

1 <Editor's Notes

- 2 • These notes will be removed before the ordinance is published
- 3 • They do not contain any normative text i.e. these are notes to inform the reader about changes
- 4 to the document
- 5 • Line numbers have been added on each page to make it easier to reference text in any comment
- 6 or question you may have about the ordinance
- 7 • Text between <> in the ordinance is text that must be updated before publication
- 8 ○ The effective date Page 2 Line 39 will be updated upon acceptance of the draft
- 9 • This revision of the draft is based upon the discussions from the Mar 31, 2021 P&Z work
- 10 meeting
- 11 • The areas that were modified are
- 12 ○ Appendix F was updated to reflect addition of double wall requirement of gas and/or
- 13 diesel storage tanks
- 14 • This revision will be submitted to the Torrey Town Council for their consideration

15 End of Editor Notes >

16

17 **TITLE 10**

18 **TORREY ZONING ORDINANCE**

19

20

21 **Chapter 1**

22 **General Provisions**

23

24 **10-1-1 Short Title**

25

26 This Title shall be known as the **Torrey Zoning Ordinance** (that hereinafter may be referred to as

27 "this Ordinance," "this Title," or "Land Use Ordinance").

28

29 **10-1-2 Authority and Applicability**

- 30
- 31 A. Adoption. The Torrey Town Council adopts this Ordinance, including the map and appendices,
- 32 as attached hereto, pursuant to the Municipal Land Use, Development and Management Act as
- 33 amended (Utah Code Section 10-9a, et. seq., hereinafter "the Act") and all other authorities and
- 34 provisions of State and Federal laws and case law, as applicable. This Title is adopted as a land
- 35 use ordinance, as authorized and defined by the Act.
- 36 B. Applicability. This Ordinance shall apply to all property located within the boundaries of
- 37 Torrey, Utah (that may be hereinafter referred to as "Torrey" or "the Town").
- 38 C. Construction. As provided by the Act, the Town may exercise all powers granted by the Act,
- 39 except in cases clearly contrary to the intent of the law.
- 40 D. Consistency. The provisions and standards of this Ordinance are found to be consistent with the
- 41 Torrey General Plan, as adopted.
- 42 E. These regulations qualify or supplement, as the case may be, the zone regulations appearing
- 43 elsewhere in this title.

44

45 **10-1-3 Declaration**

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47 This Ordinance provides for the establishment of zones and overlays with associated use requirements

1 and standards, for the guidance, management, and regulation of all uses, buildings and structures, and
2 other activities occurring within the Town. This Ordinance is found to be consistent with and to meet
3 all requirements of the Act.

4
5 **10-1-4 Purposes**

6
7 The purposes of this Ordinance are:

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

22
23 **10-1-5 Effective Date**

24
25 This Ordinance is effective on <insert date>, following its adoption by the Town
26 Council, and the Town Council's receipt of a Planning Commission recommendation.

27
28 **10-1-6 Severability**

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30 If any chapter, part, section, paragraph or subsection of this Title, or the Application
31 thereof is held to be invalid, the remainder of this Title shall not be affected thereby.

32
33 **10-1-7 Omissions**

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

37
38 **10-1-8 Amendments**

- 39
40 A. This Ordinance may be amended by the Torrey Town Council from time to time, but any
41 proposed amendment must first be submitted to the Planning Commission for review, a Public
42 Hearing, and a recommendation with comments to the Town Council. Requests to amend this
43 Ordinance may come from the Town Council, the Mayor, the Planning Commission, Torrey
44 Town property owners, or Torrey Town residents.
- 45 B. No proposed amendment shall be adopted unless the proposed amendment complies with the
46 following criteria:
 - 47 1. The proposed amendment will place property similarly situated into the same zoning
48 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 4
Zones Established and Related Regulations

10-4-1 Zones Established – Purposes and Location

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

- A. **Residential / Agricultural Zone (RA):** The Residential / Agriculture Zone is provided to promote and preserve conditions favorable to rural life and the keeping of limited numbers of animals and fowl. Additionally, it promotes the agricultural heritage of Torrey while preserving and promoting areas and conditions favorable to agriculture, preserving lands for natural drainage areas and agricultural uses, protecting views, preserving natural settings, and adding to the character and aesthetic qualities of the Town. The Residential / Agricultural Zone is characterized by a variety of parcel and lot sizes, which maintain open space. The Residential / Agricultural Zone is primarily residential in character, protected from the encroachment by nonresidential uses. It recognizes the heritage of the Town, seeks to protect those legacies for future generations, and ensures new development is compatible and found to be consistent with the Zone's purposes.

Residential / Agricultural Zone (RA) 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.

