

**TITLE 10  
TORREY ZONING ORDINANCE**

**Chapter 1  
General Provisions**

---

**10-1-1 Short Title**

This Title shall be known as the **Torrey Zoning Ordinance** (that hereinafter may be referred to as "this Ordinance," "this Title," or "Land Use Ordinance").

**10-1-2 Authority and Applicability**

- A. Adoption. The Torrey Town Council adopts this Ordinance, including the maps and appendices, as attached hereto, pursuant to the Municipal Land Use, Development and Management Act-, as amended (Utah Code Section 10-9a, et. seq., hereinafter "the Act") and all other authorities and provisions of State and Federal laws and case law, as applicable. This Title is adopted as a land use ordinance, as authorized and defined by the Act.
- B. Applicability. This Ordinance shall apply to all property located within the boundaries of Torrey, Utah (that may be hereinafter referred to as "Torrey" or "the Town").
- C. Construction. As provided by the Act, the Town may exercise all powers granted by the Act, except in cases clearly contrary to the intent of the law.
- D. Consistency. The provisions and standards of this Ordinance are found to be consistent with the Torrey General Plan, as adopted.

**10-1-3 Declaration**

This Ordinance provides for the establishment of zones and overlays with associated use requirements and standards, for the guidance, management, and regulation of all uses, buildings and structures, and other activities occurring within the Town. This Ordinance is found to be consistent with and to meet all requirements of the Act.

**10-1-4 Purposes**

The purposes of this Ordinance are:

- A. To implement the General Plan;
- B. Provide for the health, safety, and well-being of all town residents;
- C. Preserve the small, quiet, rural, quality of life in Torrey;
- D. Guide and direct orderly growth and development, consistent with the General Plan, including its land use policies;
- E. Provide for fairness and consistency in land use policy and all related decision-making;
- F. Protect farming and ranching as a lifestyle choice for residents;
- G. Preserve the Town's natural beauty and resources, including, but not limited to, open spaces, clean air and water, and night skies;
- H. Provide for the establishment of appropriately compatible commercial activities that meet the needs of Town residents and visitors;
- I. Protect all landowners from all adverse impacts and nuisance from adjoining uses;
- J. Protect all property values and the Town's tax base; and
- K. Encourage pride in the appearance and quality of the Town.

**10-1-5 Effective Date**

This Ordinance is effective on <insert date>, following its adoption by the Town Council, and the Town Council's receipt of a Planning Commission recommendation.

**10-1-6 Severability**

If any chapter, part, section, paragraph or subsection of this Title, or the Application

12/16/2020

thereof is held to be invalid, the remainder of this Title shall not be affected thereby.

**10-1-7 Omissions**

An omission to specify or enumerate in this Ordinance those provisions of general law applicable to all Utah municipalities shall not be construed to be a waiver of any such laws.

**10-1-8 Amendments**

- A. This Ordinance may be amended by the Torrey Town Council from time to time, but any proposed amendment must first be submitted to the Planning Commission for review, a Public Hearing, and a recommendation with comments to the Town Council. Requests to amend this Ordinance may come from the Town Council, the Mayor, the Planning Commission, Torrey Town property owners, or Torrey Town residents.
- B. No proposed amendment shall be adopted unless the proposed amendment complies with the following criteria:
  - 1. The proposed amendment will place all property similarly situated into the same zoning classification or in complementary classifications;
  - 2. All uses permitted under the proposed amendment are in the general public interest and not merely in the interest of an individual or small group;
  - 3. All uses permitted under the proposed amendment will be appropriate in the area to be included in the proposed amendment;
  - 4. The character of the neighborhood will not be adversely affected by any use permitted in the proposed amendment; and
  - 5. The proposed amendment is consistent with the town General Plan.
- C. Before adopting any amendment to this Title, the Town shall comply with the notice and hearing requirements of Utah Code Annotated section 10-9a-205.

**10-1-9 Fees**

The town council may establish, by resolution, an administrative fee for the processing and review of applications for development approval, appeals and variances designed to recover an amount not to exceed the actual or anticipated costs of review. Service providers may adopt their own review fees. All review fees shall be paid prior to the approval of the development permit.

**Chapter 6**  
**Zones Established, Related Regulations**

---

**10-6-1 Zones Established – Purposes and Location**

For the purposes of this Ordinance, the Town establishes the following zones:

- A. **Rural Residential Zone (RR):** The Rural Residential Zone is provided to promote and preserve conditions favorable to rural life and the keeping of limited numbers of animals and fowl. The Rural Residential Zone is characterized by a variety of parcel and lot sizes, which maintain open space. The Rural Residential Zone is primarily residential in character, protected from the encroachment by nonresidential uses to ensure new development is compatible and found to be consistent with the Zone's purposes.

**Rural Residential Zone (RR) Location.** This Zone includes all parcels and lots, except those not located in another zone, and as shown on the Torrey Zoning Map, attached as Map 1.

- B. **Mixed-Use Zone (MU):** The purposes of the Mixed-Use Zone are to preserve the Town's existing small-town, rural character and to provide opportunities for the establishment of compatible commercial and residential activities. This Zone allows for a compatible and complementary mix of residential and nonresidential uses, and open spaces. The Mixed-Use Zone allows nonresidential uses, fosters integration and compatibility of uses, and encourages a walkable and safe pedestrian and biking environment. Overall purposes are to maintain open space, continue residential uses, promote economic development opportunities, and provide buffers and compatibilities between residential and nonresidential uses. The use of any parcel or lot in the Mixed-Use Zone remains permitted as it is at the time this Ordinance is adopted.

