

**TOWN OF INTERLAKEN  
Municipal Code**

**TITLE 11 LAND USE**

<b>CHAPTER 11.01</b>	<b>INTENT AND PURPOSE</b>
<b>CHAPTER 11.02</b>	<b>DEFINITIONS</b>
<b>CHAPTER 11.03</b>	<b>ZONES ESTABLISHED</b>
<b>CHAPTER 11.04</b>	<b>R-1 RESIDENTIAL ZONE</b>
<b>CHAPTER 11.05</b>	<b>M-1 MUNICIPAL ZONE</b>
<b>CHAPTER 11.06</b>	<b>SUPPLEMENTARY REQUIREMENTS IN ZONES</b>
<b>CHAPTER 11.07</b>	<b>SL-OV SENSITIVE LANDS OVERLAY ZONE</b>
<b>CHAPTER 11.08</b>	<b>SIGNS</b>
<b>CHAPTER 11.09</b>	<b>WIRELESS TELECOMMUNICATIONS</b>
<b>CHAPTER 11.10</b>	<b>WIND ENERGY CONVERSION SYSTEMS</b>
<b>CHAPTER 11.11</b>	<b>ENFORCEMENT AND ZONING VIOLATIONS</b>
<b>CHAPTER 11.12</b>	<b>LAND USE ADMINISTRATION</b>

**CHAPTER 11.01 INTENT AND PURPOSE**

**Section 11.01.010 Intent and Purpose**

**Section 11.01.020 Application**

**Section 11.01.030 Declaration**

**Section 11.01.040 Interpretation**

**Section 11.01.010 Intent and Purpose**

It is the intent and purpose of the Town Council of Interlaken Town, Utah, to promote the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the Town by guiding development within the Town in accordance with a comprehensive plan prepared and adopted by the Town to accomplish the following:

- A. Encourage and facilitate orderly growth and development in the Town.
- B. Facilitate adequate provision for transportation, and other public services.
- C. Promote sanitation and health of the inhabitants.
- D. Promote safety from fires, floods, traffic hazards, and other dangers.
- E. Discourage the overcrowding of land and undue concentration of population.
- F. Discourage undue scattering of population and unnecessary expenditure of monies for excessive streets, water and sewer lines, and other public services.
- G. Stabilize and improve property values.
- H. Protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions.

- I. Promote a more attractive and wholesome environment.
- J. Promote the retention of Interlaken Town's rural atmosphere and preserve a variety of types of open spaces, scenic vistas, agricultural lands, and natural areas.

**Section 11.01.020 Application**

The regulations and restrictions as set forth in this Title shall be so interpreted and applied as to further the purposes of this Title.

**Section 11.01.030 Declaration**

In establishing the zones, the boundaries thereof, and regulations and restrictions applying within each of the zones, due and careful considerations was given, among other things, to the suitability of the land for particular uses, and to the character of the zone, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

**Section 11.01.040 Interpretation**

In interpreting and applying this Title, the provisions thereof shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. In the case that this Title imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this Title shall control.

**CHAPTER 11.02 DEFINITIONS**

For the purpose of this Title, the following words and phrases shall, unless defined differently in a particular section, have the meanings respectively ascribed to them:

1. Building. Any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.
  - a. Main building. The principal building upon a lot.
  - b. Setback line requirement. A line requirement designating the minimum distance which buildings must be set back from a street or lot line.
  - c. Building, accessory. A subordinate building, the use of which is incidental to that of the main building
2. Compost. Organic matter that has been decomposed and recycled as a fertilizer and soil amendment
3. Carport. A structure with one or two or no walls for the shelter of automobiles with permanent footings.
4. Certified Agency. A public agency with regulatory oversight as delegated

- by applicable law or regulation.
5. Common Area. Property that a community association, as defined in Utah Code, owns, maintains repairs or administers.
  6. Conditional Use. A use which requires a recommendation from the Planning Commission and an approval from the Town Council prior to issuing a permit for construction or prior to the use commencing. Also, a use which requires individual consideration of surrounding conditions and circumstances prior to approval. Approval by the Planning Commission or Town Council may be given with conditions.
  7. Development. Disturbance of the property for a structure, road, utility service, retaining wall, or any other improvement that is used to support human habitation or structures of any use.
  8. Drainage Corridor. An above-ground water, gully or impression in the landscape that carries storm water runoff or spring water.
  9. Dwelling Unit. Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one family, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
  10. Environmental Assessment Review Statement. A statement prepared by an engineer in conjunction with a geologist, or other person qualified by training or experience, as determined by the Planning Commission, which indicates or describes the impact that the project will likely have on the natural features of the immediate area, and which describes the measures that will be taken to lessen the occurrence of adverse conditions. The impact statement shall describe the impact the project will likely have on the natural features of the immediate area. The statement shall also indicate the measures that will be taken to mitigate any negative conditions that will occur as a result of the project with respect to:
    - a. Re-seeding of cuts and fills.
    - b. Control of erosion within the project area
    - c. Provisions for potable water, including ability of existing or proposed infrastructure to deliver culinary water, provide fire flow, water storage, and any other concerns of the Town Engineer.
    - d. Disposition of geologic hazards which will be hazardous to safety or any aspect of the development. Special attention shall be given to the discussion concerning soil conditions. A soils engineer shall be consulted in the preparation of the impact statement. The statement shall include preliminary information concerning the existing water table, bed rock conditions, and the engineering report.
    - e. Provisions for proper disposal of sanitary sewer wastes, including ability of existing or proposed infrastructure to take sewer water, provide for treatment and storage for treated effluent in the existing facility, and any other concerns of the Midway Sanitation District and Heber Valley Special Service District engineers.
    - f. Prevention of the accumulation of weeds and debris both during construction of the infrastructure and throughout the build out of the entire

- project, including if a project is to be phased into more than one plat.
  - g. Disposition of existing vegetation and the establishment of new vegetation.
  - h. Disposal of surface water run-off and conditions relating to flood hazards for a 25-year, 24- hour storm disposal of storm water run-off in relation to off-site requirements. Study shall also show the affects of a 100-year storm on the development and affected surrounding areas as directed by the Town Engineer.
  - i. Study declaring existence of and showing protection for wetlands, wildlife habitat (including migration patterns) ridgelines/hillsides, stream corridors, subsurface or surface geothermal features and mounds (whether active or not), and other natural features as required in the Sensitive Lands Overlay Zone Chapter of this Title.
  - j. Provisions for disposal of solid wastes
11. Exaction. A requirement imposed as a condition of land use that is subject to the following standard. The Town may impose an exaction or exactions on proposed land use development if:
- a. An essential nexus exists between a legitimate governmental interest and each exaction; and
  - b. Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
12. Family. One or more persons living together as a single housekeeping unit in a dwelling unit.
13. Fence. A fence up to six (6) feet in height.
14. Floor Area, Gross. The total of all square footage within a given structure measured from outside faces of each wall.
15. Fractional Numbers and Measurements. In meeting the requirements of this Title, all fractions of numbers above one-half shall be construed to mean the next highest whole number. All fractions one-half or less shall be construed to mean the next lowest whole number.
16. Frontage. The distance between the two (2) side lot lines of a parcel, measured along the street (or, on a corner lot, streets) which the parcel is allowed to access. Corner lots shall have the required minimum lot frontage on both streets. For purposes of this title, temporary turnarounds, dead ends of roadways, or emergency accesses shall not be used as frontage.
17. Grade. The ground surface elevation of a site or parcel of land.
18. Grade, Existing. The Grade of a Property prior to any proposed construction activity, including the effects of any previous man-made site disturbance.
19. Grade, Final. The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.
20. Grade, Natural. Elevation of the existing surface of the land prior to commencement of construction of any proposed improvements or any previous man-made site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the undisturbed grade of

adjacent properties. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water. This term is a base point to be used to establish the basis for compliance with Town height limitations in stated circumstances.

