

ORDINANCE NO. 22-06-16

AN ORDINANCE AMENDING TITLE 10, OF HINCKLEY TOWN CODE (1996), AS AMENDED, ENTITLED "HINCKLEY TOWN'S ZONING ORDINANCES".

RECITALS

The Town Council of the Town of Hinckley, Utah, referred to herein as the "Town Council," recites the following as the bases for enacting this ordinance:

A. The Town Council heretofore adopted Title 10, of the Hinckley Town Code (1996) entitled "Hinckley Town's Zoning Ordinance".

B. The Town Council has determined that it is necessary to amend Title 10, Chapter 1, General Provisions 10-1—3 Definitions, 89. Setback and Chapter 4, Residential Zone, 10-4—7 Yard Requirement.

C. The Town Council finds that such amendments to Title 10 are necessary and appropriate and are in the best interest of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hinckley, Utah:

Section 1. Enactment of Amendment to Hinckley Town Code. This Ordinance is hereby enacted and adopted by the Town Council amending Title 10, Chapter 1, General Provisions 10-1—3 Definitions, 89. Setback and Chapter 4, Residential Zone, 10-4—7 Yard Requirement. of the Hinckley Town Code (1996) entitled "Hinckley Town's Zoning Ordinances", to read, as set forth in the document attached hereto as Attachment "A" and incorporated herein by reference.

Section 2. Effective Date. This ordinance shall become effective 20 days after posting.

Section 3. Posting. A complete copy of this ordinance is ordered posted in three public places within the Town of Hinckley, Utah.

Section 4. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining provisions of this ordinance.

Section 5. Conflicting Ordinances, Resolutions or Policies. To the extent that any ordinances, resolutions, or policies of the Town of Hinckley conflict with the provisions of this ordinance, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED this _ day of June 2022.

TOWN OF HINCKLEY, UTAH

BRIAN FLORANG, Mayor

ATTEST: _____
Tresa Taylor, Town Clerk

85. **PUBLIC STREET:** A public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.
86. **RECREATION VEHICLE:** A vehicle used, designed or maintained primarily as a temporary dwelling for travel, vacation or recreation purposes, licensable in the State of Utah, and which can be driven or pulled upon the highways without a special permit.
87. **RECREATION VEHICLE COURT:** An area or tract of land used to accommodate two (2) or more recreation vehicles or camper units for a short period of time (less than 30 days).
88. **RIGHT-OF-WAY:** A right-of-way is a strip of land that is granted dedicated for transportation purposes, such as for a street, and easement, alley, driveway, road or highway, lanes, avenues, cul-de-sacs, and boulevards. A right-of-way is reserved for the purpose of maintenance or expansion of existing services within the right-of-way. In the case of an easement, it may revert to its original owners if the facility is abandoned.
89. **SETBACK:** The shortest distance between the property line and the building, or part thereof. Any lot that met the requirements of a “buildable” lot size prior to the codified date of this definition shall continue to be considered buildable after said date. The setback requirements will have no such extension of time. Any new construction, remodel or addition of a building shall meet the required setbacks.

Use	Minimum Lot Size	Setbacks
One-Family Dwelling Interior Lot	1/3 Acre (14,520 SF)	Front: 30 Feet Side: Minimum 10 Feet any side; Minimum 25 Feet Combined Rear: 30 Feet Minimum
One-Family Dwelling Corner Lot	1/3 Acre (14,520 SF)	Front: 30 Feet Side Abutting Street: Minimum ~~15~~ 20 Feet; Side Minimum ~~25~~ 30 Feet Combined Rear: 30 Feet Minimum
Two-Family Dwelling Interior Lot	1/3 Acre (14,520 SF)	Front: 30 Feet Rear and Side: Minimum 10 Feet one side; Minimum 40 Feet Combined
Two-Family Dwelling Corner Lot	1/3 Acre (14,520 SF)	Front: 30 Feet Side Abutting Street: Minimum ~~15~~ 20 Feet; Side Minimum ~~40~~ 30 Feet ~~Combined Side and Rear~~ ~~Combined~~ Rear: 30 Feet Minimum
Multi-Family Dwelling Interior Lot	1/2 Acre (21,780 SF)	Front: 30 Feet

		Rear and Side: Minimum 10 Feet one side; Minimum 40 Feet Combined
Multi-Family Dwelling Corner Lot	1/2 Acre (21,780 SF)	Front: 30 Feet Side Abutting Street: Minimum ~~15~~ 20 Feet; Side Minimum ~~40~~ 30 Feet ~~Combined Side and Rear~~ ~~Combined~~ Rear: 30 Feet Minimum
Accessory Building	1. The accessory building is located more than six (6) feet to the rear of any main building on the same lot or the lot adjacent to the property line on which said building is being placed. 2. It has no openings on the side which is contiguous to the property line of an adjacent lot. 3. It has one-hour fire resistant construction in the wall adjacent to said property line. 4. It provides for all roof drainage to be retained on the subject lot or parcel.	If all the conditions to the left are met an accessory building may be permitted to be built on the side and/or rear property line. If all the conditions to the left are NOT met the accessory building shall be at least five (5) feet from the side and/or rear property line.