**Mixed-Use Zone (MU) Location.** The Mixed-Use Zone includes all parcels and lots with a common property boundary to the Main Street right-of-way and extending from the eastern Town boundary to the western Town boundary, and all parcels and lots with a common property boundary to the Center Street, extending from the centerline of 100 South Street to the centerline of 200 North Street, as shown on the Torrey Zoning Map, attached as Map 1.

- C. **Agricultural Overlay (AO):** The purposes of the Agricultural Overlay is to protect and promote the agricultural heritage of Torrey while preserving and promoting areas and conditions favorable to agriculture, to preserve lands for natural drainage areas, open space and agricultural uses, to protect views, to preserve natural settings, and to add to the character and aesthetic qualities of the Town. The Agricultural Overlay recognizes the agricultural heritage and history of the Town seeking to protect those legacies for future generations.

**Agricultural Overlay (AO) Location.** The Agricultural Overlay consists of all parcels and lots within the Town's boundaries as shown on the Torrey Zoning Map, attached as Map 2.

- D. **Heritage Overlay (HO):** The purpose of the Heritage Overlay is to protect the heritage and character of the central (downtown) area of Torrey and to provide a quiet, clean, safe, and walkable setting with rural character and charm that is valued and appreciated by residents and visitors. The Heritage Overlay is a place where natural, scenic, pastoral, architectural, cultural, and historic resources come together to form Torrey's distinctive character. Many structures that date to the Town's early years remain in the Heritage Overlay as reminders of the Town's history and early residents. It is important to preserve the defining features of the Heritage Overlay, including the Cottonwood trees that line main street. The Heritage Overlay is intended preserve these historical features and the intrinsic charm and intimate scale of the Town for the benefit of the Community, and to be a major attraction for visitors who are key to the Town's economic vitality and viability.

**Heritage Overlay (HO) Location.** The Heritage Overlay consists of all parcels and lots located within the original, 1934 plat of the incorporated Town; and identified further as all parcels and lots with a common property boundary to the centerline of 100 South Street to the centerline of 200 North Street, and extending from the eastern Town boundary to the centerline of 300 West Street, as shown on the Torrey Zoning Map, attached as Map 3.

### **10-6-2 Official Zone Map Adopted, Amendments**

The Torrey Zoning Map (Maps 1, 2 and 3 attached hereto) are hereby adopted by this reference and are made part of this Ordinance. Maps 1, 2 and 3 and the Town's zones may be amended from time to time as determined necessary by the Town Council, following the receipt of a Planning Commission recommendation. Further, other zones may be provided as determined necessary by the Town Council, following the receipt of a Planning Commission recommendation.

### **10-6-3 Rules for Locating Zone Boundaries**

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

- A. Where a zone boundary is indicated as being the centerline of a road, street, alley, or following a property line, then unless otherwise definitely indicated by Maps 1, 2 and 3, the centerline of such road, street, alley or property line, shall be construed as the boundary of the zone.
- B. Whenever a zone boundary is indicated as being the centerline of any river, irrigation canal, or other waterway, the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.
- C. When a zone boundary cannot be determined by the application of the above rules, the location may be determined by the use of the scale appearing on Maps 1, 2, and 3.
- D. Where the application of the above rules does not clarify a zone boundary, the Town Council shall interpret the map following a recommendation by the Planning Commission.

### **10-6-4 Applications**

- A. Applications accepted as complete for any approval, license, or permit required by this Title shall be processed, reviewed, and approved or denied, subject to the provisions of this Title and other ordinances and resolutions of the Town, as applicable, in effect at the time the Application is determined "complete."
- B. No building or structure shall be erected, and no existing building or structure shall be moved, altered or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any use, activity, purpose other than as allowed by this Ordinance.

### **10-6-5 State and Federal Property.**

Unless provided by law nothing in this Title shall be construed as having any authority over properties owned by the State of Utah or the United States.

### **10-6-6 Property Owned by Other Governmental Units.**

Each county, municipality, school district, charter school, special district, and political subdivision of Utah shall comply with the provisions of this Title unless law specifically provides otherwise.

### **10-6-7 Building Permit(s) Required.**

- A. Construction, alteration, repair, or removal of any building, structure, or part thereof as provided or as restricted in this Title shall not be commenced or continued except after the issuance of a valid building permit, as required.
- B. All applications for building permits, including Accessory Buildings, shall be submitted to the Planning Commission for land use review to assure conformity with the General Plan and compliance with this Ordinance. The applications shall include architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, ground cover treatment, fences, off street parking and circulation, location and size of the adjacent streets, north arrow, property lines, existing grades, proposed new grades, point of water and sewer connections, percolation results, curb cuts, and locations of all freestanding signs.

**10-6-8 Vesting of Rights.**

- A. On the date of a determination of a complete application, any land use application shall vest to the terms of this Title and the Act in effect on that date, unless such vesting is affected by a pending amendment to this Title, or a temporary zoning regulation.
- B. It is the intent of this Title that no vested right shall be conferred pursuant to an application for development approval except for the following:
  - 1. An application for building permit as provided by applicable law.
  - 2. An application for final site plan or final subdivision plat as provided by applicable law.
  - 3. A building permit shall be considered void after 180 days if construction has not commenced.
  - 4. All other development permits shall be considered void after one year unless substantial construction or development has taken place or has continued in good faith without interruption. One 6-month extension of a development permit may be granted by the Town Council upon a finding that special circumstances exist which warrant such an extension, including, but not limited to, a delay caused by a government review agency or a natural disaster.