21. Grading. Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavation, filling or embanking.
22. Grow Light or Plant Light. An artificial light source, generally an electric light, designed to stimulate plant growth by emitting an electromagnetic spectrum appropriate for photosynthesis.
23. Guest. A person staying in a house by permission of the owner without compensation to the owner.
24. Height of Building. Depending on the slope of the property, Building Height is defined as either the vertical distance from “natural grade” to the top of the building roof, roof element, or building structure directly above, or the vertical distance from the lowest floor plane which has an exterior entrance or a partially or fully exposed wall on the downhill side of the dwelling, to the highest point of the roof or roof element or building structure above. See Section 11.06.070 for specific maximum building height requirements and Section 9.08.030 on how to calculate (measure) maximum building height.
25. Home Occupation. Any occupation conducted within a dwelling which is clearly secondary in importance to the home as a dwelling or place to live and carried on only by persons residing in the dwelling.
26. Hydroponics. The cultivation of plants in a nutrient-rich solution rather than in soil under controlled conditions of lights, temperature, and humidity.
27. Landscaping. Some combination of planted trees, shrubs, vines, ground cover, or flowers, or lawns. In addition, the combination of design may include rocks and such structural features as fountains, pools, art works, screens, walls, fences, walks, or benches, but such objects alone shall not meet the requirements of this Title.
28. Land Use Plan. A plan recommended by the Planning Commission and adopted and maintained by the Town Council, which shows how land should be used. It is also an element of the General Plan.
29. Licensed Engineer. A professional or structural engineer licensed to practice in Utah by the Department of Professional Licensing.
30. Lot. A single parcel or tract of land.
  - a. Lot, corner. A lot situated at a junction of two public streets or situated on a curved street where the radius of the curve is 35 feet or less and where the angle formed by the intersection of the tangent is 105 degrees or less.
  - b. Lot, interior. A lot other than a corner lot.
  - c. Lot of record. A lot designated in an approved subdivision or a lot legally created, said lot or subdivision being created prior to the current zoning designation. This lot would be recorded pursuant to statute in the County Recorder's office. A lot of record may or may not coincide with zoning

requirements.

31. Lot Width. The distance between the two (2) side lot lines of a parcel measured at the required minimum building setback.
32. Manufactured Home. See State of Utah law and definitions.
33. Modular Home. See State of Utah law and definitions.
34. Non-Complying Structure. A structure that: (a) legally existed before its current land use designation; and (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.
35. Non-Conforming Building. A building, structure, or portion thereof, which does not conform to the regulations of the Title applicable to the zone or district in which such building is situated but which was in existence on the effective date of this Title.
36. Non-Conforming Use. A use of land that:
  - a. Legally existed before its current land use designation;
  - b. Has been maintained continuously since the time the land use ordinance governing the land changed; and
  - c. Because of one or more subsequent land use ordinance changes does not conform to the regulations that now govern the use of the land.
37. Overhang. The part of a roof that extends over the side wall or end wall of a building.
38. Parking Space. Space within a building or parking area, exclusive of driveways, ramps, columns, office and working area, for the parking of a motor vehicle, not less than 20 feet in length and not less than nine feet in width.
39. Planting/Landscape Plan. A plan showing the location, type, and size of plants. It shall indicate irrigation equipment, curbs, berms and other protective features around the edge of the planting beds.
40. Recreational Vehicle Camper/Travel Trailer/Motor Home. A vehicle unit, other than a mobile or manufactured home, primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle.
41. Sensitive Overlay Zone Map. A map provided by the Town showing the sensitive areas of Interlaken Town
42. Setback. The shortest distance between the property line and the foundation, wall, or a framing member of the building supporting a floor or roof (a deck shall not be considered a floor; however, a support for a roof over a deck shall be the point for measuring setbacks).
43. Short Term Rental. A property or portion thereof that is rented or leased for 30 days or less.
44. Sign. Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including a flag pole.
  - a. Sign, Accessory. A sign which directs attention to a business or profession, conducted on the premises.

- b. Sign, Area of. The area of a sign shall be considered to include all lettering, wording, and accompanying designs or symbols together with any background material, whether painted or applied. Where a sign consists of individual letters attached to or painted on a building or wall or window the area of the sign shall be considered to be that of the smallest rectangle which encompasses all the letters or symbols.
  - c. Sign, Non-accessory Billboard. A sign which directs attention to a business, commodity service, or entertainment, which is conducted, sold, or offered elsewhere than on the premises.
45. Street. Any thoroughfare serving as the principal means of access to property.
46. Storm water Drainage Plan. A proposed method for containing the increase of rain water on the property due to development, so that it doesn't pool up at the foundation, runoff onto neighbors' property, or cause flooding.
47. Subdivision. The division of a tract, lot, or parcel of land into two or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, of sale or for building development.
48. Substantially Complete. The culinary water, secondary water, sewer, and storm water, must be installed sufficiently complete to function for the intended purpose. All electrical and natural gas utilities installed and all utility conduits have been installed sufficiently complete to function for the intended purpose.
49. Tank. A storage container for storing culinary water.
50. Town Engineer. An approved engineer acting as the Engineer for Interlaken Town.
51. Town Planning Staff. Those members of the Town Staff, including the Town Planner, with the professional experience and responsibility to review and enforce this Title.
52. Variance. A waiver of a specific regulation of this Title granted by the Appeal Authority in accordance with the provisions set forth in this Title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same zone.
53. Yard. An open space on the same lot with a building unoccupied or unobstructed from the ground upward, except as otherwise provided in this Title.
- a. Yard, front. The minimum horizontal distance between the street line and the front line of the building or any support posts for projections thereof, excluding non-enclosed steps. On a corner lot, the front yard may be applied to either street.
  - b. Yard, Rear. An open area or unoccupied space on the same lot as a building, measured from the rear line of the building (exclusive of steps) to the rear line of the lot, and extending for the entire width of the lot. On a corner lot, the rear yard may be applied to either of the interior lot lines, but does not enter the front or side yard, which faces the street.
  - c. Yard, Side. The open space between the building and the sideline of the lot

and extending from the front yard to the rear lot line. On a corner lot, one of the side yards must face upon the remaining street after the front yard street frontage has been designated.

54. Zoning Lot. A tract of land designated for purposes of this Title as the project site. A zoning lot may or may not coincide with a lot of record.



**CHAPTER 11.03      ZONES ESTABLISHED**

- Section 11.03.010      Zones Established**
- Section 11.03.020      Official Zone Map**
- Section 11.03.030      Boundaries of Zones**

**Section 11.03.010      Zones Established**

In order to carry out the purposes of this Title, Interlaken Town, Utah is hereby divided into zones as follows:

- R-1 Residential Zone
- M-1 Municipal Zone
- SL-OV Sensitive Lands Overlay Zone

**Section 11.03.020      Official Zone Map**

The location and boundary of each of the zones are shown on the Official Zone Map of Interlaken Town, Utah, and said map is hereby declared to be an official record and a part of this Title.

Whenever amendments or changes are made in zone boundaries, such amendments or changes shall be made on the Official Zone Map.

**Section 11.03.030      Boundaries of Zones**

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

- A. Where the intended boundaries on the zone map are approximately street or alley lines, said street or alleys shall be construed to be the zone boundaries.
- B. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries, unless otherwise indicated.
- C. Where land has not been subdivided into lots, the zone boundary shall be determined by the use of the scale of measurement shown on the map.
- D. Where other uncertainty exists, the Town Council shall interpret the map.

**CHAPTER 11.04 R-1 RESIDENTIAL ZONE**

**Section 11.04.010 Objective and Characteristics**  
**Section 11.04.020 Permitted Uses**  
**Section 11.04.030 Prohibited Uses**  
**Section 11.04.040 Conditional Uses**  
**Section 11.04.050 Area Requirements**  
**Section 11.04.060 Width Requirements**  
**Section 11.04.070 Location Requirements**  
**Section 11.04.080 Size of Dwellings**  
**Section 11.04.090 Supplementary Requirements**

**Section 11.04.010 Objective and Characteristics**

The objective in establishing the R-1 Residential Zone is to encourage the creation and maintenance of residential areas within the Town which are characterized by medium to large size lots on which single-family dwellings are situated, surrounded by trees and other plantings. A minimum of vehicular and pedestrian traffic and quiet residential conditions favorable to family living are also characteristic of this zone. In order to accomplish the objectives and purposes of this Chapter and to promote the characteristics of this zone, the following regulations shall apply in the R-1 Residential Zone.