1
 2 **Mixed-Use Zone (MU) Location.** The Mixed-Use Zone includes all parcels and lots with a
 3 common property boundary to the Main Street right-of-way and extending from the eastern
 4 Town boundary to the western Town boundary, and all parcels and lots with a common
 5 property boundary to the Center Street, extending from the centerline of 100 South Street to the
 6 centerline of 200 North Street, as shown on the Torrey Zoning Map, attached as Map 1.
 7

8
 9 **10-4-2 Official Zone Map Adopted, Amendments**

10
 11 The Torrey Zoning Map (Map 1 attached hereto) are hereby adopted by this reference and are made
 12 part of this Ordinance. Map 1 and the Town's zones may be amended from time to time as determined
 13 necessary by the Town Council, following the receipt of a Planning Commission recommendation.
 14 Further, other zones may be provided as determined necessary by the Town Council, following the
 15 receipt of a Planning Commission recommendation.
 16

17 **10-4-3 Rules for Locating Zone Boundaries**

18
 19 Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

- 20 A. Where a zone boundary is indicated as being the centerline of a road, street, alley, or following
 21 a property line, then unless otherwise definitely indicated by Map 1, the centerline of such road,
 22 street, alley or property line, shall be construed as the boundary of the zone.
- 23 B. Whenever a zone boundary is indicated as being the centerline of any river, irrigation canal, or
 24 other waterway, the boundary line of such public land or such section line shall be deemed to
 25 be the boundary of such zone.
- 26 C. When a zone boundary cannot be determined by the application of the above rules, the location
 27 may be determined by the use of the scale appearing on Map 1.
- 28 D. Where the application of the above rules does not clarify a zone boundary, the Town Council
 29 shall interpret the Map following a recommendation by the Planning Commission.
 30

31 **10-4-4 Applications**

- 32
 33 A. Applications accepted as complete for any approval, license, or permit required by this Title
 34 shall be processed, reviewed, and approved or denied, subject to the provisions of this Title and
 35 other ordinances and resolutions of the Town, as applicable, in effect at the time the
 36 Application is determined "complete."
- 37 B. No building or structure shall be erected, and no existing building or structure shall be moved,
 38 altered or enlarged, nor shall any land, building or premises be used, designed or intended to be
 39 used for any use, activity, purpose other than as allowed by this Ordinance.
 40

41 **10-4-5 State and Federal Property.**

42
 43 Unless provided by law nothing in this Title shall be construed as having any authority over properties
 44 owned by the State of Utah or the United States.
 45

46 **10-4-6 Property Owned by Other Governmental Units.**

47

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

3
4 **10-4-7 Building Permit(s) Required.**

- 5
- 6 A. Construction, alteration, repair, or removal of any building, structure, or part thereof as
- 7 provided or as restricted in this Title shall not be commenced or continued except after the
- 8 issuance of a valid building permit, as required by the building inspector.
- 9 B. All applications for building permits, including Accessory Buildings, shall be submitted to the
- 10 Planning Commission for land use review to assure conformity with the General Plan and
- 11 compliance with this Ordinance. The applications shall include architectural and site
- 12 development plans to scale, which shall show building locations, landscaping, prominent
- 13 existing trees, ground cover treatment, fences, off street parking and circulation, location and
- 14 size of the adjacent streets, north arrow, property lines, existing grades, proposed new grades,
- 15 point of water and sewer connections, percolation results, curb cuts, and locations of all
- 16 freestanding signs.

17
18 **10-4-8 Vesting of Rights.**

- 19
- 20 A. On the date of a determination of a complete application, any land use application shall vest to
- 21 the terms of this Title and the Act in effect on that date, unless such vesting is affected by a
- 22 pending amendment to this Title, or a temporary zoning regulation.
- 23 B. It is the intent of this Title that no vested right shall be conferred pursuant to an application for
- 24 development approval except for the following:
- 25 1. An application for building permit as provided by applicable law.
- 26 2. An application for final site plan or final subdivision plat as provided by applicable law.
- 27 3. A building permit shall be considered void after 180 days if construction has not
- 28 commenced.
- 29 4. All other development permits shall be considered void after one year unless substantial
- 30 construction or development has taken place or has continued in good faith without
- 31 interruption. One 6-month extension of a development permit may be granted by the Town
- 32 Council upon a finding that special circumstances exist which warrant such an extension,
- 33 including, but not limited to, a delay caused by a government review agency or a natural
- 34 disaster.