**10-6-9 Rules for Parcel or Lot Use**

- A. The requirements of this Ordinance pertaining to minimum lot area or width shall not prevent the use for a single-family dwelling on any parcel or lot of land in the event that the parcel or lot was held in separate ownership at the time such parcel or lot became nonconforming as to area or width.
- B. Every dwelling shall be located and maintained on a parcel or lot, as defined herein.
- C. No space needed to meet the requirements of this Ordinance for minimum lot size may be sold or leased away from such lot.
- D. No parcel of land which has less than the minimum area requirement may be separated from a larger parcel of land for any purpose.

**Chapter 7**  
**Permitted Uses, Minimum Development Standards, Off-Street Parking, and Compatibility,**  
**Buffering, and Adjacency Standards**

---

**10-7-1 Permitted and Prohibited Uses**

- A. All uses permitted by this Ordinance, either as a Permitted Use or Conditional Use, by zone or overlay designation, and as defined, are identified in Appendix A - Table of Uses. Uses listed in the Table of Uses are defined in Appendix C - Definitions, which should be used in conjunction with Appendix A - Table of Uses.
- B. Any use not specifically permitted for in Appendix A - Table of Uses is hereby declared a prohibited use within Torrey Town.

**10-7-2 Minimum Development Standards**

- A. The Minimum Development Standards, applicable to each zone and overlay are provided by Appendix B – Tables of Minimum Development Standards.
- B. No development shall be approved by the Town unless there are available and adequate public facilities and services consistent with the Town’s adopted level of service standards, except as otherwise permitted in this Ordinance. Prior to the issuance of any development permit, the applicant shall demonstrate that all necessary public facilities and services are or will be available and adequate.

**10-7-3 Off-Street Parking Standards**

The minimum Off-Street Parking and Loading standards, applicable to each use are provided by Appendix D – Table of Off-Street Parking and Loading Standards.

**10-7-4 Compatibility, Buffering, and Adjacency Standards**

The standards for use compatibility and buffering, as applicable, are provided by Appendix E – Adjacency, Compatibility, and Buffering Standards.

**10-7-5 Signage and Outdoor Lighting Standards**

The standards applicable to all allowed signs and outdoor lighting equipment are provided in the Sign Ordinance and Lighting Ordinance contained in Title 9, Building Regulations.

**10-7-6 Hazardous Materials and Processes**

Uses that routinely use hazardous materials or routinely use processes that generate dust, smoke, noxious odors, or noise must comply with all applicable Utah State Codes regarding the use of hazardous materials or processes. If the hazardous materials or processes cause a nuisance for nearby properties, the Planning Commission may require an abatement plan to be submitted by the business for review and approval by the Commission. The approved abatement plan is not followed by the business, the Town Council may suspend the business's license until the business comes into compliance with the abatement plan. In the event Torrey Town undertakes clean up or abatement of the effects of hazardous materials, the business license holder will reimburse all costs to Torrey Town and/or other entities involved in the mitigation.

**10-7-7 Standards for Conditional Use Decisions**

Conditional uses are those uses which are generally compatible with the permitted uses in a zoning district, but which, because of their size, scale, intensity of use, traffic generation, or other characteristics, require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. When making decisions on conditional use permit applications submitted to it, the Planning Commission shall consider all reasonable standards applicable to the building, structure, or use, which mitigate the anticipated detrimental effects of the proposed use, building, or structure. These conditions may include, but are not be limited to, the following:

12/16/2020

- A. The size, configuration, and location of the site, and proposed site plan layout;
  - B. The proposed site ingress and egress to existing and proposed roads and streets;
  - C. The provision of public facilities and amenities, including, but not limited to, roads and streets, water, sewer, storm drainage, public safety, fire protection, and other utilities;
  - D. The location and amount of off-street parking and loading areas;
  - E. The site's circulation pattern for vehicular and pedestrian traffic;
  - F. The building's size, location, design, and exterior features and materials;
  - G. The design of all site features, including proposed signage, lighting (with recommendations from the International Dark Sky Association), and refuse collection;
  - H. The provision of usable open space, public features, and amenities;
  - I. The provision of public access;
  - J. The fencing, screening, landscape treatments, and other features designed to increase the attractiveness of the site and to protect adjoining property owners from adverse impacts;
  - K. The measures directed at minimizing or eliminating possible nuisance and safety factors, including, but not limited to, noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation;
  - L. The measures designed to protect the natural features of the site, including wetlands and drainage ways, protection of views, groundwater protection, grade changes, wildlife habitat, historic and archeological site protection, iconic structures or vegetation, and other natural site features;
  - M. The regulation of operating hours for all possible activities;
  - N. The identification of a period for regular review and monitoring to ensure the use continues to operate in compliance with all conditions, and requirements of its approval; and,
  - O. Such other conditions deemed reasonable by the Planning Commission to allow the operation of the use in compliance with the requirements of this land Ordinance and consistency with the General Plan.
-