90. SIGN: Any device designated and intended to bring the subject thereof to the attention of the public; provided, however, that the following shall not be included in the application of regulations relating to signs:

- a. Flags or insignia of any government, except when displayed in connection with a commercial promotion.
- b. Legal notices and signs used for regulation, identification and informational purposes erected by a governmental body.
- c. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
- d. Political campaign signs.

91. SIGN, ACCESSORY: A sign which directs attention to a business or profession, conducted on the premises.

92. SIGN, NONACCESSORY, BILLBOARD: A sign which directs attention to a business, commodity, service, or entertainment, which is conducted, sold or offered at a location other than the premises.

93. STRUCTURE: Anything constructed or erected which requires location on the ground, but not including a tent or vehicle.

C. Permitted Accessory Uses. Accessory uses and structures are permitted in the R zone; provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

1. Accessory Building
 - a. A building located on a lot or parcel of land, the use of which is appropriate, subordinate and customarily incidental to that of the main building and/or principal use of land.
2. Swimming pools.
3. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed, provided that such uses are on the building site or immediately adjacent thereto, and provided further that such shall be for only the period of construction and thirty (30) days thereafter.
4. Storage of potentially useable materials for personal use may be kept; if storage of said material does not pose a safety or fire hazard. Also, storage must be kept in an orderly and organized manner as far from the public view as reasonable.
5. Building or structures required for the housing, nurture, confinement, or storage of animals permitted in this zone, or equipment required for the care and keeping thereof.
6. Home occupations, subject to the conditions of Chapter 14 of This Title.

D. Conditional Uses. Uses and structures are permitted in the R zone only after a Conditional Use Permit has been obtained and subject to the terms and conditions thereof.

10-4—3 LOT AREA

The minimum area for any lot or parcel of land in the R zone shall be:

Use	Minimum Lot Size
One-Family Dwelling	1/3 Acre (14,520 SF)
Two-Family Dwelling	1/3 Acre (14,520 SF)
Multi-Family Dwelling	1/2 Acre (21,780 SF)

10-4—4 LOT WIDTH

Each lot or parcel of land in the R zone, shall have a width of not less than seventy-five (75) feet.

10-4—5 LOT FRONTAGE

Each lot or parcel of land in the R zone shall abut a public street for a minimum distance of seventy-five (75) feet, or thirty-five (35) feet along the circumference of a cul-de-sac improved to Town standards. Frontage on a street end which does not have a cul-de-sac improved to Town standards shall not be counted in meeting this requirement.

10-4—6 PRIOR CREATED LOTS

Lots or parcels of land which were created prior to the application of the zone, shall not be denied a building permit solely for reason of non-conformance with the parcel requirements of this chapter.

10-4—7 YARD REQUIREMENT

The following minimum yard requirements shall apply in the R Zone.

Use	Minimum Lot Size	Setbacks
One-Family Dwelling Interior Lot	1/3 Acre (14,520 SF)	Front: 30 Feet Side: Minimum 10 Feet any side; Minimum 25 Feet Combined Rear: 30 Feet Minimum
One-Family Dwelling Corner Lot	1/3 Acre (14,520 SF)	Front: 30 Feet Side Abutting Street: Minimum ~~15~~ 20 Feet; Side Minimum ~~25~~ 30 Feet Combined Rear: 30 Feet Minimum
Two-Family Dwelling Interior Lot	1/3 Acre (14,520 SF)	Front: 30 Feet Rear and Side: Minimum 10 Feet one side; Minimum 40 Feet Combined
Two-Family Dwelling Corner Lot	1/3 Acre (14,520 SF)	Front: 30 Feet Side Abutting Street: Minimum ~~15~~ 20 Feet; Side Minimum ~~40~~ 30 Feet Combined Side and Rear Combined Rear: 30 Feet Minimum
Multi-Family Dwelling Interior Lot	1/2 Acre (21,780 SF)	Front: 30 Feet Rear and Side: Minimum 10 Feet one side; Minimum 40 Feet Combined
Multi-Family Dwelling Corner Lot	1/2 Acre (21,780 SF)	Front: 30 Feet Side Abutting Street: Minimum ~~15~~ 20 Feet; Side Minimum ~~40~~ 30 Feet Combined Side and Rear Combined Rear: 30 Feet Minimum
Accessory Building	1. The accessory building is located more than six (6) feet to the rear of any main building on the same lot or the lot adjacent to the property line on which said building is being placed. 2. It has no openings on the side which is contiguous to the property line of an adjacent lot. 3. It has one-hour fire resistant construction in the wall adjacent to said property line. 4. It provides for all roof drainage to be retained on the subject lot or parcel.	If all the conditions to the left are met an accessory building may be permitted to be built on the side and/or rear property line. If all the conditions to the left are NOT met the accessory building shall be at least five (5) feet from the side and/or rear property line.

10-4—8 PROJECTIONS INTO YARDS

A. The following structures may be erected on or projected into any required yard.

1. Fences and walls in conformance with Town codes or ordinances.
2. Landscape elements, including trees, shrubs, agriculture crops and other plants.
3. Necessary appurtenances for utility services.
4. Front Steps.