35
36 **10-4-9 Rules for Parcel or Lot Use**

- 37
- 38 A. The requirements of this Ordinance pertaining to minimum lot area or width shall not prevent
- 39 the use for a single-family dwelling on any parcel or lot of land in the event that the parcel or
- 40 lot was held in separate ownership at the time such parcel or lot became nonconforming as to
- 41 area or width.
- 42 B. Every dwelling shall be located and maintained on a parcel or lot, as defined herein.
- 43 C. No space needed to meet the requirements of this Ordinance for minimum lot size may be sold
- 44 or leased away from such lot.
- 45 D. No parcel of land which has less than the minimum area requirement may be separated from a
- 46 larger parcel of land for any purpose.
- 47

Chapter 5
Permitted Uses, Minimum Development Standards, Off-Street Parking, and Compatibility, Buffering, and Adjacency Standards

10-5-1 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.

10-5-2 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.

10-5-3 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.

10-5-4 Compatibility, Buffering, and Adjacency Standards

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

10-5-5 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.

10-5-6 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 if approved abatement plan is not followed by the business, the Town Council may suspend the business's license until the business comes into

1 compliance with the abatement plan. In the event Torrey Town undertakes clean up or abatement of
2 the effects of hazardous materials, the business license holder will reimburse all costs to Torrey Town
3 and/or other entities involved in the mitigation.

4
5 **10-5-7 Standards for Conditional Use Decisions**

6
7 Conditional uses are those uses which are generally compatible with the permitted uses in a zoning
8 district, but which, because of their size, scale, intensity of use, traffic generation, or other
9 characteristics, require individual review of their location, design and configuration and the imposition
10 of conditions in order to ensure the appropriateness of the use at a particular location within a given
11 zoning district. When making decisions on conditional use permit applications submitted to it, the
12 Planning Commission may consider all reasonable standards applicable to the building, structure, or
13 use, which mitigate the anticipated detrimental effects of the proposed use, building, or structure.
14 These conditions may include, but are not limited to, the following:

- 15
- 16 A. The size, configuration, and location of the site, and proposed site plan layout;
- 17 B. The proposed site ingress and egress to existing and proposed roads and streets;
- 18 C. The provision of public facilities and amenities, including, but not limited to, roads and streets,
19 water, sewer, storm drainage, public safety, fire protection, and other utilities;
- 20 D. The location and amount of off-street parking and loading areas;
- 21 E. The site's circulation pattern for vehicular and pedestrian traffic;
- 22 F. The building's size, location, design,;
- 23 G. The design of all site features, including proposed signage, lighting (with recommendations
24 from the International Dark Sky Association), and refuse collection;
- 25 H. The provision of usable open space, public features, and amenities;
- 26 I. The provision of public access;
- 27 J. The measures directed at minimizing or eliminating possible nuisance and safety factors,
28 including, but not limited to, noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter,
29 heat, glare, electromagnetic disturbances, and radiation;
- 30 K. The measures designed to protect the natural features of the site, drainage ways, protection of
31 views, grade changes, iconic structures or vegetation, and other natural site features;
- 32 L. The regulation of operating hours for all possible activities;
- 33 M. The identification of a period for regular review and monitoring to ensure the use continues to
34 operate in compliance with all conditions, and requirements of its approval; and,
- 35 N. Such other conditions deemed reasonable by the Planning Commission to allow the operation
36 of the use in compliance with the requirements of this land Ordinance and consistency with the
37 General Plan.
- 38

39 **Appendix A - Table of Uses**

40
41 **Notes:**

- 42 **1. The Table of Uses below must be used in conjunction with Appendix C - Definitions.**
- 43 2. All uses included in this Tables of Uses shall meet all applicable requirements of the International
44 Building Code, the Land Use Ordinance, Business Licensing, Building Codes, Health Codes, as
45 well as all other applicable Local, State, and Federal rules and requirements.
- 46 3. Uses identified as a **P** Use (Permitted) shall comply with the application, review, and approval
47 procedures and standards provided by Titles 9 and 10.

- 1 4. Uses identified as a **C** Use (Conditional) shall comply with the Application, review, and approval
 2 procedures and standards provided by Titles 9 and 10.
 3 5. Uses identified with a **D** (Disallowed) are prohibited uses in the zones or overlays.
 4 6. Uses identified as a **T** Use (Temporary Use) shall comply with the Application, review, and
 5 approval procedures and standards provided by Titles 9 and 10.
 6 7. Uses identified as a **S** Use (Seasonal Use) shall comply with the Application, review, and approval
 7 procedures and standards provided by Titles 9 and 10.
 8 8. A use not listed in this Table of Uses is a Prohibited use in Torrey.
 9 9. A use, legally existing before effective date of this Title, but now not allowed in one or more zones
 10 or overlays, may continue as a Nonconforming Use as described in Chapter 7 of this Ordinance.
 11 10. A use included and defined in the Table of Uses shall not be interpreted to be included in the
 12 definition of another use.
 13 11. The terrain and slope of the property must be suitable for livestock, including provisions to
 14 manage waste removal, odors, drainage, runoff, bedding materials, flies, and feed/hay, such
 15 that customary animal activities do not create nuisances for adjacent properties. If animals
 16 within the town limits create a nuisance, and complaints are brought before the Town
 17 Council, the Council may require the owner to submit and adhere to a management plan.
 18 12. The raising and housing of livestock must comply with all applicable Utah State Codes for such
 19 activity.
 20 13. The raising and housing of livestock is limited to two livestock animals per ½ acre.
 21 14.
 22

