50.050 is hereby amended to read as follows

16.50.050 Fencing requirements.

Commercial developments adjacent to property zoned and/or used for residential purposes shall install a six (6) foot privacy fence between commercial and residential properties to afford privacy for the residential dwellings. The fence shall be installed so as not to create a safety hazard for vehicular and pedestrian traffic. ~~Where the Planning Commission determines that such a fence is not necessary or in the best interest of the public, the Planning Commission may waive the fence requirement.~~ (PZSC § 03-25-003 (3))

Section 24. Section 16.50.120 is hereby amended to read as follows

16.50.120 Final development plat.

After the rezoning of a site to a CP zone, a final development plat for the entire project, or for the initial phase if a stage development plat has been approved, shall be submitted to and approved by the ~~Planning Commission~~ Director in accordance with Chapter 16.60 of this code, as complying with the regulations and requirements attached thereto prior to the issuance of any building permits. The final development plat shall show in detail the proposed areas and locations of buildings, off-street parking, internal and external traffic circulation, improvements, landscaping, signs and service facilities. No changes shall be made in the final development plat during the course of construction pursuant thereto without first obtaining approval of the ~~Planning Commission~~ Director. ~~Three~~ Three copies of the approved final development plat shall be kept on file in the office of the ~~Planning Commission~~ Department, Building Official and City Recorder, and only changes which may be subsequently approved shall be added thereto. (PZSC § 03-25-010).

Section 25. Section 16.52.020 is hereby amended to read as follows

16.52.020 Use regulations. (Permitted and conditional uses - conditions - compliance requirements.)

Hereinafter specified permitted and conditional uses shall comply with the following procedures:

- A. All development within an industrial zone requires site plan approval from the Vernal City Planning ~~Commission~~ Director as set forth in Chapter ~~16.06~~ 16.60, ~~Administration and~~

procedure, of this Title.

B. Conditional uses require ~~a public hearing with~~ **approval of** the Planning Commission as set forth in Chapter ~~16.06, Administration and procedure,~~ **16.14** of this Title.

(PZSC § 03-26-002)(Ord. No. 96-28, Amended, 11/20/96; Ord. No. 97-02, Amended, 07/02/97; Ord. No. 97-02, Amended, 07/02/97)

Section 26. Section 16.54.015 is hereby amended to read as follows

16.54.015 Conditional Use Requirements

A. Low powered radio service monopole antennas and lattice tower antennas will be a conditional use in the F-1 and P-1 zones. The following must be submitted as part of the conditional use application:

1. A site plan drawn to scale meeting all requirements of ~~Section 16.06.050, Site Plan Approval Required~~ **Chapter 16.60 of this Title**;

2. Show on site plan, height of structures, (buildings, signs, utility poles), and trees in a one-block radius. Also, show any change in topography that would maximize visual screen.

B. The Planning Commission will base their decision on the following information:

1. Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;

2. Location of the antenna to existing vegetation, topography and buildings to maximize visual screening;

3. Meeting requirements of the conditional use permit as outlined in the ordinance.

C. Must receive site plan approval;

D. Conditional use requirements;

1. One (1) off-street parking space is required;

2. Install a six-foot (6') high chain link fence around the site;

3. Maximum tower height is ninety-five (95) feet;

4. All storm water must be retained on property;

5. Obtain a building permit;

~~6. Include with building permit application an engineer's report on wind lode requirements, construction requirements and stamped by a licensed engineer of the State of Utah.~~

~~E. Planning Commission can lower height in order to bring the antenna into compatibility with other structures height and existing screening.~~(Ord. No. 96-28, Enacted, 11/20/96)

Section 27. Section 16.54.030 is hereby amended to read as follows

16.54.030 Site development standards.

The following are the site development standards for the F-1 and P-1 zones:

A. Minimum lot size: one (1) acre;

B. Minimum lot frontage: one hundred (100) feet;

C. Minimum yard setbacks:

1. Front: The minimum setback for all buildings shall be thirty (30) feet from any public street or travel easement, except that on ~~s~~ state and federally designated highways, the setback for all buildings shall be **as specified by State or federal requirements, if any** ~~fifty (50)~~

feet except;

a. Bus shelters.

i. Bus shelters must not interfere with ADA accessibility or pedestrian movements.

ii. Must be set back a minimum of five (5) feet from a barrier curb or where no curb is present, behind the edge of the sidewalk or ten (10) feet back from edge of travel way.

iii. Bus shelters must not interfere with any clear vision triangle.

iv. The entity installing the bus shelter shall be responsible for its maintenance.