## Appendix A - Table of Uses

### Notes:

1. The Table of Uses below should be used in conjunction with Appendix C - Definitions.
2. All uses included in this Tables of Uses shall meet all applicable requirements of the International Building Code, the Land Use Ordinance, Business Licensing, Building Codes, Health Codes, as well as all other applicable Local, State, and Federal rules and requirements.
3. Uses identified as a **P** Use (Permitted) shall comply with the application, review, and approval procedures and standards provided by Titles 9 and 10.
4. Uses identified as a **C** Use (Conditional) shall comply with the Application, review, and approval procedures and standards provided by Titles 9 and 10.
5. Uses identified with a **D** (Disallowed) are prohibited uses in the zones or overlays.
6. Uses identified as a **T** Use (Temporary Use) shall comply with the Application, review, and approval procedures and standards provided by Titles 9 and 10.
7. Uses identified as a **S** Use (Seasonal Use) shall comply with the Application, review, and approval procedures and standards provided by Titles 9 and 10.
8. A use not listed in this Table of Uses is a Prohibited use in Torrey.
9. A use, legally existing before effective date of this Title, but now not allowed in one or more zones or overlays, may continue as a Nonconforming Use as described in Chapter 7 of this Ordinance.
10. A use included and defined in the Table of Uses shall not be interpreted to be included in the definition of another use.
11. The terrain and slope of the property must be suitable for livestock, including provisions to manage waste removal, odors, drainage, runoff, bedding materials, flies, and feed/hay, such that customary animal activities do not create nuisances for adjacent properties. If animals within the town limits create a nuisance, and complaints are brought before the Town Council, the Council may require the owner to submit and adhere to a management plan.
12. The raising and housing of livestock must comply with all applicable Utah State Codes for such activity.
13. The raising and housing of livestock is limited to two livestock animals per ½ acre.

| Table of Uses  | RR | MU | AO | HO |
|--|----|----|----|----|
| <b>Agricultural &amp; Animal-Related</b>                               |    |    |    |    |
| Accessory Use/Building   | P  | P  | P  | P  |
| Agriculture Use/Building   | P  | P  | P  | P  |
| Raising & Housing of Livestock   | P  | P  | P  | P  |
| Veterinary Clinic  | D  | C  | C  | C  |
| <b>Food &amp; Beverage Services</b>                                    |    |    |    |    |
| Accessory Use/Building   | P  | P  | P  | P  |
| Bar  | D  | P  | D  | C  |
| Café/Coffee Shop/Small Food Service (consult Appendix C - Definitions) | D  | P  | D  | P  |
| Drive-through Food & Beverage (consult Appendix C - Definitions)       | D  | C  | D  | C  |
| Food Truck   | D  | P  | D  | P  |
| Restaurant   | D  | P  | D  | C  |
| Distillery/Cidery/Brewery/Winery                                       | D  | C  | D  | D  |
| <b>Transient Lodging</b>   |    |    |    |    |
| Accessory Use/Building   | P  | P  | P  | P  |
| Bed & Breakfast (consult Appendix C - Definitions)                     | D  | P  | D  | P  |

12/16/2020

|  |                        |   |   |   |
|--|------------------------|---|---|---|
| Hotel (consult Appendix C - Definitions) | D                      | P | D | C |
| Motel (consult Appendix C - Definitions) | D                      | P | D | C |
| Rental Cabins/Campground                 | D                      | P | D | C |
| RV Park                                  | D                      | P | D | D |
| Short Term Rental Unit                   | See Title 3, Chapter 4 |   |   |   |

### Residential Dwellings

|                          |   |   |   |   |
|--------------------------|---|---|---|---|
| Dwelling, Accessory Unit | P | P | P | P |
| Dwelling, Single Family  | P | P | P | P |
| Dwelling, Duplex         | P | P | P | P |
| Dwelling, Triplex        | C | C | C | D |
| Dwelling, Fourplex       | C | C | C | D |

### Retail Sales

|  |   |   |   |   |
|--|---|---|---|---|
| Accessory Use/Building   | P | P | P | P |
| Grocery Store (consult Appendix C - Definitions)               | D | P | D | D |
| Mini-mart/Convenience Store (consult Appendix C - Definitions) | D | P | D | P |
| Retail Store/Shop  | D | P | D | P |
| Seasonal Sales   | D | P | D | P |

### Schools & Child Care

|                            |   |   |   |   |
|----------------------------|---|---|---|---|
| Accessory Use/Building     | P | P | P | P |
| School (public & private)  | C | C | C | C |
| Pre-school/Day Care Center | C | C | C | C |

### Government, Utilities and Public Uses

|                        |   |   |   |   |
|------------------------|---|---|---|---|
| Accessory Use/Building | P | P | P | P |
| Government Facility    | C | C | C | C |
| Public Use             | C | C | C | C |
| Religious Building     | C | C | C | C |

### Other Business Uses

|  |   |   |   |   |
|--|---|---|---|---|
| Accessory Use/Building                             | P | P | P | P |
| Professional Office/Services                       | D | P | D | P |
| Home Occupation (consult Appendix C - Definitions) | P | P | P | P |
| Recreational/Entertainment Facility                | D | C | D | D |
| Light Manufacturing                                | D | P | D | P |
| Residential Facility for the Disabled              | P | P | P | P |
| Residential Facility for the Elderly               | P | P | P | P |