Table of Uses	RA	MU
Agricultural & Animal-Related		
Accessory Use/Building	P	P
Agriculture Use/Building	P	P
Raising & Housing of Livestock	P	P
Veterinary Clinic	D	C
Food & Beverage Services		
Accessory Use/Building	P	P
Bar	D	C
Café/Coffee Shop/Small Food Service	D	P
Drive-through Food & Beverage	D	C
Food Truck	D	P
Liquor Store	D	C
Restaurant	D	C
Distillery/Cidery/Brewery/Winery	D	C
Transient Lodging		
Accessory Use/Building	P	P
Bed & Breakfast	D	P
Hotel	D	C
Motel	D	C
Rental Cabins/Campground	D	C

RV Park	D	C
Short Term Rentals (See Title 3, Chapter 4)		

Residential Dwellings

Dwelling, Accessory Unit	P	P
Dwelling, Single Family	P	P
Dwelling, Duplex	P	P
Dwelling, Triplex	C	C
Dwelling, Fourplex	C	C
Dwelling, Manufactured	P	P

Retail Sales

Accessory Use/Building	P	P
Grocery Store	D	C
Mini-mart/Convenience Store	D	C
Retail Store/Shop	D	P
Seasonal Sales	D	P
Selling of gasoline and/or diesel	D	C

Schools & Child Care

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

Government, Utilities and Public Uses

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

Other Business Uses

Accessory Use/Building	P	P
Professional Office/Services	D	P
Home Occupation	P	P
Financial Institution	D	C
Recreational/Entertainment Facility	D	C
Light Manufacturing	D	P
Residential Facility for the Disabled	P	P
Residential Facility for the Elderly	P	P

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Minimum Development Standards for Primary Buildings, Structures, and Uses	RA	MU
Minimum Parcel or Lot Size:	One-half (1/2) acre	One-half (1/2) acre
Front	24 Feet from property line	24 Feet from property line
Side & Rear	12 feet	12 feet
Maximum Building Height: Height measured from the natural grade to the highest point of the roof.	28 feet	28 feet
Minimum Building Height: Measured from the natural grade	One story	One story

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2

Minimum Development Standards for Accessory Buildings, Structures, and Uses	RA	MU
Minimum Parcel or Lot Size	One-half (1/2) acre	One-half (1/2) acre
Front	24 Feet from property line	24 Feet from property line
Side & Rear	12 feet	12 feet
Maximum Building Height: Height measured from the natural grade to the highest point of the roof.	26 feet	26 feet
Minimum Building Height: Measured from the natural grade.	One story	One story

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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 and accessory to the principal use. An Accessory Building shall be no larger than 2,000 square feet and no taller than 26 feet. It shall contain no living or cooking facilities and shall not be used as a dwelling unit.

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.

1 **Agriculture Use:** The production, keeping, or maintenance for sale of plants and animals useful to
2 man, including but not limited to: vegetables, fruit, trees, hay, sod, grains, nuts, honey, milk, cheese,
3 and any other agricultural or horticultural products and their storage; the raising of farm poultry and
4 farm livestock, including cattle, sheep, goats, cows, bulls, bison, horses, mules, donkeys, pigs, swine,
5 fur-bearing animals, bees, llamas; alpacas; trees and forest products; nursery, floral, ornamental, and
6 greenhouse products; or lands devoted to a soil conservation or forestry management program.
7

8 **Bar:** A retail establishment whose principal use is serving alcoholic beverages to customers. A bar
9 may also include snacks or food for sale if secondary to the primary use. Properties serving full meals
10 which may include alcohol are considered restaurants. Issues of noise and hours of operation will be
11 considered during the permitting process.
12

13 **Bed & Breakfast:** A facility offering transient lodging where breakfast or other meals are included in
14 the lodging charge. A Bed & Breakfast may be within a house or in a stand-alone structure. These
15 facilities shall have no more than five guest rooms in the RA, Zones, and no more than 10 guest rooms
16 in the MU Zone. A Bed & Breakfast may be, but is not required to be, owner occupied
17

18 **Building:** Any structure having a roof supported by columns or walls for the housing,
19 accommodation, or enclosure of persons, businesses, animals, or possessions.
20