2. Side:

a. All buildings shall be set back from the side property line a distance of at least eight (8) feet and the total distance of the two (2) side setbacks shall be at least twenty (20) feet except those abutting residential uses and/or zones shall be set back from the side property line a distance of at least fifteen (15) feet and the total distance of the two (2) side setbacks shall be at least thirty (30) feet,

b. On corner lots, the side setback from the street for any building shall not be less than twenty (20) feet,

3. Rear: All buildings shall be set back from the rear property line a distance of at least thirty (30) feet;

D. Building height:

1. Minimum: one (1) story;

2. Maximum: none;

E. Landscaping shall be in conformance with Chapter 16.27 herein;

F. Minimum site development standards for caretaker dwellings shall be the same as required in the R-1 residential zone;

G. Curb, gutter and sidewalks shall be required. All off-street parking shall be paved with asphalt or concrete;

H. All development of a permanent nature requires site plan approval from the Vernal City Planning ~~Commission~~ Director as set forth in Chapter ~~16.06, Administration Procedures~~ 16.60, of this ~~title~~;

I. Developments adjacent to property zoned and/or used for residential purposes shall install a six (6) foot non-see-through fence between commercial and residential properties to afford privacy for the residential dwellings. The fence shall be installed so as not to create a safety hazard for vehicular and pedestrian traffic. ~~Where the Planning Commission determines that such a fence is not necessary or in the best interest of the public, the Planning Commission may waive the fence requirement.~~ (Ord. 93-14 § 2: Ord. 93-08 § 1 (part): PZSC § 03-26B-002)(Ord. No. 94-22, Amended, 11/2/94; Ord. No. 96-27, Amended, 11/20/96)

Section 28. Section 16.55.020 is hereby amended to read as follows

16.55.020 Site development standards.

Site development standards in the HC-1 zone are as follows:

A. Minimum lot area: 1/2 acre;

B. Minimum lot width: 70 feet;

C. Minimum yard setbacks:

1. Front: twenty (20) feet except;

- a. Bus shelters.
 - i. Bus shelters must not interfere with ADA accessibility or pedestrian movements.
 - ii. Must be set back a minimum of five (5) feet from a barrier curb or where no curb is present, behind the edge of the sidewalk or ten (10) feet back from edge of travel way.
 - iii. Bus shelters must not ~~interfere~~ interfere with any clear vision triangle.
 - iv. The entity installing the bus shelter shall be responsible for its maintenance.
- 2. Side: none, except fifteen (15) feet adjacent to a residential zone boundary or use,
- 3. Side facing street on corner lot: ten (10) feet,
- 4. Rear: none, except fifteen (15) feet adjacent to a residential zone boundary or use;
- D. Building height:
 - 1. Minimum: one story,
 - 2. Maximum: none;
- E. Landscaping shall be in conformance with Chapter 16.27 herein;
- F. Prior to issuance of a building permit for any proposed use, a site plan (see ~~Section 16.06.050~~ **Chapter 16.60**) shall be submitted to and approved by the Vernal City Planning ~~Commission Director~~;
- G. Fence requirements: Developments adjacent to property zoned and/or used for residential purposes shall install a six (6) foot non-see-through fence between commercial and residential properties to afford privacy for the residential dwellings. The fence shall be installed so as not to create a safety hazard for vehicular and pedestrian traffic. ~~Where the Planning Commission determines that such fence is not necessary or in the best interest of the public, the Planning Commission may waive the fence requirement.~~ (Ord. 93-06 § 1 (part): prior code § 03-26A-002)(Ord. No. 94-22, Amended, 11/2/94; Ord. No. 96-27, Amended, 11/20/96)

Section 29. Section 16.55.025 is hereby amended to read as follows

16.55.025 Conditional Use Requirements.

- A. Low powered radio service monopole antennas and lattice tower antennas will be a conditional use in the HC-1 zone. The following must be submitted as part of the conditional use application:
 - 1. A site plan drawn to scale meeting all requirements of ~~Section 16.06.050, Site Plan Approval Required~~ **Chapter 16.60 - Master Site Plan**;
 - 2. Show on site plan, height of structures, (buildings, signs, utility poles), and trees in a one-block radius. Also, show any change in topography that would maximize visual screen.
- B. The Planning Commission will base their decision on the following information:
 - 1. Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;
 - 2. Location of the antenna to existing vegetation, topography and buildings to maximize visual screening;
 - 3. Meeting requirements of the conditional use permit as outlined in the ordinance.
- C. Must receive site plan approval;
- D. Conditional use requirements:
 - 1. One (1) off-street parking space is required;
 - 2. Install a six-foot (6') high chain link fence around the site;

- 3. Maximum tower height is fifty (50') feet;
- 4. All storm water must be retained on property;
- 5. Obtain a building permit;

~~6. Include with building permit application an engineer's report on wind lode requirements, construction requirements and stamped by an engineer of the State of Utah.~~

~~E. Planning Commission can lower height in order to bring the antenna into compatibility with other structures height and existing screening.~~

(Ord. No. 96-28, Enacted, 11/20/96)

SECTION A. REPEALER. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

SECTION B. SEVERABILITY. The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

SECTION C. EFFECTIVE DATE. This ordinance shall take effect the day after publication the ___ day of _____ 2016.

Mayor Sonja Norton

ATTEST:

Kenneth L. Bassett, City Recorder

(S E A L)

Date of Publication: _____