**Section 11.04.020 Permitted Uses**

A. One-family dwellings and related accessory buildings and uses. Accessory uses and buildings include garages, storage sheds, personal greenhouses, and carports. A maximum of one dwelling unit and one accessory building will be allowed for each legal lot.

B. Customary household pets, including but not limited to cats, dogs and canaries. This does not including the breeding of dogs and cats or other pets for sale or other use. Notwithstanding the foregoing, no more than three cats and three dogs are permitted at one time at any single family residence.

C. Temporary buildings and yards for the storage of materials and equipment incidental to the construction of dwellings when permittee has been approved and other permitted uses, provided that the building is removed upon issuance of a certificate of occupancy.

D. Home Occupations.

**Section 11.04.030 Prohibited Uses**

Prohibited uses include, but are not limited to:

Short Term rentals. No property or portion thereof may be rented or leased for 30 days or less for any purpose, including, but not limited to any residential or commercial purpose such as vacation rentals, weddings, or other event rentals.

**Section 11.04.040 Conditional Uses**

There are no conditional uses allowed in this zone.

**Section 11.04.050 Area Requirements**

The existing legal lots.

**Section 11.04.060 Width and Frontage Requirements**

The existing legal lots.

**Section 11.04.070 Location Requirements**

A. The main dwelling unit shall be set back at least 30 feet from all lot lines or 30 feet from the center of the roadway right of way.

B. The accessory building shall be set back at least 30 feet from all lot lines, or 30 feet from the center of the roadway right of way.

C. A 10 foot setback shall be permitted along the property line that abuts an entity other than Interlaken property, such as the State Park boundary.

D. For corner lots, the main dwelling and any accessory building shall be set back from the rear property line a distance of at least 30 feet.

**Section 11.04.080 Size of Dwellings**

The ground floor area of all dwellings shall be not less than 800 square feet.

**Section 11.04.090      Supplementary Requirements**

See Chapter 11.06 Supplementary Requirements in Zones.

**CHAPTER 11.05      M-1 MUNICIPAL ZONE**

**Section 11.05.010      Objective and Characteristics**

**Section 11.05.020      Permitted Uses**

**Section 11.05.030      Conditional Uses**

**Section 11.05.010      Objective and Characteristics**

The objective in establishing the M-1 Municipal Zone is to allow Interlaken Town to control use of Town property, and to provide municipal services to the community.

The Municipal Zone includes the Town Pump House parcel and other property owned by the Town as referenced in the IMWC Company Assets Parcel Locations Map.

**Section 11.05.020      Permitted Uses**

Any use as permitted by Interlaken Town Council for the purpose of serving the community.

**Section 11.05.030      Conditional Uses**

No Conditional Uses are allowed in the M-1 Zone.

**CHAPTER 11.06 SUPPLEMENTARY REQUIREMENTS IN ZONES**

- Section 11.06.010 Every Dwelling to be on a Zoning Lot**
- Section 11.06.020 Yards to be Unobstructed – Exceptions**
- Section 11.06.030 Area of Accessory Buildings**
- Section 11.06.040 Accessory Buildings Prohibited as Living Quarters**
- Section 11.06.050 Storage of Commercial Vehicles in Residential Zones Prohibited**
- Section 11.06.060 Storage of Junk and Debris in Residential Zones Prohibited**
- Section 11.06.070 Maximum Height Provisions for all Buildings**
- Section 11.06.080 Minimum Height Required for Buildings**
- Section 11.06.090 Minimum Width Required for Buildings Containing Dwelling Units**
- Section 11.06.100 Drainage**
- Section 11.06.110 Clear View of Intersecting Streets**
- Section 11.06.120 Exception to Front and Side Setback Requirements (Section Deleted 2018-01-08)**
- Section 11.06.130 Sewage Disposal**
- Section 11.06.140 Motor Vehicle Access**
- Section 11.06.150 Landscaping Plan**
- Section 11.06.160 Maintenance of Undeveloped Areas**
- Section 11.06.170 Pollution Prevention**
- Section 11.06.180 Recreational Vehicles, Manufactured Homes, and Mobile Homes**
- Section 11.06.190 Home Occupations**
- Section 11.06.200 Moving of Homes**
- Section 11.06.210 Fences, Walls, and Hedges**
- Section 11.06.220 Off-Street Parking and Loading**
- Section 11.06.230 Requirements for Single-Family Dwelling Units**
- Section 11.06.240 Requirements for Solar Panels**
- Section 11.06.250 Requirements for Outdoor Lighting**
- Section 11.06.260 Fireplaces, Fire Pits, and Outdoor Fires**

**Section 11.06.010 Every Dwelling to be on a Zoning Lot**

All buildings which contain a dwelling unit shall be located and maintained on a zoning lot as defined in this Title..

**Section 11.06.020 Yards to be Unobstructed – Exceptions**

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, cornices, and other ornamental features and unenclosed steps and un-walled stoops and porches, which may project up to three feet into a required yard.

**Section 11.06.030 Area of Accessory Buildings**

Accessory buildings in any residential zone shall not cover more than 25 percent of the rear yard.

**Section 11.06.040 Accessory Buildings Prohibited as Living Quarters**

Living and sleeping quarters in any building other than the dwelling unit is prohibited.

**Section 11.06.050 Storage of Commercial Vehicles on Public Streets**

With the exception of vehicles actively being used for a construction project, it shall be unlawful to park a double axle truck having a rated of two tons or more on any public street for a continuous length of time of three hours or more except in the case of current Town Public Works projects. It shall also be unlawful to so park any construction equipment, such as graders, compressors, etc. Under no circumstance may any such vehicle, including any vehicle actively being used for a construction project, remain parked outside construction hours as specified in Chapter 9.08 “Regulation of Construction Activities,” in Title 9..

**Section 11.06.060 Storage of Junk and Debris in Residential Zones Prohibited**

No yard or other open space surrounding an existing building in any residential zone, or which is hereafter provided around any building in any residential zone, shall be used for the storage of junk, debris, or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted herein.

**Section 11.06.070 Maximum Height Provisions for all Buildings**

The height of any building shall not exceed 35 feet.

- A. The total height shall be measured as follows:
  - 1. For properties with and average natural grade of less than 25 percent: the total building height shall be measured as the vertical distance from the natural grade, as defined in this Title, to the highest point of a roof, or roof element, or building structure above.
  - 2. For properties with an average natural grade of 25 percent or greater OR properties proposing building construction directly on top of any portion of land with a slope of 25 percent or greater: the total building height shall be measured from the lowest flooring level which has an exterior entrance or a partially or fully exposed wall on the downhill side of the dwelling,

and then as measured from that flooring level to the highest point of the roof, or roof element or building structure above.

**B. Exceptions:**

1. Antennas, chimneys, flues, vents, or similar structures may extend up to 5 feet above the specified maximum height limit.
2. Mechanical equipment may extend up to 5 feet above the specified maximum height limit.

C. Special height requirements for buildings constructed on properties with an average natural slope of 25 percent, or constructed on top of any bench and/or slope of 25 percent or greater are imposed to support the requirements stated in the Sensitive Lands Chapter of this Title. The restrictions stipulated in Section 11.06.070 on building height shall be applied where applicable.

**Section 11.06.080 Minimum Height Required for Buildings**

No dwelling shall be erected which has a ceiling height of less than 7 feet 6 inches or one story above grade, whichever is greater.

**Section 11.06.090 Minimum Width Required for Buildings Containing Dwelling Units**

No dwelling shall be erected, for which the narrowest width is less than 20 feet from outside face of opposing walls. This shall not include bay windows or offsets less than 6 feet in depth.

**Section 11.06.100 Drainage**

Surface water from rooftops, lots or irrigation ditches shall not be allowed to drain onto adjacent lots or streets. Gravel or debris that drains onto streets from rainstorms, etc. shall, within 48 hours, be cleaned up by property owner where the debris originated.