21 **Building Code:** The International Building Code and International Residential Code, as adopted by
22 the State of Utah and published by the International Code Council (ICC), and Title 9 - Building
23 Regulations of the Torrey Town Codes, establishing rules and regulations for the design, construction,
24 quality of materials, use and occupancy, location, and maintenance of buildings and structures.
25

26 **Cafe/Coffee Shop/Small Food Service:** A retail establishment where prepared food and beverages
27 are offered for sale. They may provide seating inside or outside the building as well as take-out
28 services, and may engage in retail sales that are secondary to the principal food service. Typically
29 food is ordered at a counter and alcohol is not served.
30

31 **Community:** The connections and mutual respect occurring between residents for the benefit of the
32 Town, and the achievement of shared goals, norms, and values, as provided in the Torrey Town
33 General Plan.
34

35 **Compatibility/Compatible:** The ability to allow two or more adjoining uses, buildings, or structures
36 to exist without creating negative impacts or conflicts. Considerations may include, but are not limited
37 to size, intensity, operational standards, site plan configuration, buffering, etc.
38

39 **Conditional Use:** Certain uses which may be harmonious under special conditions and in specific
40 locations within a zone, but maybe inappropriate or improper under general conditions and in other
41 locations, are classified as Conditional uses within the various zones and require conditional use
42 permits.
43

44 **Distillery/Cidery/Brewery/Winery:** A facility for the production and sale of packaged alcoholic
45 beverages made from fruits or grains. Such facilities may include a tasting room as well as the
46 secondary sale of food in the tasting room.
47

1 **Drive-through Food & Beverage:** A retail facility of no more than 500 square feet that allows
2 customers to purchase products without leaving their vehicles. Orders are generally placed using a
3 microphone and picked up at a window. No indoor dining or seating are available.
4

5 **Dwelling:** A habitable building or portion thereof used as the living place for a family as defined
6 herein. Dwelling units must include a minimum of a kitchen, a bathroom, and areas for living and
7 sleeping, as well as permanent foundation, plumbing, sewer, heating, and electrical systems. They
8 may be owner-occupied, or rented for periods of 30 days or more. Dwellings do not include transient
9 lodging facilities such as motels, hotels, bed & breakfasts, short term rentals, tents, or tepees, nor travel
10 trailers, RVs, or other temporary or mobile facilities. However, living in a travel trailer or RV is
11 permitted during the construction of a permanent dwelling for a period no more than one year from the
12 date of issuance of a building permit, though six-month extensions may be granted by the Town
13 Council.
14

15 **Dwelling - Accessory:** A secondary, habitable living unit containing a minimum of a kitchen, a
16 bathroom, and living and sleeping areas located within, added onto, or detached from the primary
17 single-family dwelling and contained on the same lot. Such units include but are not limited to
18 mother-in-law apartments and guest houses. Accessory dwellings must have a separate entrance from
19 the single-family dwelling. They may be no larger than 50% of the interior square footage of the main
20 dwelling, excluding the garage, or 800 square feet, whichever is greater. The highest point of the
21 roofline of a detached accessory dwelling shall be no higher than the roofline of the primary dwelling.
22 An accessory dwelling may be occupied by the property owner who then rents out the primary
23 structure. If the accessory dwelling is a stand-alone building it may not be used as a short-term rental
24 unit.
25

26 **Dwelling - Single Family:** A single building, located on one lot containing one dwelling unit to be
27 occupied by one family. They may also include one accessory dwelling unit.
28

29 **Dwelling - Duplex:** A single building with two dwelling units located on one lot and designed or
30 arranged to be occupied by two families living independently.
31

32 **Dwelling - Triplex:** A single building with three dwelling units located on one lot and designed or
33 arranged to be occupied by three families living independently.
34

35 **Dwelling - Fourplex:** A single building with four dwelling units located on one lot and designed or
36 arranged to be occupied by four families living independently.
37

38 **Employee:** A person working for another person or a business for pay. For the purposes of Appendix
39 D - Off-street Parking Standards, "Employee" means an on duty Employee and the business owner.
40 For the purposes of Home Occupation, as described in this section, "Employee" does not include
41 "Family" as described in this section.
42

43 **Family:** A person living alone, or any of the following groups living together as a single dwelling
44 unit: any number of people living together who are related by blood, marriage, adoption, or
45 guardianship; or four unrelated people; or two unrelated people and any children related to either of
46 them.
47

