

**VERNAL
ORDINANCE 2019-10**

AN ORDINANCE AMENDING THE VERNAL CITY MUNICIPAL CODE, SECTION 16.04.192 DWELLING, MIXED USE ACCESSORY, SECTION 16.20.310 DWELLING, MIXED USE ACCESSORY, SECTION 16.48.030 USES, AND SECTION 16.50.020 USE REGULATIONS.

WHEREAS, the City Council finds that amending dwelling, mixed use accessory in accordance with State Statute 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.

NOW THEREFORE, be it ordained by the City Council of Vernal City, Utah as follows::

SECTION 1: **AMENDMENT** “Section 16.04.192 Dwelling, Mixed Use Accessory” of the Vernal Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 16.04.192 Dwelling, Mixed Use Accessory

A dwelling that is incorporated into a structure that is subsidiary and subordinate to the primary use of the structure. ~~No structure may have more than fifty percent (50%) of its gross floor area used as mixed use accessory dwelling.~~ (Ord. 2016-04, Add, 04/22/2016)

SECTION 2: **ADOPTION** “Section 16.20.310 Dwelling, Mixed Use Accessory” of the Vernal Municipal Code is hereby *added* as follows:

A D O P T I O N

Section 16.20.310 Dwelling, Mixed Use Accessory(*Added*)

- A. No structure may have more than fifty percent (50%) of its gross floor area used as a mixed use accessory dwelling.
- B. At least one (1) dedicated entrance must be provided for any dwelling or group of dwellings in each structure. Such entrance must provide occupants access from the outside of the structure to the dwelling(s) without requiring them to pass through any other separately leased space or business activity.
- C. In considering a mixed use accessory dwelling as a conditional use, the following items shall be evaluated:
 - 1. The availability of parking spaces to support the proposed dwelling; and
 - 2. The noise and other potential nuisances generated by adjoining uses; and
 - 3. The hours of operating of adjoining uses.

SECTION 3: AMENDMENT “Section 16.48.030 Uses” of the Vernal Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 16.48.030 Uses

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Chapter 16.14 Conditional Uses, of this title. Uses designated as "N" will not be allowed in that zone.

USES	C-2	CC-1
Accessory buildings and uses customarily incidental to a permitted use	P	P
Amusement enterprises	C	C
Animal Boarding	P	P
Animal Hospital, small animals only and provided conducted within a completed enclosed building	P	P
Apartment, multi-family	C	C
Athletic Club	P	P
Auction establishment	P	C
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within a completely enclosed building	P	P
Bakery	P	P
Bed and Breakfast	C	C
Billiard parlor	C	P
Boardinghouses	C	C
Bottling and distribution plant	P	P
Bowling Alley	P	P
Boxing arena	C	C
Bus terminal	P	P
Caretaker Dwelling	P	P
Carpenter and cabinet shop	C	C
Car wash	P	P
Christmas tree sales	P	P
Church	P	P
Church, temporary revival	P	P
Circus, carnival or other transient amusement	P	P
Coal and fuel sales office	C	C
Commercial storage units - providing for secured inside storage. Units shall be permanently secured on a foundation or cement flooring	P	P

Contractor shop, provided work is conducted within a completely enclosed building	P	C
Dance hall	C	C
Data center	P	P
Drive-Up Window Service	P	P
Dwelling, Mixed Use Accessory	CN	P
Farm implement sale	P	P
Fireworks Stand - temporary	P	P
Food vendors, temporary	P	P
Garden supplies and plant material sales	P	P
Government buildings or uses, nonindustrial	P	P
Greenhouse and nursery, soil and lawn service	P	P
Group Homes	P	P
Gymnasium	P	P
Hand crafted items, manufacture and retail sales on premise	P	P
Health Spa	P	P
Ice cream manufacture	C	C
Liquor Store	C	C
Lodge or social hall	P	P
Lumberyard	P	C
Machine shop operations incidental to any use permitted in a commercial zone	P	P
Manufacture of goods retailed on premises	C	C
Massage therapy with a State license	P	P
Miniature golf	P	C
Mobile home and Manufactured home sales lot, service and caretaker dwelling	P	N
Monument works and sales	P	P
Mortuary	P	P
Museum	P	P
Nightclub or social hall	C	C
Park and playground	P	P