**Section 11.06.110 Clear View Triangle of Intersecting Streets**

No obstruction which will obscure the view of automobile drivers shall be placed on a corner lot within a triangular area formed by the street property lines and a line connecting them at points 45 feet from the intersection of the street lines.

**Section 11.06.120 Exception to Front and Side Setback Requirements**

Section 11.06.120 Deleted in Revision 2018-01-08.

**Section 11.06.130 Sewage Disposal**

Domestic liquid waste facilities in all dwellings and other buildings used for human occupancy which buildings are located within 300 feet to an available public sewer shall be connected to a public sewage system. Where domestic liquid waste facilities are located further away than 300 feet from any available public sewer, a public sewer shall either be extended to connect with such facilities or else the facilities must be constructed in accordance with Wasatch County health department standards before a building permit shall be issued for the building in which the sewage facilities are to be constructed.

**Section 11.06.140 Motor Vehicle Access**

Access to all lots and parcels of land having frontage on a public street shall be controlled as follows:

- A. Access shall be by not more than two driveways from any one street, except as may be permitted by the Town Council, when it can be shown that additional driveways will promote traffic safety.
- B. On corner lots, no driveway shall be closer than 40 feet to the point of intersection of the front property line with the side property line which abuts upon a street.

**Section 11.06.150 Landscaping Plan**

A landscaping plan shall be submitted as part of all building permits, and shall demonstrate the following:

1. How the surface of the earth as approved for a building will be maintained to preserve the final grade for the drainage and storm water plan
2. Control of noxious weeds
3. How the danger of wildfire will be limited
4. Economy of maintenance
5. Water use and environmental protection, as well as providing aesthetic enhancement suitable to the project.
6. Lawns are prohibited.
7. No landscaping shall be approved which, upon maturity, shall obstruct the existing views from neighboring properties.
8. For fire protection, trees and tall shrubs shall not be planted closer than 30 feet from new construction.

In all cases, such a plan will show the finished grade, location, type, and size of plants. Native or naturalized plant species shall be used in order to conserve water.

The purpose of the landscaping requirement in this Title shall be to provide a plan that when implemented, will provide the means to:



- Reasonably protect buildings, utilities, surrounding properties and public facilities from damage from surface drainage
- Conserve water
- Control dust
- Increase efficiency of maintenance for landscaped areas
- Enhance the appearance of buildings
- Protect and enhance the beauty of the property and Town
- Stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the orderly development of a pleasant community.

Landscaping also contributes to the relief of heat, noise, and glare through the proper placement of plants and trees.

A. Scope of Requirement. Where landscaping is required, such landscaping shall comply with the requirements set forth in this Section for the specific use and location, and shall be specific enough so that the implementation of the plan can be valued for installation costs, monitored for compliance with the plan by the Town or a third party as approved by the Town and, if required by the terms of this Title, be secured for completion by a construction and a warranty bond.

B. Site Grading Plan. Provide reasonable drainage away from the buildings by establishing grade lines to positively control water in coordination with existing or approved storm water drainage plans, to minimize erosion, and to protect landscaped surfaces from damage by concentrated runoff.

C. When landscaping is required as a part of any project approved under this Title, such landscape plans shall incorporate compliance with all other required conditions of the Town for the project.

D. Maintenance Required. Required landscaped areas shall be maintained in a neat, clean, orderly, and healthful condition. This is meant to include proper pruning, weeding, removal of litter, fertilizing, replacement of dead plants, and the watering as required to establish all native and naturalized plantings.

E. Screening Requirements. Where landscape screening is required, said screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height of said required screening. When not otherwise specified, natural screening shall be maintained at a height of at least 6 feet.

F. Site Plan Required. Where landscaping is required in this Title, a site plan showing the proposed landscaping development, and use of the property shall be submitted to the Planning Commission. Otherwise, the same plan used to show parking layout or other requirements for the issuance of a building permit may be used to show landscaping, providing all required landscaping is detailed adequately

on said plot plan. The Town Council may disapprove such plans if it determines that they are not consistent with the requirements and purposes of this Chapter.

G. Non-Conforming Status. Any use of property, which, on the effective date of this Chapter is non-conforming only as to the regulations relating to landscaping, may be continued in the same manner as if the landscaping were conforming, unless such use constitutes a nuisance.

H. It is not required that any particular species of plants or grasses shall be provided, except that the landscape plan shall explain the choice for each plant material and demonstrate that the plant material is appropriate to the function of the landscape plan and can survive in this climate with little to no irrigation. The landscape plan shall include water wise plantings and must demonstrate how noxious weed species can be controlled within the landscape plan area.

#### **Section 11.06.160 Maintenance of Undeveloped Areas**

All undeveloped areas shall be treated for noxious weeds.. Noxious weeds, as identified by the Wasatch County Weed Board, shall be controlled using Weed Board-approved treatment procedures for the selected weed species.

#### **Section 11.06.170 Pollution Prevention**

Any use which emits or discharges gases, fumes, dust, glare, noise, or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health, shall be prohibited. This Section shall not prohibit the use of burning for agricultural purposes.

#### **Section 11.06.180 Recreational Vehicles, Manufactured Homes, and Mobile Homes**

A. It shall be unlawful to place a mobile home within the corporate limits of Interlaken Town.

B. A recreational vehicle shall not be placed on any lot or parcel of land in an area covered by the zone map and to use the same for human habitation except when temporarily parked on a lot and occupied by relatives or friends of the residing family, but not to exceed 14 days.

C. All recreational vehicles must have a current registration.

D. Any two of the following shall be prima facia evidence of human habitation of a

recreational vehicle:

1. Connection to an electrical power source.
2. Connection to water source.
3. Connection to a private or public sanitary sewer system.

E. Manufactured homes may be placed within the residential areas of Interlaken Town, when they meet all zoning criteria for a residential dwelling unit, when the home is placed on a permanent foundation, and when meeting the criteria of State law.

### **Section 11.06.190 Home Occupations**

Home occupations, as described below is a permitted use:

- A. Home occupations are permitted in the zone.
- B. The home occupation is clearly incidental to and secondary to the residential use of the dwelling unit and does not occupy more than 500 square feet or 25 percent of the total floor area of such dwelling unit, whichever is less.
- C. The home occupation is carried on entirely within the dwelling unit by one or more of the residents residing within the dwelling. For the purposes of this Section, a garage, carport, patio, breezeway or any accessory building is not considered to be part of the dwelling.
- D. It shall not be permitted to conduct any activity of the home occupation outside of the dwelling unit or store materials or products outside of the dwelling unit. There shall be no external evidence of the home occupation.
- E. The home occupation shall limit the number of concurrent customer visits to a maximum of 3. Customers may not park on public streets.
- F. The home occupation must comply with all Interlaken Town building and fire codes.

### **Section 11.06.200 Moving of Homes**

The legal moving of a dwelling from one location to another is defined and permitted as follows: Dwellings, which have had prior use, shall be permitted within all zones in which dwellings are permitted when approved by the Town Council, subject to the following conditions:

- A. An application has been filed with the Town Council containing the following information:
  1. Location and address of both the old and new sites.

2. Plot plan of the new site, showing adjacent lots on all sides of the property and indicating all structures and improvements on said lots.
3. Plans and specifications for the proposed improvements at the new location, including plans for landscaping treatment.
4. Certification by a licensed structural engineer that the structure is sound enough to be moved shall be provided to the Building Inspector and a site plan and other documents showing that the condition, location, and use of the building will comply with the Land Use Title and all other applicable codes and ordinances.

B. The Town Council finds:

1. That the building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved.
2. That the building is in conformity with the quality of buildings existing in the area into which it is proposed to be moved.
3. That said building and the lot on which the building is to be located will conform to the requirements of the Land Use Title and other applicable sections of the Municipal Code.
4. That the location on the lot does not in any substantial way adversely affect buildings or uses on abutting properties.
5. That all landscaping, walkways and masonry work about the premises and the required dedications and improvements for streets and facilities and buildings shall be provided in conformity with the standards of the Town.
6. That a bond or other assurance has been posted as a guarantee that the building and grounds will be improved as stipulated by the Town Council before the building is occupied, and that the vacated site will be restored to a safe and sightly condition. The amount of the bond or other assurance shall be at least equal to the cost of employing a contractor to make the improvement to the buildings and premises as required by the Town Council.
7. Foundations removed.