- 1 **Financial Institution:** An institution, such as a bank, insurance company, or fund, that provides
2 financial services for its clients or members.
3
- 4 **Food Truck:** A truck or similar mobile facility temporarily used for the preparation and sale of food
5 and beverages to go. Food trucks shall be located on commercial property and may not be parked on
6 the street. Nearby seating may be provided.
7
- 8 **Frontage:** The boundary of a property that faces a public street, private road or parking area.
9
- 10 **Government Facility:** Any building or property owned or used by a municipal, county, state, or
11 federal branch of government.
12
- 13 **Grocery Store:** A retail facility larger than 1,500 square feet selling meat, produce, dairy, and baked
14 goods, along with canned and packaged foods and ingredients to the public. They may also sell a
15 range of non-food items such as kitchenware, household cleaners, pharmacy products pet supplies, and
16 the like.
17
- 18 **Heritage:** Objects and qualities (such as historic buildings, customs and traditions) from the past,
19 which are valued enough today to save for future generations.
20
- 21 **Home Occupation:** An activity or service carried out for gain by a resident and conducted entirely
22 within the resident's home and/or Accessory Building of no more than 800 square feet, and which is
23 clearly incidental and accessory to the residential use of the dwelling or property. The home
24 occupation shall not change the residential character of the residence, nor result in noise, vibration,
25 light, odor, dust, smoke, or other nuisances at or beyond the property line, nor have any visible outside
26 storage of goods, materials, or equipment. Home occupations may include one Employee. Uses
27 involving access by pedestrian or vehicles shall only be conducted between the hours of 8:00 a.m. and
28 9:00 p.m.
29
- 30 **Hotel:** A building offering transient lodging accommodations to the public and which may provide
31 additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. A
32 hotel usually has a main lobby and internal corridors leading to individual rooms. A hotel shall have
33 no more than 30 guest rooms.
34
- 35 **Light Manufacturing:** The assembly, fabrication or processing of goods and materials using
36 processes that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the
37 building or lot, where such processes are housed entirely within a building, and where the area
38 occupied by outdoor storage of goods and materials used in such processes does not exceed twenty-
39 five percent of the floor area of all buildings on the property. Light manufacturing generally includes
40 processing and fabrication of finished products, predominantly from previously prepared materials,
41 and includes processes that do not require extensive floor or land areas. Light Manufacturing does not
42 include the manufacture of products that exports Torrey Town water (e.g., ice or bottled water).
43
- 44 **Liquor Store:** A state-regulated retail shop that predominantly sells pre-packaged alcoholic beverages
45 intended to be consumed off the store's premises.
46

1 **Livestock:** Farm animals including cattle, sheep, pigs, goats, horses, donkeys, mules, buffalo, oxen,
2 llamas, and alpacas kept for pleasure, use, or profit, excluding poultry. The raising and housing of
3 livestock is limited to two livestock animals per ½ acre.
4

5 **Lot:** A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has
6 been recorded in the office of the county recorder.
7

8 **Manufactured Home:** A transportable, factory-built housing unit constructed on or after June 15,
9 1976 according to HUD Code, in one or more sections, that is built on a permanent chassis and
10 designed to be used as a dwelling unit. It must sit on a permanent foundation and be connected to all
11 required utilities including plumbing, heating, electricity, and sanitary sewer system. This definition
12 includes mobile homes as defined in Utah Code, but does not does not include modular house
13 components.
14

15 **Mini-mart/Convenience Store:** A retail business of less than 1,500 square feet, selling general
16 consumer products such as prepackaged foods, beverages, and snacks, as well as non-food and
17 household items.
18

19 **Motel:** A building or group of buildings offering transient lodging accommodations to the public.
20 Some or all lodging units have a separate entrance leading directly from the outside of the building,
21 with parking spaces located on the lot and designed for the automobiles of transients. Motels may
22 provide additional services, such as restaurants, meeting rooms, entertainment, and recreational
23 facilities. A motel shall have no more than 30 guest room.
24

25 **Nonconforming:** A structure or use that legally existed before the current Land Use Ordinance was
26 adopted or amended, and which now does not conform to the regulations governing the use of land.
27 See Chapter 7 for further information.
28

29 **Parcel:** All real property that is not a lot created by and shown on a subdivision plat recorded in the
30 office of the county recorder.
31

32 **Preschool/Day Care Center:** Any facility operated by an individual or corporation qualified by the
33 State of Utah to provide young children with daycare and/or preschool instruction as a commercial
34 business. This definition does not include residential, noncommercial baby-sitting.
35

36 **Professional Office/Services:** A building for the professions including but not limited to physicians,
37 dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants,
38 hair stylists, barbers, and massage therapists who, through training, are qualified to perform services of
39 a professional or personal nature.
40

41 **Public Hearing:** A hearing at which members of the public are provided a reasonable opportunity to
42 comment on the subject of the hearing.
43

44 **Public Meeting:** A meeting that is required to be open to the public under Title 52, Chapter 4, the
45 Utah Open and Public Meetings Act.
46