**Appendix B - Table of Minimum Development Standards**

**Notes:**

1. Also see 9-2-4 (Setbacks).

| <b>Minimum Development Standards for Primary Buildings, Structures, and Uses</b>  | <b>Zone</b>                |                            |                            |                            |
|---|----------------------------|----------------------------|----------------------------|----------------------------|
|   | <b>RR</b>                  | <b>MU</b>                  | <b>AO</b>                  | <b>HO</b>                  |
| <b>Minimum Parcel or Lot Size:</b>  | One-half (1/2) acre        | One-half (1/2) acre        | One-half (1/2) acre        | One-half (1/2) acre        |
| <b>Minimum Setbacks for All Parcels &amp; Lots:</b> Unless otherwise specified in Appendix E. Setbacks are measured from the property line                    |                            |                            |                            |                            |
| Front   | 24 Feet from property line |
| Side & Rear   | 12 feet                    | 12 feet                    | 12 feet                    | 12 feet                    |
| <b>Maximum Building Height:</b> Unless otherwise stated in Appendix C - Definitions. Height measured from the natural grade to the highest point of the roof. | 28 feet                    | 28 feet                    | 28 feet                    | 28 feet                    |
| <b>Minimum Building Height:</b> Measured from the Natural grade   | One story                  | One story                  | One story                  | One story                  |

| <b>Minimum Development Standards for Accessory Buildings, Structures, and Uses</b>  | <b>Zone</b>                |                            |                            |                            |
|---|----------------------------|----------------------------|----------------------------|----------------------------|
|   | <b>RR</b>                  | <b>MU</b>                  | <b>AO</b>                  | <b>HO</b>                  |
| <b>Minimum Parcel or Lot Size</b>   | One-half (1/2) acre        | One-half (1/2) acre        | One-half (1/2) acre        | One-half (1/2) acre        |
| <b>Minimum Setbacks for All Parcels &amp; Lots:</b> Unless otherwise specified in Appendix E. Setbacks are measured from the property line.                   |                            |                            |                            |                            |
| Front   | 24 Feet from property line |
| Side & Rear   | 12 feet                    | 12 feet                    | 12 feet                    | 12 feet                    |
| <b>Maximum Building Height:</b> Unless otherwise stated in Appendix C - Definitions. Height measured from the natural grade to the highest point of the roof. | 28 feet                    | 28 feet                    | 28 feet                    | 28 feet                    |
| <b>Minimum Building Height:</b> Measured from the natural grade.  | One story                  | One story                  | One story                  | One story                  |

---

## Appendix C - Definitions

---

**Accessory Building:** A subordinate building detached from, but located on the same lot as, the principal use, and which is incidental to an accessory to the principal use. An Accessory Building shall be no larger than 1500 square feet and must be lower in height than the principal building. It shall contain no living or cooking facilities and shall not be used as a dwelling unit. Accessory buildings in the Heritage Overlay shall be no larger than 1,000 square feet and no taller than 26 feet.

**Accessory Use:** A use clearly subordinate to and customarily incidental to the principal use of a property.

**Agriculture Building:** A main building or Accessory Building used solely in conjunction with an agriculture use. An Agriculture Building shall not be used as a dwelling unit.

**Agriculture Use:** The production, keeping, or maintenance for sale of plants and animals useful to man, including but not limited to: vegetables, fruit, trees, hay, sod, grains, nuts, honey, milk, cheese, and any other agricultural or horticultural products and their storage; the raising of farm poultry and farm livestock, including cattle, sheep, goats, cows, bulls, bison, horses, mules, donkeys, pigs, swine, fur-bearing animals, bees, llamas; alpacas; trees and forest products; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**Bar:** A retail establishment whose principal use is serving alcoholic beverages to customers. A bar may also include snacks or food for sale if secondary to the primary use. Properties serving full meals which may include alcohol are considered restaurants. Issues of noise and hours of operation will be considered during the permitting process.

**Bed & Breakfast:** A facility offering transient lodging where breakfast or other meals are included in the lodging charge. A Bed & Breakfast may be within a house or in a stand-alone structure. These facilities shall have no more than five guest rooms in the RR, AO, or HO Zones, and no more than 10 guest rooms in the MU Zone. A Bed & Breakfast may be, but is not required to be, owner occupied

**Building:** Any structure having a roof supported by columns or walls for the housing, accommodation, or enclosure of persons, businesses, animals, or possessions.

**Building Code:** The International Building Code and International Residential Code, as adopted by the State of Utah and published by the International Code Council (ICC), and Title 9 - Building Regulations of the Torrey Town Codes, establishing rules and regulations for the design, construction, quality of materials, use and occupancy, location, and maintenance of buildings and structures.

**Cafe/Coffee Shop/Small Food Service:** A retail establishment where prepared food and beverages are offered for sale. They may provide seating inside or outside the building as well as take-out services, and may engage in retail sales that are secondary to the principal food service. Typically food is ordered at a counter and alcohol is not served.

**Community:** The connections and mutual respect occurring between residents for the benefit of the Town, and the achievement of shared goals, norms, and values, as provided in the Torrey Town General Plan.

**Compatibility/Compatible:** The ability to allow two or more adjoining uses, buildings, or structures to exist without creating negative impacts or conflicts. Considerations may include, but are not limited to size, intensity, operational standards, site plan configuration, buffering, etc.

**Conditional Use:** Certain uses which may be harmonious under special conditions and in specific locations within a zone, but maybe inappropriate or improper under general conditions and in other locations, are classified as Conditional uses within the various zones and require conditional use permits.

**Distillery/Cidery/Brewery/Winery:** A facility for the production and sale of packaged alcoholic beverages made from fruits or grains. Such facilities may include a tasting room as well as the secondary sale of food in the tasting room.

**Drive-through Food & Beverage:** A retail facility of no more than 500 square feet that allows customers to purchase products without leaving their vehicles. Orders are generally placed using a microphone and picked up at a window. No indoor dining or seating are available.