Pet grooming parlor	P	P
Public utilities substation	C	C
Radio, television or FM broadcasting station	P	P
Reception center or wedding chapel	P	P
Recreation center	P	P
Recreational vehicle storage	C	C
Rental agency for home and garden equipment	P	P
Restaurant, hotel, motel	P	P
Retail, financial, office and personal service establishments provided there is no storage of merchandise or equipment outside of enclosed buildings and further provided that such is not designated as a conditional use elsewhere in this chapter	P	P
Roofing shop	C	C
School, public or private	P	P
Service station, automobile excluding painting, body and fender and upholstery work	P	P
Sheet metal shop and retinning, provided all operations are conducted within a completely enclosed building	C	C
Sign manufacture or sign painting	C	P
Sign, off-premises	C	C
Storage, outside, provided such storage area is enclosed within a minimum six (6) foot high non-see-through buffer, (such as a fence or land berming) to adequately shield the storage area from outside view, provided, however, that a single see-through gate area for ingress and egress no wider than twelve (12) feet may be maintained as part of the fenced area	C	C
Tavern	C	C
Taxidermist	P	P
Temporary building for uses incidental to construction work	P	P
Temporary merchants - short term	P	P
Temporary merchants - long term	P	P
Temporary sales event	P	P

Theater, indoor	P	P
Theater, outdoor	C	C
Tire recapping or retreading sales and service	C	C
Tower, amateur radio	C	C
Tower, low power radio	C	C
Tower, small cellular	P	P
Travel-trailer court	C	N
Travel-trailer or RV sales and service	P	C
Truck terminals	C	C
Urban farms	P	P
Used car lot	P	P
Warehouse storage	C	P
Welding shop	C	P
Wholesale business	P	P
Other uses not mentioned in this section but ruled by the Planning Commission to be similar to uses permitted in this section	P	P

(PZSC § 03-24-005) (Ord. No. 94-17, Amended, 08/11/94; Ord. No. 95-15, Amended, 09/06/95; Ord. No. 96-07, Amended, 03/20/96; Ord. No. 96-25, Amended, 10/02/96; Ord. No. 96-28, Amended, 11/20/96; Ord. No. 98-16, Amended, 10/21/98; Ord. No. 98-16, Amended, 10/21/98) (Ord. 2017-18, Amended, 10/18/2017; Ord. 2017-11, Amended, 08/16/2017; Ord. 2017-01, Amended, 01/18/2017; Ord. 2016-04, Amended, 04/22/2016; Ord. 2015-02, Amended, 02/04/2015; Ord. 2013-08, Amended, 05/16/2013; Ord. 2013-03, Amended, 03/20/2013; Ord. 2012-18, Amended, 05/16/2012; Ord. 2011-07, Amended, 05/18/2011; Ord. 2003-07, Amended, 04/23/2003)

SECTION 4: **AMENDMENT** “Section 16.50.020 Use Regulations” of the Vernal Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 16.50.020 ~~Use Regulations~~ Uses

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Chapter 16.14 Conditional Uses, of this title. Uses designated as "N" will not be allowed in that zone.

USES	CP-2	CCP-1
Accessory buildings and uses customarily incidental to a permitted use	P	P
Amusement enterprises	C	C
Animal Boarding	P	P
Animal Hospital, small animals only and provided conducted within a completed enclosed building	P	P
Apartment, multi-family	C	C
Athletic Club	P	P
Auction establishment	P	C
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within a completely enclosed building	P	P
Bakery	P	P
Bed and breakfast	C	C
Billiard parlor	C	P
Boardinghouses	C	C
Bottling and distribution plant	P	P
Bowling Alley	P	P
Boxing arena	C	C
Bus terminal	P	P
Caretaker dwelling	P	P
Carpenter and cabinet shop	C	C
Car wash	P	P
Christmas tree sales	P	P
Church	P	P
Church, temporary revival	P	P
Circus, carnival or other transient amusement	P	P
Coal and fuel sales office	C	C
Commercial storage units - providing for secured inside storage. Units shall be permanently secured on a foundation or cement flooring	P	P