1 **Public Use:** A use operated exclusively by a public body or quasi-public body for the purpose of
2 serving the public health, safety, or general welfare, and including parks, recreational facilities, service
3 facilities, and related administrative spaces. Public uses do not include public/private utilities nor
4 airports or prisons.
5

6 **Recreation/Entertainment Facility:** A place, either indoor or outdoor, designed and equipped for the
7 conduct of commercial sports and leisure-time activities. These include spas, saunas, steam baths,
8 swimming pools, gyms, exercise areas, movie and drama theaters, outdoor stage or amphitheater,
9 athletic fields, and playgrounds, but do not include Zip Lines.
10

11 **Religious Building:** A facility principally used for people to gather for public worship, religious
12 training, or other religious activities.
13

14 **Rental Cabins/Campground:** A facility offering transient accommodation in tents, rustic cabins, and
15 other small shelters for recreation or vacation purposes. Accessory uses may include an office, a retail
16 store, showers, and other uses commonly associated with such facilities. Each unit must be wide
17 enough to accommodate a customer's vehicle, and outdoor cooking and eating, as well as landscaping
18 or similar buffering between units. Restrooms must be provided, sufficient for all campers and for any
19 cabins where bathrooms are not included within the cabin. Open areas should be provided for group
20 gatherings.
21

22 **Residential Facility for the Disabled:** A residential facility in which more than one person with a
23 disability resides and which is licensed or certified by the Department of Human Services under Title
24 62A, Chapter 2, Licensure of Programs and Facilities, or which is licensed or certified by the
25 Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
26 A disability means a physical or mental impairment that substantially limits one or more of a person's
27 major life activities, including a person having a record of such an impairment or being regarded as
28 having such an impairment.
29

30 **Residential Facility for the Elderly:** A residential facility in which more than one person who is past
31 middle age resides, and which is licensed or certified by the Utah Department of Human Services.
32

33 **Restaurant:** An establishment where food and beverages are prepared and served. A restaurant
34 customarily provides table service where food is ordered and consumed on site. Seating may be both
35 inside and outside, and alcohol is often served.
36

37 **Retail Store/Shop:** A retail facility involving the sale of goods and services to the public including
38 but not limited to household goods, clothing, gifts, art, crafts, personal services, and similar sales.
39

40 **RV Park:** A parcel of land devoted to transient lodging for persons in recreation vehicles or travel
41 trailers. Accessory uses may include an office, a retail store, showers, and other uses commonly
42 associated with such facilities. Each RV or trailer space must be wide enough to accommodate a
43 customer's car, and outdoor eating and cooking areas, and must include landscaping or similar
44 buffering between units. Restrooms must be provided, sufficient to accommodate customers whose
45 trailers do not include such facilities. Open areas should be provided for group gatherings.
46

1 **Scale:** The concept that two or more adjacent uses, buildings, or structures should exist without
2 creating negative impacts or conflicts. Considerations may include, but are not limited to size,
3 intensity, operational standards, site plan configuration, buffering, etc.
4

5 **School:** Any building or part thereof that is designed, constructed, and used for training, education, or
6 instruction by a public entity or a private organization in any branch of knowledge and to any age
7 student, but excluding a preschool center. As conditional uses, issues of noise, traffic, parking, and
8 other potential nuisances may be considered.
9

10 **Seasonal Sales:** A business established on a temporary basis that takes advantage of fleeting or
11 seasonal opportunities to be conducted for no more than 14 days. This may include stand-alone booths
12 or the temporary use of an existing structure. Seasonal opportunities may include, but are not limited
13 to short-term stores for a holiday or holiday season, or other uses for the sale of temporary seasonal
14 items.
15

16 **Selling of Gasoline and Diesel:** Retail business establishment that includes the selling of gasoline or
17 diesel. The storage and delivery system must comply with Appendix F, lighting ordinance, and
18 building and safety codes.
19

20 **Short Term Rental Unit:** See Title 3, Chapter 4 of the Torrey Town Codes.
21

22 **Veterinary Clinic:** A facility for the diagnosis, treatment, and hospitalization of animals, which may
23 include overnight stays as medically necessary. The clinic may also include temporary indoor or
24 outdoor holding areas. Overnight stays are only allowed when medically necessary.
25

26 **Zip Line:** A commercial facility in which a cable is suspended above an incline to which a pulley and
27 harness are attached for a rider.
28

29 **Zone:** An area of land having a particular and consistent use or character, and subject to regulations
30 pertaining to that use.
31

32 **Zoning Map:** The Torrey Zoning Map, adopted as Map 1 in this Ordinance, that depicts land use
33 Zones and Overlays within the Town's boundaries.
34

35 **Zoning Ordinance:** A laws that provides regulations and specifications for the creation of land use
36 zones, and for the use of land within a municipality.
37
38

39 **Appendix D - Off-street Parking Standards**

40 **Notes:**

- 41 1. The dimension of each parking space shall be 10x20 feet. All parking shall be off-street.
- 42 2. Parking is permitted in the property's set-back areas. However, parking is not permitted in any
43 buffering area.
- 44 3. For the purposes of the parking regulations, "Employee" means each Employee and/or the owner
45 who is on duty.
- 46 4. To reduce storm water run-off, it is strongly recommended that low impact surfaces, such as
47

1 crushed stone be used wherever possible.