**Section 11.06.210 Fences, Walls, and Hedges**

- A. Chain link, vinyl, electric, or barbed wire fences are not permitted.
- B. Fences, walls, and hedges shall be permitted in all zones to a height of 6 feet unless prohibited in other sections of the code.
- C. Fences, walls, hedges or other obstructions shall not be located in the clear view of intersecting streets as explained in Section 11.06.110.
- D. No fence, wall, hedge or other obstruction over (3) feet in height shall be constructed or placed within 10 feet of any driveway which would interfere with the visibility of pedestrians and traffic.
- E. All private fences, walls, hedges or other obstructions, regardless of fence height

or property zoning classification, shall be constructed upon private property and not within the street right-of-way.

**Section 11.06.220 Off-Street Parking and Loading**

The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles.

The minimum number of parking spaces required for residential structures is two parking spaces per unit.

**Section 11.06.230 Requirements for Single-Family Dwelling Units**

Single-family dwelling units shall be constructed on permanent foundations.

**Section 11.06.240 Requirements for Solar Panels**

A. The purpose of this section is to regulate the permitting of solar panels for personal use and encourage renewable energy practices with minimal regulation while mitigating negative effects.

B. Flush mounted roof solar panels are allowed as a permitted use as long as the panels are mounted flush (or minimum parallel separation allowed for cooling) with the roof and are a maximum of 4" thick.

C. Structured roof mounted solar panels are permitted. Structured panels are defined as a panel that does not mount flush with the roof but has some type of structure to change the angle of the panel.

D. Free standing solar panel structures are a permitted with the following regulations:

1. A maximum height of 15' from natural grade.
2. A maximum area of 300 square feet.
3. The solar panel structure shall meet all the setback requirements for an accessory structure as required in the zoning district in which it will be located.

E. Solar panels require a building permit in all cases except when all the following requirements are met:

1. The solar panels are not hooked into any local electrical provider's system.
2. The size of the panels is no more than 2' x 2'.
3. No more than 2 amps are produced.

**Section 11.06.250 Requirements for Outdoor Lighting**

All outdoor lighting must conform to the specifications outlined in the “Interlaken Town Lighting Specifications” document.

**Section 11.06.260 Fireplaces, Fire Pits, and Outdoor Fires**

- A. No wood-burning fire pits, fireplaces, chimneys, or other wood-based open flames may be permitted outdoors or placed on the exterior wall of any building in any zone.
- B. Outdoor gas fire pits are permitted provided they meet the following requirements. The fire pit must:
- Be placed on a fireproof surface, such as concrete or stone.
  - Maintain a minimum distance of (15) fifteen feet (15') from any building, ten feet (10') feet from any lot line, and ten feet (10') from any other combustible material.
  - Be Surrounded and enclosed by a noncombustible material such as steel, brick, or masonry.
  - Not have an ignitable area exceeding ten square feet (10 ft<sup>2</sup>).
- C. Gas fireplaces are permitted outdoors, provided they meet the following requirements:
- Meet all requirements set forth by Chapter 9.03 Uniform Codes Adopted
  - Uses a glass enclosure over the face of the fireplace
- D. Indoor fireplaces that burn solid fuel or wood are required to have a spark arrestor fitted to their chimney that meets the following requirements:
- The net free area of the spark arrestor shall not be less that four times the net free area of the outlet of the chimney flue it serves.
  - The spark arrestor screen shall have heat and corrosion resistance equivalent to 19-gauge galvanized steel or 24-gauge stainless steel.
  - Openings shall not permit the passage of spheres having a diameter greater than ½ inch nor block the passage of spheres having a diameter less than 3/8 inch.
  - The spark arrestor shall be accessible for cleaning and the screen or chimney cap shall be removable to allow for cleaning of the chimney flue.

**CHAPTER 11.07 SL-OV SENSITIVE LANDS OVERLAY ZONE**

<b>Section 11.07.010</b>	<b>Purpose</b>
<b>Section 11.07.020</b>	<b>Area and Applicability</b>
<b>Section 11.07.030</b>	<b>Sensitive Lands Identification and Review Procedure</b>
<b>Section 11.07.040</b>	<b>Reference Materials and Resources</b>
<b>Section 11.07.050</b>	<b>Ditches</b>
<b>Section 11.07.060</b>	<b>Spring and Well Protection Zones</b>
<b>Section 11.07.070</b>	<b>Trees and Vegetation</b>
<b>Section 11.07.080</b>	<b>Hillsides, Slopes, and Natural Grade</b>

**Section 11.07.010 Purpose**

A. This Sensitive Lands Overlay Zone Chapter recognizes and provides protection for the unique sensitive lands features that are of major interest to the Town.

B. Thus, the purposes of this Sensitive Lands Overlay Zone Chapter shall be to provide standards and guidelines for the protection of these natural resources and features for the Town and the public. These purposes include, as examples, but are not limited to:

1. Encourage development designed to reduce risks associated with natural hazards from storm water runoff and erosion by requiring drainage facilities and the minimal removal of vegetation.
2. Minimize the threat and consequential damages of fire in hillside areas by establishing fire protection measures.
3. Preserve natural features, wildlife habitat and open space.
4. Preserve public access to mountain areas and natural drainage channels.
5. Retain natural topographical features such as drainage channels, streams, ridgelines, rock outcroppings, vistas, trees and other natural plant formations.
6. Preserve and enhance visual and environmental quality by the use of natural vegetation and prohibition of excessive excavation and terracing.
7. Establish on-site and off-site traffic facilities that ensure ingress and egress for vehicles (including emergency vehicles) into all developed areas at any time.
8. Encourage location, design and development of building sites to provide maximum safety and human enjoyment while adapting the development to the best use of natural terrain.
9. Encourage the use of creative design teams composed of professional landscape architects, engineers and others.
10. Identify and protect environmentally sensitive areas of the Town.
11. Protect these areas from flooding, erosion, storm water damage or fire hazard.
12. Protect the public safety and public costs thereof.
13. Protect the scenic and natural character and views of these areas.
14. Retain the natural topographic features and natural grade of these areas.



15. Protect the flora and fauna and habitat of these areas.
16. Encourage public access to these areas.

**Section 11.07.020 Area and Applicability**

A. Area. The Sensitive Lands Overlay Zone and Chapter, and every sensitive land concept incorporated therein, shall apply to the full-incorporated limits of the Town of Interlaken, and to any proposed annexation.

B. Applications Affected. This Chapter shall apply to all land use applications and to any level of development or improvement or other use with the potential to change the sensitive character of the land.

C. Annexations. Annexation petitioners must conduct a sensitive lands analysis of the full area being considered for annexation. Any findings of sensitive lands will be updated into the Town maps and inventories herein described. This initial annexation inventory notwithstanding, future development applications within the annexation must also submit to a future sensitive lands analysis at the time of application for development.

D. Conflict. In the event of overlapping or conflicting requirements between this Sensitive Lands Chapter and other provisions or regulations under other sections of the Town Municipal Code, the more restrictive provision shall apply.

**Section 11.07.030 Sensitive Lands Identification and Review Procedure**

For every annexation brought before the Town, the owner, developer or proponent shall, as part of the application for Preliminary Approval, evaluate and return the sensitive lands analysis checklist, along with supporting data for each section of the checklist concerning its applicability to the property. This completed checklist is to facilitate a review of the sensitive lands by the Town Planner, Planning Commission, and Town Council. The checklist is by no means comprehensive, but is an initial guideline for the benefit of both the Town and the applicant. Upon review, the Town may require further and more comprehensive analysis of any of the sections. Analysis of each of the types of sensitive lands governed by this Chapter, and the applicable requirements contained herein, may be required to be conducted by professionally licensed engineers or the appropriate public review agency, or firms sanctioned by such agencies, at the expense of the owner or developer.