Contractor shop, provided work is conducted within a completely enclosed building	P	C
Dance hall	C	C
Data center	P	P
Drive-Up window service	P	P
Dwelling, mixed use accessory	CN	P
Farm implement sale	P	P
Fireworks stand - temporary	P	P
Food vendors, temporary	P	P
Garden supplies and plant material sales	P	P
Government buildings or uses, nonindustrial	P	P
Greenhouse and nursery, soil and lawn service	P	P
Group Homes	P	P
Gymnasium	P	P
Hand crafted items, manufacture and retail sales on premise	P	P
Health Spa	P	P
Ice cream manufacture	C	C
Liquor Store	C	C
Lodge or social hall	P	P
Lumberyard	P	C
Machine shop operations incidental to any use permitted in a commercial zone	P	P
Manufacture of goods retailed on premises	C	C
Massage therapy with a State license	P	P
Miniature golf	P	C
Mobile home and manufactured home sales lot, service and caretaker dwelling	P	N
Monument works and sales	P	P
Mortuary	P	P
Museum	P	P

Nightclub or social hall	C	C
Park and playground	P	P
pet grooming parlor	P	P
Public utilities substation	C	C
Radio, television or FM broadcasting station	P	P
Reception center or wedding chapel	P	P
Recreation center	P	P
Recreational vehicle storage	C	C
Rental agency for home and garden equipment	P	P
Restaurant, hotel, motel	P	P
Retail, financial, office and personal service establishments provided there is no storage of merchandise or equipment outside of enclosed buildings and further provided that such is not designated as a conditional use elsewhere in this chapter	P	P
Roofing shop	C	C
School, public or private	P	P
Service station, automobile excluding painting, body and fender and upholstery work	P	P
Sheet metal shop and retinning, provided all operations are conducted within a completely enclosed building	C	C
Sign manufacture or sign painting	C	P
Sign, off-premises	C	C
Storage, outside, provided such storage area is enclosed within a minimum six (6) foot high non-see-through buffer, (such as a fence or land berming) to adequately shield the storage area from outside view, provided, however, that a single see-through gate area for ingress and egress no wider than twelve (12) feet may be maintained as part of the fenced area	C	C
Tavern	C	C
Taxidermist	P	P
Temporary building for uses incidental to construction work	P	P
Temporary merchants - short term	P	P

Temporary merchants - long term	P	P
Temporary sales event	P	P
Theater, indoor	P	P
Theater, outdoor	C	C
Tire recapping or retreading sales and service	C	C
Tower, amateur radio	C	C
Tower, low power radio	C	C
Tower, small cellular	P	P
Travel-trailer court	C	N
Travel-trailer or RV sales and service	P	C
Truck terminals	C	C
Urban farms	P	P
Used car lot	P	P
Warehouse storage	C	P
Welding shop	C	P
Wholesale business	P	P
Other uses not mentioned in this section but ruled by the Planning Commission to be similar to uses permitted in this section	P	P

(PZSC § 03-25-002)

(Ord. 2017-18, Amended, 10/18/2017; Ord. 2017-11, Repealed and Replaced, 08/16/2017)

SECTION 5: REPEALER CLAUSE All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

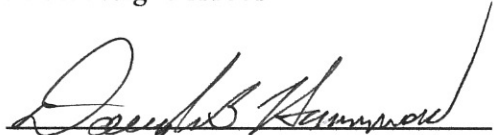
SECTION 6: SEVERABILITY CLAUSE The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

SECTION 7: EFFECTIVE DATE This ordinance shall take effect the day after publication the 24th day of July, 2019.

PASSED AND ADOPTED BY THE VERNAL COUNCIL _____.

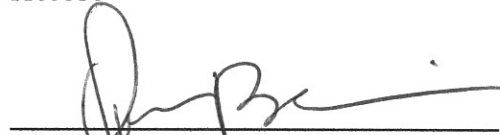
	AYE	NAY	ABSENT	ABSTAIN
Councilmember Samantha Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Travis Allan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Dave Everett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Bert Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Ted Munford	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Presiding Officer



Doug Hammond, Mayor, Vernal

Attest



QUINN B BENNION, City Manager /
Recorder Vernal