2
3

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/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 the Mixed Use (MU) Zone are compatible with existing surroundings and to provide residents and commercial entities in the MU recommendations for mitigating potential conflicts where a new commercial entity adjoins an existing resident, commercial, or agriculture use. 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 recommend mitigation actions.

A. Recommended 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 maybe a maximum height of six feet (6')
 - b. Minimum Side and rear setbacks shall be twelve feet (12') as required by Appendix B.
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 twelve feet (12') as required by Appendix B.

B. Recommended Buffering

1. When a residential use is adjoined by a nonresidential use.
2. A minimum ten-foot (10') wide landscape area, provided as part of the required setback, maybe provided adjacent to adjoining residential use planted with vegetation. The 10-foot landscape and buffer area may only be used for planting and screening purposes. 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 twelve feet (12) 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 should 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.

C. Landscape plans should 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 should demonstrate and provide:

1. Landscape buffers between dissimilar or conflicting land uses. Landscape buffers shall

- 1 be provided for off street parking and service areas, and these areas shall be screened
- 2 from public streets;
- 3 2. A soft landscape transitional treatment when man-made areas and features adjoin areas
- 4 of natural open space;
- 5 3. Use of plants and site materials consistent with, and of a similar scale with, existing
- 6 natural landscape, neighboring landscape, adjacent streetscape areas, and native to the
- 7 local environment;
- 8 4. Drought tolerant "xeriscape" landscaping is encouraged. Landscaping improvements
- 9 may also include berms, contouring, rocks and boulders;
- 10 5. The size and spacing of landscape elements should also be of appropriate scale and
- 11 character to all proposed site structures and features.
- 12 6. Cotton-less (male) cottonwood trees should be part of the landscape plan and preserved
- 13 (or replaced when necessary) along all Highway 24 frontages.
- 14 E. When walls, fences and barriers are located adjacent to public rights of way that create a
- 15 continuous surface greater than twenty feet (20') in length, landscape and planting treatments
- 16 should be provided to visually soften the wall, fence or barrier.
- 17 F. Landscape plans should demonstrate that long-term maintenance factors have been considered
- 18 in the landscape design.
- 19 G. Landscape plans shall include a timeline for implementation

Appendix F – Sale of gasoline and/or diesel standards

- 22
- 23
- 24 A. Have and Maintain all necessary licenses and permits required by the Federal Government and
- 25 the Sate of Utah to sell motor fuels
- 26 B. Maintain a policy of liability insurance in the amount of One Million Dollars (\$1,000,000) to
- 27 protect the general public from damages, claims, and losses suffered by the general public as a
- 28 result of negligent acts of the company and/or its employees
- 29 C. Defend, indemnify, and hold Torrey Town harmless from all liability and damages of every
- 30 kind arising out of use occupancy, and/or operation of its business on or in connection with the
- 31 property for which this Conditional Use Permit applies; including but not limited to all liability
- 32 and damages for personal injuries, death, and property damages sustained by any person or
- 33 entity occurring on or in connection with the business as well as all other liability of every kind
- 34 or description that relates in any way to the operation its business and/or use of the property to
- 35 which this Conditional Use Permit applies.
- 36 D. Storage tanks must be more than 300 feet from a residential property line
- 37 E. Have and Maintain a current Torrey Town business license
- 38 F. Shall at all times abide by and be in compliance with health regulations of the State of Utah at
- 39 the location described in the Conditional Use Permit
- 40 G. Shall at all times comply with all fire regulations of the State of Utah at the location described in
- 41 the Condition Use Permit
- 42 H. Shall maintain adequate fire extinguishers and will also have available water at the site for fire
- 43 suppression
- 44 I. Shall fully comply with all Federal and State rules, regulations, and permitting requirements
- 45 regarding the sale and storage of Petroleum, oil, or lubricants (POL)
- 46 J. Shall apply for and obtain a building permit, and will comply with all building standards,
- 47 including setback as described in the Building Code.

- 1 K. Shall paint all petroleum, oil, or lubricant (POL) storage tanks so that they are a consistent color,
- 2 preferably brown or brownish red, so as to better blend with the natural environment.
- 3 L. All petroleum, oil, or lubricant (POL) storage tanks shall be doubled walled to reduce the
- 4 chances of water contamination