**Section 11.07.040 Reference Materials and Resources**

The following materials and resources may be available for reference by the applicant. These items are not exhaustive. The requirements of this Chapter apply to the types of sensitive lands described by this Chapter whether or not these materials specifically

identify an applicant's particular parcel of land. Under all circumstances, the applicant has the responsibility to identify all sensitive lands on property proposed for development, and to comply with the requirements imposed by this Chapter for each specified type of sensitive land, regardless of the identification or non-identification of the property by any official or unofficial map, chart, study or survey.

- A. Streams, waterways and ditches map of the 100-year flood plain.
- B. Spring and Well Protection Zone map identifying these locations and protection zones.

**Section 11.07.050      Ditches**

Ditches must be kept clear of obstructions and cannot be filled in as part of any type of construction project.

**Section 11.07.060      Spring and Well Protection Zones**

A. Policy. Interlaken Town will protect areas within the Source Protection Area of a public drinking water source, as defined in the Interlaken Town Source Protection Plan, or as such zones are defined by the Utah State Division of Drinking Water, from concentrated sources of pollution.

B. Procedure. All development affecting properties within these areas must be reviewed by the Wasatch County Health Department, Town Engineer, and the Interlaken Town Planning Commission, and also may be reviewed by others who have a property interest in the water source. The applicant shall prepare a request considering this information and other material relevant to the use of property within Source Protection Areas. The Planning Commission shall review this request and prepare a recommendation using this information and public health principles. The Planning Commission and Town Council must consider the recommendations of Water Master and the Health Department before development can be approved in these areas.

**Section 11.07.070      Trees and Vegetation**

The following requirements shall apply throughout the Town:

Existing Trees and Vegetation. Every effort to save all full size existing trees on a property shall be made by the owner. Existing trees shall not be cut unless absolutely required for placement of structures or infrastructure or for public safety purposes. In areas determined by the Fire Marshal to be highly susceptible to fire hazards, vegetation up to 30 feet from the perimeter of a structure shall be selectively pruned

and thinned, but not clear cut, for fire protection purposes.

### **Section 11.07.080 Hillside, Slopes, and Natural Grade**

A. Slope analysis and natural grade. Slope analysis and natural grade shall be as determined by the “Interlaken Slope Study Map.”

B. Boundary Delineation. A sensitive hillside or slope area shall be delineated where any slope is 25 percent or greater.

C. Identification of Category of Use. Uses in the hillside areas shall be according to the following requirements:

1. Residential land uses shall be allowed on areas up to 30 percent slope if the development meets all the requirements of this Section. Slopes greater than 30 percent shall require a Special Hazard Study.
2. A geotechnical report is required for building on any slope over 10 percent.

D. Grading, terracing, filling, benching and retaining wall considerations. The use of grading, filling, terracing or benching to either create or increase building lot size, or to modify building height objectives, is prohibited. However, the practice of excavating to “nest” the basement and better preserve the natural grade is encouraged, so long as the material excavated from the cut is not used to alter the rest of the existing grade, except as noted in this section. This concept notwithstanding, reasonable fill may be used within 30 feet of the dwelling to provide for driveways, parking, yard and public safety access. Grading in hillside areas shall be in accordance with Town standards. In order to preserve the sensitive lands throughout the Town, grading and filling permits and pre-inspections shall be required throughout the entire Town, regardless of slope.

E. Retaining Walls. Retaining walls are discouraged, and the use of blended natural contours is encouraged. However, if it can be demonstrated by the applicant to the satisfaction of the Town Planner, the Planning Commission, and the Town Council that there is no other alternative, then a retaining wall may be constructed in order to reduce the impact of cut banks and fill slopes of more than 6 vertical feet. Such retaining walls must be made of natural stone and blend into the colors and contours of the hillside.

F. Allowable streets, driveways and grade crossings. The following restriction shall be placed upon the development of streets and driveways in a hillside sensitive area:

1. Maximum Grades.
  - a. All streets shall be constructed at a maximum of twelve per cent grade. Streets in grade between 10 percent and 12 percent shall be no more than 250 feet in length and only upon written approval from both the Town Engineer and Fire Marshal.
  - b. Driveways to all residential dwellings shall be constructed at a maximum of 15

percent grade. However, driveways may be approved at a grade above 15 percent only if they receive written approval from the Town Engineer and Fire Marshal.

2. Criteria for Streets and Driveways Traversing Steep Slopes.

All roads and driveways in hillside areas must receive full review from the Town Engineer and Staff, and final approval from the Town Council. Sensitivity to the land forms, erosion, plant life, wildlife and view shed are key considerations. Streets, roads, private access roads, driveways, and other vehicular routes shall not be allowed to traverse slopes between 25 percent and 50 percent unless specifically authorized by the Town Council upon recommendation from the Planning Commission. Any drive so authorized shall meet the following criteria:

- a. No alternative location for access is feasible or available.
- b. No individual segment of the street, road, private access road, driveway or other vehicular route that will cross slopes between 25 percent and 50 percent shall exceed 100 feet in length or, if greater than 100 feet, 10 per cent of the total length of the street, road, private access road, or other vehicular route.
- c. No significant adverse visual, environmental, or safety impacts will result from the crossing.
- d. Fifty percent slope crossings. Unless a variance is granted, no street, road, private access road, driveway or other vehicular route cross slopes greater than 50 percent.
- e. Natural Contour. Streets, roads, private access roads, driveways and other vehicular routes shall follow the natural contour lines as much as possible. No street or road shall either traverse or follow a ridge or follow up a ridge line.

3. Grading for streets, roads, private access roads, and other vehicular routes shall be limited to the roadway portion of the right-of-way, plus up to an additional 10 feet on either side of the roadway as needed, except that when developing access on slopes in excess of 25 percent, only the roadway portion of the right-of-way shall be graded, plus the minimum area required for any necessary curb, gutter, or sidewalk improvements. The remainder of the access right-of-way shall be left undisturbed to the maximum extent possible.

4. Other Roads. Roads, other vehicle routes, or trails may be required to provide access or maintain existing access to adjacent lands for vehicle, pedestrians, emergency services, and essential service and maintenance equipment.

5. Shared Driveways. Driveways in sensitive land hillside areas may be shared by no more than four residential dwelling units or by four or more principal nonresidential uses, provided such nonresidential uses together do not exceed a total of 25,000 square feet of gross floor area. Shared driveways are strongly encouraged in these areas.

6. Restoration. All cuts, fills, berms, roadside grades or other disturbances created as a result of the road or driveway construction shall be protected from erosion and be restored to as natural a state as possible by restoration of natural vegetation.

G. Landslide considerations. It is the intent of the Town that no construction shall occur in areas susceptible to landslides, nor shall any construction or disturbance create an area more susceptible to erosion or landslides or that will destabilize a pre-existing landslide. Areas with potential for landslides may be identified on Town

maps. The applicant is responsible to search for, perform studies that will identify, and disclose any information that is available to identify areas of instability. For all areas identified on Town materials as potential landslide areas, a slope stability analysis must be performed by a licensed geotechnical engineer before development is approved on those sites. The applicant, Planning and Engineering staff, the Planning Commission, and Town Council must then use this information to guide the development of the property.

H. Architectural height, color, reflectivity, lighting, and fencing guidelines (to apply to all slopes over 10 percent).

I. Maximum Height of Buildings. See Section 11.06.070 for this requirement.

J. Exterior lighting. Floodlights shall not be used to light all or any portion of any primary or accessory structure facade. All outdoor light sources mounted on poles or buildings or trees to illuminate streets, sidewalks, walkways, patios, porches, parking lots or driveways or other outdoor areas shall use full cutoff fixtures. All such fixtures shall be installed or shielded so that the point light source or light bulb is not visible beyond the property boundary, and, in particular, is not observable as a point light source from the Community Viewing Stations, as defined in the ridgeline section of this chapter.

Refer to Section 11.06.250 for additional requirements for outdoor lighting.