**Dwelling:** A habitable building or portion thereof used as the living place for a family as defined herein. Dwelling units must include a minimum of a kitchen, a bathroom, and areas for living and sleeping, as well as permanent foundation, plumbing, sewer, heating, and electrical systems. They may be owner-occupied, or rented for periods of 30 days or more. Dwellings do not include transient lodging facilities such as motels, hotels, bed & breakfasts, short term rentals, tents, or tepees, nor travel trailers, RVs, or other temporary or mobile facilities. However, living in a travel trailer or RV is permitted during the construction of a permanent dwelling for a period no more than one year from the date of issuance of a building permit.

**Dwelling - Accessory:** A secondary, habitable living unit containing a minimum of a kitchen, a bathroom, and living and sleeping areas located within, added onto, or detached from the primary single-family dwelling and contained on the same lot. Such units include but are not limited to mother-in-law apartments and guest houses. Accessory dwellings must have a separate entrance from the single-family dwelling. They may be no larger than 50% of the interior square footage of the main dwelling, excluding the garage, or 800 square feet, whichever is greater. The highest point of the roofline of a detached accessory dwelling shall be no higher than the roofline of the primary dwelling. An accessory dwelling may be occupied by the property owner who then rents out the primary structure. If the accessory dwelling is a stand-alone building it may not be used as a short-term rental unit.

**Dwelling - Single Family:** A single building, located on one lot containing one dwelling unit to be occupied by one family. They may also include one accessory dwelling unit.

**Dwelling - Duplex:** A single building with two dwelling units located on one lot and designed or arranged to be occupied by two families living independently.

**Dwelling - Triplex:** A single building with three dwelling units located on one lot and designed or arranged to be occupied by three families living independently.

**Dwelling - Fourplex:** A single building with four dwelling units located on one lot and designed or arranged to be occupied by four families living independently.

**Employee:** A person working for another person or a business for pay. For the purposes of parking regulations, "Employee" means an on duty Employee and the business owner.

**Family:** A person living alone, or any of the following groups living together as a single dwelling unit: any number of people living together who are related by blood, marriage, adoption, or guardianship; or four unrelated people; or two unrelated people and any children related to either of them.

**Food Truck:** A truck or similar mobile facility temporarily used for the preparation and sale of food and beverages to go. Food trucks shall be located on commercial property and may not be parked on the street. Nearby seating may be provided.

**Frontage:** The boundary of a property that faces a public street, private road or parking area.

**Government Facility:** Any building or property owned or used by a municipal, county, state, or federal branch of government.

**Grocery Store:** A retail facility larger than 1,500 square feet selling meat, produce, dairy, and baked goods, along with canned and packaged foods and ingredients to the public. They may also sell a range of non-food items such as kitchenware, household cleaners, pharmacy products pet supplies, and the like.

**Home Occupation:** An activity carried out for gain by a resident and conducted entirely within the resident's home and/or Accessory Building of no more than 800 square feet, and which is clearly incidental and accessory to the residential use of the dwelling or property. The home occupation shall not change the residential character of the residence, nor result in noise, vibration, light, odor, dust, smoke, or other nuisances at or beyond the property line, nor have any visible outside storage of goods, materials, or equipment. Home occupations may include one Employee. Uses involving access by pedestrian or vehicles shall only be conducted between the hours of 8:00 a.m. and 9:00 p.m.

**Hotel:** A building offering transient lodging accommodations to the public and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel usually has a main lobby and internal

corridors leading to individual rooms. A hotel shall have no more than 30 guest rooms, except in the HO Zone where the limit is 8 rooms.

**Light Manufacturing:** The assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot, where such processes are housed entirely within a building, and where the area occupied by outdoor storage of goods and materials used in such processes does not exceed twenty-five percent of the floor area of all buildings on the property. Light manufacturing generally includes processing and fabrication of finished products, predominantly from previously prepared materials, and includes processes that do not require extensive floor or land areas. Light Manufacturing does not include the manufacture of products that exports Torrey Town water (e.g., ice or bottled water). This use in the HO Zone is limited to a single story, 1,000 square foot building.

**Livestock:** Farm animals including cattle, sheep, pigs, goats, horses, donkeys, mules, buffalo, oxen, llamas, and alpacas kept for pleasure, use, or profit, excluding poultry. The raising and housing of livestock is limited to two livestock animals per ½ acre.

**Lot:** A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

**Manufactured Home:** A transportable, factory-built housing unit constructed on or after June 15, 1976 according to HUD Code, in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling unit. It must sit on a permanent foundation and be connected to all required utilities including plumbing, heating, electricity, and sanitary sewer system. This definition includes mobile homes as defined in Utah Code, but does not include modular house components.

**Mini-mart/Convenience Store:** A retail business of less than 1,500 square feet, selling general consumer products such as prepackaged foods, beverages, and snacks, as well as non-food and household items. This facility shall not include the sale of motor fuels.

**Motel:** A building or group of buildings offering transient lodging accommodations to the public. Some or all lodging units have a separate entrance leading directly from the outside of the building, with parking spaces located on the lot and designed for the automobiles of transients. Motels may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. A motel shall have no more than 30 guest room, except in the HO Zone where the limit is 8 rooms.

**Nonconforming:** A structure or use that legally existed before the current Land Use Ordinance was adopted or amended, and which now does not conform to the regulations governing the use of land. See Chapter 7 for further information.

**Parcel:** All real property that is not a lot created by and shown on a subdivision plat recorded in the office of the county recorder.

**Preschool/Day Care Center:** Any facility operated by an individual or corporation qualified by the State of Utah to provide young children with daycare and/or preschool instruction as a commercial business. This definition does not include residential, noncommercial baby-sitting.