K. Vegetation preservation and re-vegetation guidelines. All disturbed slopes of greater than ten per cent grade shall be re-vegetated with native plants and trees, and properly maintained.

L. Fire Protection. The following fire protection measures shall be taken when developments are placed in hillside areas:

1. Each development site and building permit shall comply with current fire regulations.
2. Spark arresters shall be installed in every fireplace constructed indoors or outdoors. Screen openings in such arresters shall not be in excess of ¼-inch diameter.

**CHAPTER 11.08 SIGNS**

**Section 11.08.010 Purpose**  
**Section 11.08.020 Definitions**  
**Section 11.08.030 Abandoned or Obsolete Signs**  
**Section 11.08.040 Non-Conforming Signs**  
**Section 11.08.050 Sign Regulations**  
**Section 11.08.060 Real Estate For Sale, Rent, Lease and Open House Signs**  
**Section 11.08.070 Temporary Event Signs**

**Section 11.08.010 Purpose**

These provisions regarding the regulation of signage have been created to promote signage that will be consistent with the nature of the Interlaken Town setting..

**Section 11.08.020 Definitions**

- A. For the general purpose of this Chapter, certain abbreviations, terms, phrases and their derivatives shall be construed as specified herein.
1. Animated sign. The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination or the flashing, flickering, or varying of light intensity. The automatic changing of all or any part of the facing of a sign or any sign or part of a sign set in motion by movement of the atmosphere shall be considered to be animation under this Chapter.
  2. Banner. Any temporary sign of lightweight fabric or similar material intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations of any kind. National flags, flags of political subdivisions or other public entity shall not be considered banners for the purpose of this Chapter. Refer to definition of Flag.
  3. Billboard. A sign, regardless of type or size, that has a changeable face or faces, illuminated, electronic or otherwise, and said face or faces are leased for advertising business, services, entertainment, and so forth which is conducted or sold elsewhere than on the premises on which the sign is located.
  4. Building-mounted sign. A sign directly mounted to a building. Building-mounted signs shall include canopy, fascia, parapet, projecting and wall mounted signs. Roof mounted signs are not permitted.
  5. Canopy Sign. A type of building-mounted sign mounted and supported by a permanent canopy, arcade or portal and the faces of which are near perpendicular to the nearest façade.
  6. Center (Business, Commercial, or Industrial). A group of three or more businesses associated by common agreement or under common ownership which comprises a contiguous land parcel unit with common parking facilities.

7. Clear view triangle. The area at a driveway and/or street intersection where signs or other structures must be placed outside of. It is measured from the right-of-way intersection corner on the subject property, a distance of forty five (45) feet in both directions, and then connected as a triangle.
8. Decorative Sign. A permanent sign and sign frame used to identify the residential address and name that are made of the following:
  - a. Wood or simulated wood (carved, routed, and painted);
  - b. Rock or stone. Boulders with engraved lettering or metal lettering: stones set in mortar, combined with wood or metal;
  - c. Stucco;
  - d. Metal – decorative (containing an element of wrought iron, brass, steel, copper or other painted metals);
  - e. Architectural signs that make use of statuary, fountains, and old world/Swiss-European architectural elements;
  - f. Signs painted on the exterior of the building in a European fashion; or,
  - g. A combination of the above.
9. Dedication Plaques. Non-illuminated names of buildings, dates of erection, monument citations, commemorative tables and the like when carved in stone, concrete, metal, or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
10. Development Entrance Sign. A permanent sign erected at the entrance(s) of a residential or commercial development.
11. Directional Sign. Any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed, and which contains no advertising copy.
12. Electronic Sign. A window, wall, or other sign that changes messages through a marquee, reader board, electronic center, or other replaceable copy area.
13. Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other public entity.
14. Freestanding Sign. A sign which is erected on its own self-supporting permanent structure and detached from any supporting elements of a building. Signs on walls or fences which are not an integral part of a building are freestanding signs.
15. Governmental Sign. A sign required by law or sign of a duly constituted governmental body, such as traffic sign, warning sign or no trespassing sign.
16. Grand Opening Sign, Banner, and Display. Those signs, banners, or displays used to announce the opening of a new business.
17. Historic Sign. A sign that by its construction materials, age, prominent location, unique design, or craftsmanship, provides historic character, individuality, and a sense of place or orientation regarding clues to a building's history.
18. Identification Sign. A sign which directs attention to a business, commodity, service, entertainment or product related to uses on the site where the sign is located and which is not otherwise defined in this Chapter.
19. Illuminated Sign. A sign whose surface is lighted internally (backlit) or externally (front lit).

20. Incidental Sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone” and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
21. Inflatable sign. A temporary sign consisting of a nonporous bag, balloon or other object inflated by any means and designed to draw attention to a commercial business. Inflatable signs are not permitted in any zone.
22. Maintenance. The repairing or repainting of a sign structure, changing of reader panels or directory signs, or renewing copy of which has been made unusable by ordinary wear or tear of weather or accident, which does not exceed 50 per cent of the total replacement value of the sign or sign structure as determined by the Zoning Administrator. “Maintenance” shall not include copy changes due to ownership changes or name changes.
23. Menu Board. A sign for drive-in and drive-thru businesses which list those items and services available at the premises. This does not include menu boards posted at a restaurant entrance door for review by a diner.
24. Monument or Ground Sign. A freestanding sign whose sign face is supported by a base or by uprights or braces placed upon the ground.
25. Non-conforming Sign. Signs which lawfully existed within the Interlaken Town prior to the effective date of this Chapter, but which do not comply with the requirements of this code Chapter, and which uninterruptedly continue to advertise the same business name and exist past the effective date of this Chapter in a state of non-compliance, shall be deemed non-conforming signs.
26. Off-premise Sign. A sign which directs attention to a business, commodity, service, entertainment or product not related to uses on the premises where the sign is located.
27. Open House Sign. A temporary on-site or off-premise sign to indicate that a particular property is open for viewing by the public.
28. Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.
29. Permanent Sign. A permitted sign that has been reviewed by the VAC and approved by the Zoning Administrator. The sign is permanently attached to a building or to the ground.
30. Political Sign. A temporary sign which supports the candidacy of any candidate for public office or urges action of any other matter on the ballot of primary, general or special elections.
31. Portable Sign. A sign designed to be movable from one location to another and is not permanently attached to the ground or any structure. This includes portable A-frame type signs. Approved styles for portable A-frame signs include weighted slot styles and hinged handle styles with spread bases.
32. Projecting Sign. A type of building-mounted sign, other than a wall or canopy sign, which projects more than twelve inches from and is supported by a wall of a building.
33. Public Utility Sign. Signs placed by a public utility for the safety, welfare, or



convenience of the public, such as signs identifying high voltage, public telephone or underground cables.

34. Real Estate For Sale, Rent or Lease Sign. An on-site temporary For Sale, Rent or Lease sign placed on the property to which the sign refers.

35. Sign. Any identification, description, illustration, or device which is affixed directly or indirectly upon a building, structure or land which directs attention to a product, place, activity, service, person, institution, or business, and which is visible from any public street, alley or public place, but not to include menu boards or banners as defined in this Section. A vehicle-mounted sign on a vehicle that is habitually parked or stationed at the site of a business and serves to advertise or identify the business shall be construed as a sign for the purpose of this Chapter.

National flags and flags of political subdivisions shall not be construed as signs.

36. Sign Area. The smallest rectangle which encompasses all the letters or symbols.

37. Sign Structure. The supports and framework of the sign.

38. Street Pole Banners. A banner that is temporarily installed on select Town light poles.

39. Temporary Development/Model Home Sign. A non-illuminated temporary sign allowed to be erected upon a parcel to designate future occupancy by a business, development or other concern designated thereon.

40. Temporary Event Sign. A sign, other than a commercial sign, posted to advertise a community event or series of events sponsored by a public agency, school, church, civic, fraternal organization, or similar noncommercial, not-for-profit organization.