**Professional Office/Services:** A building for the professions including but not limited to physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants, hair stylists, barbers, and massage therapists who, through training, are qualified to perform services of a professional or personal nature.

**Public Hearing:** A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

**Public Meeting:** A meeting that is required to be open to the public under Title 52, Chapter 4, the Utah Open and Public Meetings Act.

**Public Use:** A use operated exclusively by a public body or quasi-public body for the purpose of serving the public health, safety, or general welfare, and including parks, recreational facilities, service facilities, and related administrative spaces. Public uses do not include public/private utilities nor airports or prisons.

12/16/2020

**Recreation/Entertainment Facility:** A place, either indoor or outdoor, designed and equipped for the conduct of commercial sports and leisure-time activities. These include spas, saunas, steam baths, swimming pools, gyms, exercise areas, movie and drama theaters, outdoor stage or amphitheater, athletic fields, and playgrounds, but do not include Zip Lines.

**Religious Building:** A facility principally used for people to gather for public worship, religious training, or other religious activities.

**Rental Cabins/Campground:** A facility offering transient accommodation in tents, rustic cabins, and other small shelters for recreation or vacation purposes. Accessory uses may include an office, a retail store, showers, and other uses commonly associated with such facilities. Each unit must be wide enough to accommodate a customer's vehicle, and outdoor cooking and eating, as well as landscaping or similar buffering between units. Restrooms must be provided, sufficient for all campers and for any cabins where bathrooms are not included within the cabin. Open areas should be provided for group gatherings.

**Residential Facility for the Disabled:** A residential facility in which more than one person with a disability resides and which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities, or which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. A disability means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

**Residential Facility for the Elderly:** A residential facility in which more than one person who is past middle age resides, and which is licensed or certified by the Utah Department of Human Services.

**Restaurant:** An establishment where food and beverages are prepared and served. A restaurant customarily provides table service where food is ordered and consumed on site. Seating may be both inside and outside, and alcohol is often served.

**Retail Store/Shop:** A retail facility involving the sale of goods and services to the public including but not limited to household goods, clothing, gifts, art, crafts, personal services, and similar sales.

**RV Park:** A parcel of land devoted to transient lodging for persons in recreation vehicles or travel trailers. Accessory uses may include an office, a retail store, showers, and other uses commonly associated with such facilities. Each RV or trailer space must be wide enough to accommodate a customer's car, and outdoor eating and cooking areas, and must include landscaping or similar buffering between units. Restrooms must be provided, sufficient to accommodate customers whose trailers do not include such facilities. Open areas should be provided for group gatherings.

**Scale:** The concept that two or more adjacent uses, buildings, or structures should exist without creating negative impacts or conflicts. Considerations may include, but are not limited to size, intensity, operational standards, site plan configuration, buffering, etc.

**School:** Any building or part thereof that is designed, constructed, and used for training, education, or instruction by a public entity or a private organization in any branch of knowledge and to any age student, but excluding a preschool center. As conditional uses, issues of noise, traffic, parking, and other potential nuisances may be considered.

**Seasonal Sales:** A business established on a temporary basis that takes advantage of fleeting or seasonal opportunities to be conducted for no more than 14 days. This may include stand-alone booths or the temporary use of an existing structure. Seasonal opportunities may include, but are not limited to short-term stores for a holiday or holiday season, or other uses for the sale of temporary seasonal items.

**Short Term Rental Unit:** Please see Title 3, Chapter 4 of the Torrey Town Codes.

**Veterinary Clinic:** A facility for the diagnosis, treatment, and hospitalization of animals and pets that may also include temporary indoor or outdoor holding areas, but no animal boarding.

**Zip Line:** A commercial facility in which a cable is suspended above an incline to which a pulley and harness are attached for a rider.

12/16/2020

**Zone:** An area of land having a particular and consistent use or character, and subject to regulations pertaining to that use.

**Zoning Map:** The Torrey Zoning Map, adopted as Map 1, 2 and 3 in this Ordinance, that depicts land use Zones and Overlays within the Town's boundaries.

**Zoning Ordinance:** A laws that provides regulations and specifications for the creation of land use zones, and for the use of land within a municipality.

### Appendix D - Off-street Parking Standards

**Notes:**

1. The dimension of each parking space shall be 10x20 feet. All parking shall be off-street.
2. In the MU Zone, parking shall be prohibited along the frontage of the primary building or structure.
3. For the purposes of the parking regulations, "Employee" means each Employee and/or the owner who is on duty.
4. To reduce storm water run-off, it is strongly recommended that low impact surfaces, such as crushed stone be used wherever possible.

| Use                                  | Minimum Off-Street Parking Requirement  |
|--------------------------------------|---|
| Bar                                  | 1 space for each 200 square feet of public area and 1 space for each Employee   |
| Bed and Breakfast                    | 1 space for each bedroom and each Employee  |
| Cafe/Coffee Shop/Small Food Service  | 1 space for each four seats or 200 square feet of seating area, whichever is less, and 1 space for each Employee                                  |
| Distillery/Cidery/Brewery/<br>Winery | 1 space for each 200 square feet of public space and one space for each Employee  |
| Drive-through Food & Beverage        | 80 feet of stacking area to accommodate the 3 vehicles in the drive-up lane and the vehicle at the delivery window, and 1 space for each Employee |
| Dwelling - Accessory                 | 1 space   |
| Dwelling - Multi-family              | 2 spaces per unit   |
| Dwelling - Single-family             | 2 spaces per unit   |
| Food Truck                           | 3 spaces  |
| Government Facility                  | 1 space for each Employee and one space for each 100 square feet of public meeting area   |
| Grocery Store/Market                 | 1 space for each 500 square feet of floor space and 1 space for each Employee   |
| Home Occupation                      | 2 spaces for the primary dwelling, plus 1 space for a customer and 1 space for an Employee if there is one  |
| Hotel                                | 1 space for each bedroom and 1 space for each Employee  |
| Light Manufacturing                  | 1 space for each 500 square feet of public space, 1 space for a customer, and 1 space for each Employee   |
| Mini-Mart                            | 1 space for each 500 square feet of interior floor space and 1 space for each Employee  |
| Motel                                | 1 space for each bedroom and 1 space for each employee  |
| Preschool/Daycare                    | 1 space for each Employee and 1 space for every 10 students   |
| Professional Offices/Services        | 1 space for each 400 square feet of interior floor space and 1 space for each Employee  |
| Public Use                           | As approved by the Planning Commission, depending on the nature and size of the use   |
| Recreational/Entertainment Facility  | As approved by the Planning Commission, depending on the nature and size of the use   |
| Religious Building                   | 1 space for each four seats in the main assembly area   |
| Rental Cabins/Campground             | 1 space for each cabin, one space for each camping area, and 1 space for each Employee  |
| Restaurant                           | 1 space for each four seats or 200 square feet of seating area, whichever is less, and 1 space for each Employee                                  |
| Retail Shop/Store                    | 1 space for each 300 square feet of interior floor space and 1 space for each Employee  |
| RV Park                              | 1 space for each RV and trailer site and 1 space for each Employee  |
| School                               | As approved by the Planning Commission, depending on the nature of the educational facility   |
| Seasonal Sales                       | 2 spaces for customers and 1 space for each Employee  |
| Veterinary Clinic                    | 1 space for each 500 feet of public space and 1 space for each Employee   |

## **Appendix E – Adjacency, Compatibility, Buffering, and Landscape Standards**

---

The purpose of these standards is to ensure all new development in all zones are compatible with existing surroundings. When new buildings are developed next to existing buildings on adjacent properties, particularly residences, there are concerns that the bulk and height of the new structures, or their uses, may have a negative impact on the adjoining uses and structures. When residential and nonresidential uses are adjacent, there is added concern about lighting, noise, odor, unsafe or hazardous conditions, and other nuisances. To address these concerns, in addition to all other zoning requirements, the following are required.

### A. Required Minimum Yard Areas (Setbacks):

1. When a single-family residential use is adjoined by another single family residential use, duplex, or triplex/fourplex
  - a. Any fencing provided shall be a maximum height of six feet (6')
  - b. Minimum Side and rear setbacks shall be twelve feet (12').
2. When any residential use is adjoined by a nonresidential use:
  - a. Fencing may be provided to a maximum height of eight feet (8')
  - b. Minimum Side and rear setbacks shall be twenty feet (20').

### B. Required Buffering

1. When a residential use is adjoined by a nonresidential use.
  - a. A minimum ten-foot (10') wide landscape area, provided as part of the required setback, shall be provided adjacent to adjoining residential use planted with vegetation. If no fence is required or provided, hedges, trees, or other vegetative buffers shall be provided to act an acoustic and visual screen.
    - i. The required 10-foot landscape and buffer area shall only be used for planting and screening purposes. No other uses or activities, (including off-street parking, play areas, or outside dining or seating), and no Accessory Buildings shall be allowed.
2. When a nonresidential use adjoins another nonresidential use
  - a. Side and rear fencing may be provided to a maximum height of six feet (6')
  - b. Side and rear setbacks shall be a minimum of twenty feet (20') and shall provide a landscape area as required by in B1a above
  - c. For all new nonresidential uses in the MU Zone, all buildings and structures shall maintain and enhance the Town's small-town and rural character, and provide character and/or landscaping on the street-view side of the property.
  - d. The setback area shall be landscaped as provided by a detailed landscape plan approved by the land Use Authority, as applicable.

### C. Landscape plans shall achieve the following purposes:

1. Preserve and complement the character of the natural landscape, mitigate building and parking lot impacts, and add aesthetic charm, interest and character;
2. Provide visual interest and variety, and year-round site beautification;
3. Provide screening elements and blend with the natural landscape;
4. Conserve water.

### D. Landscape plans and landscape features shall demonstrate and provide:

1. Landscape buffers between dissimilar or conflicting land uses. Landscape buffers shall be provided for off street parking and service areas, and these areas shall be screened from public streets;
2. A soft landscape transitional treatment when man-made areas and features adjoin areas of natural open space;
3. Use of plants and site materials consistent with, and of a similar scale with, existing natural landscape, neighboring landscape, adjacent streetscape areas, and native to the local environment;
4. Drought tolerant "xeriscape" landscaping is encouraged. Landscaping improvements may also include berms, contouring, rocks and boulders;
5. The size and spacing of landscape elements shall also be of appropriate scale and character to all proposed site structures and features.

6. Cotton-less (male) cottonwood trees shall be part of the landscape plan and preserved (or replaced when necessary) along all Highway 24 frontages.
- E. When walls, fences and barriers are located adjacent to public rights of way that create a continuous surface greater than twenty feet (20') in length, landscape and planting treatments shall be provided to visually soften the wall, fence or barrier.
  - F. Landscape plans shall demonstrate that long-term maintenance factors have been considered in the landscape design. For example, irrigation systems shall be designed to achieve low maintenance and efficient water consumption.