41. Temporary Holiday Decorations. Those temporary decorations used to commemorate a recognized holiday.

42. Temporary detached sale promotion signs or banners. A professionally designed detached sign or banner that is temporarily displayed to identify or describe a promotional item or effort and is appropriately designed for primary exposure on Main Street. These are separate from the portable A-frame signs.

43. Vehicle Sign. Any identification, description, illustration, symbol, or device which is affixed directly or indirectly upon a truck, bus, car, boat, trailer or other vehicle which identifies or directs attention to a product, place, activity, service, person, institution or business. Signs upon a vehicle are exempt from permit requirements, provided that any such vehicle with a sign face of over two (2) square feet is not conspicuously parked so as to constitute a sign. Nothing herein contained shall prevent such a vehicle from being used for bona fide delivery or other vehicular purposes when all of the following conditions are adhered to:

- a. Primary purpose of such vehicle or equipment is not the display of signs.
- b. Such signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
- c. Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate.
- d. Vehicles and equipment are not used primarily as static displays, advertising an

off-premise event, product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

e. During periods of activity exceeding forty eight (48) hours such vehicles/equipment are not so parked or placed that the signs thereon are displayed to the public; and

f. Vehicles and equipment engaged in construction projects, and the on-site storage of equipment and vehicles offered to the general public for sale, rent or lease, shall not be subjected to this condition.

44. Wall-mounted Sign: A sign mounted flat against a wall, projecting less than twelve inches, or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of said wall.

45. Window Sign: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes of glass and is visible from the exterior of the window. Window signs are not regulated in this Chapter.

#### **Section 11.08.030 Abandoned or Obsolete Signs**

Any sign which does not correctly direct or exhort any person, advertise a bona fide business, lessor, owner, product, service, activity conducted or product available either on or off the premises where such sign is displayed for a period of ninety (90) days or more shall be considered an obsolete sign. Sign structures that are abandoned or obsolete and not in compliance with this Chapter shall be removed. The owner of said abandoned sign structure may appeal this requirement for removal to the Appeal Authority.

#### **Section 11.08.040 Non-Conforming Signs**

Any change to the physical structure, shape, type, or size of an existing non-conforming sign shall immediately terminate the lawful nonconforming status of the sign, and said sign shall be required to come into compliance with this Chapter immediately.

**Section 11.08.050 Sign Regulations**

Signs shall be regulated according to Table 11.8.A including the notes at the end of the Table.

<b>Table 11.8.A</b>					
<b>NO PERMIT REQUIRED</b>					
<b>Type of sign</b>	<b>Number allowed</b>	<b>Maximum sign sq. ft. size</b>	<b>VAC</b>	<b>Fee</b>	<b>App</b>
<b>RESIDENTIAL</b>					
Nameplates	3	2 sq. ft. each	N	N	N
Address numbers	3	4 sq. ft. each	N	N	N
Real Estate For Sale/ Rent/Lease signs	1	See Section 11.08.060	N	N	N
Open House signs	2	See Section 11.08.060			
Dedication plaques	1	4 sq. ft.	N	N	N
Temporary political signs	no limit	Maximum 6 sq. ft. each. See Sign Table note #21	N	N	N

1. There shall be no illuminated signs in any zone.
2. There shall be no inflated, electronic, exterior exposed neon, flashing, or animated signs allowed in any zone unless specifically allowed elsewhere in this code.
3. No wall, projecting, banner or canopy sign shall project above the parapet or roof line of the building to which it is attached.
4. Back to back or double sided signs shall count as one sign and square footage shall be calculated for one side only.
5. No sign shall be placed in a manner as to interfere in any way with or confuse traffic or present a traffic hazard. Signs shall not be placed within any public right-of-way or within any clear view triangle at intersections.
6. One (1) portable sign, including A-frame type signs, shall be permitted for each one hundred (100) feet of primary frontage (or portion thereof) and one (1) per secondary adjoining street frontage. Properties with less than one hundred (100) feet of frontage shall be allowed one (1) portable sign. In no case are more than three (3) portable signs permitted per business. A maximum of two (2) portable signs may be posted on frontage greater than one hundred (100) feet and, if allowed because of secondary adjoining frontage, the third portable sign must be posted at the secondary adjoining frontage.
7. Government signs, public utility signs, and temporary political signs are allowed in any district with no permit required.
8. Decorative tops may exceed the maximum height of approved decorative signs by six (6) inches.

9. No billboards shall be allowed in any zone.
10. No business signs may be allowed in any zone.
11. No temporary detached sale promotion signs/banners shall be allowed.
12. Total height of the sign, including the frame, is measured from the curb to the highest point of the sign structure; if no curb exists, then the height shall be measured from the existing grade. This is different from the sign area.
13. Vehicle signs advertising off-premise events shall be prohibited.
14. Temporary holiday decorations shall be allowed in all zones.
15. No sign shall be erected that will violate the Clear View Triangle of Intersecting Streets.
16. Signs made from plexiglass or any material that resembles plastic shall not be permitted
17. No signs of any type shall be attached to utility poles.
18. Off-premises signs shall not be permitted within Interlaken Town. The exceptions to this are temporary event signs and open house real estate signs (which must be removed once the open house is over).
19. The sign area shall be measured as follows: The area of the sign shall be considered to be the outside dimensions of the sign.
20. Political signs must be removed within seventy two (72) hours after the election.
21. Political signs may be placed only on private property with the owner's permission and may not be placed within the Interlaken Town road right of way.
22. Enforcement: Illegally placed signs on public property or public right-of-way are subject to immediate removal and are subject to fines and retrieval fees as approved by Town Council. With reasonable notice to the owner, illegally placed signs on private property are subject to removal and are subject to fines and retrieval fees as approved by Town Council. Any sign retrieved by the Town will be held in the Town Planning Offices for a period of thirty (30) days from the date of retrieval. If not retrieved within thirty (30) days, the Town may and will discard the sign.
23. The Planning Commission may make a determination for reasonable minor exceptions to the size and timelines for signs contained within these regulations.

**Section 11.08.060      Real Estate For Sale, Rent, Lease, Open House Signs**

- A. One (1) temporary real estate "For Sale", "Rent" or "Lease" sign is permitted on-premise per property (the sign must be located on the actual property being advertised).
- B. Lots and parcels are allowed one (1) four (4) square foot real estate For Sale, Rent or Lease sign.
- C. Two (2) eight (8) square foot temporary off-premise "Open House" signs shall be permitted only during the hours that the open house is being held and must be removed once the open house is over. They must be outside the clear view triangle at intersections, and may not in any way interfere with vehicular or pedestrian traffic.

**Section 11.08.070 Temporary Event Signs**

- A. Temporary event signs require approval through the Interlaken Town Planning Commission to verify that all requirements have been met. A graphic representation of the sign, including dimensions, must be submitted to the Town for review.
- B. Temporary event signs shall not exceed eight (8) square feet (recommended dimensions are two (2) feet in height and four (4) feet in width).
- C. Signs shall be displayed for not more than three (3) weeks before the event and shall be removed within two (2) days after the event.
- D. Signs posted more than three (3) weeks prior to the announced event or more than two (2) days after the event shall be deemed unlawful and are subject to removal
- E. Temporary event signs shall be free of any other advertisement.
- F. Temporary event signs shall not be illuminated.
- G. Temporary event signs shall not be located in the public right-of-way.
- H. A maximum of three (3) off-premises temporary event signs for any one (1) event or series of events will be allowed in the Town limits. The signs may be posted on a combination of the designated sites set forth below or on private property.
- I. Temporary event signs must be located on private property
- J. Signs for events offered on Interlaken Town property by not-for-profits are subject to the following criteria:
  - 1. One sign with a maximum size of twenty four (24) square feet;
  - 2. Displayed no more than fourteen (14) days prior to the event and removed within twenty-four hours after the event;
  - 3. Installation must be supervised by Interlaken Town Clerk;
  - 4. The Town reserves the right to determine the specific location of the sign;
  - 5. Review and approval by the Interlaken Town Planning Commission;
  - 6. Interlaken Town reserves the right to deny any request;
- K. Temporary event signs shall not advertise events other than those sponsored by a public agency, school, church, civic-fraternal organization, or similar non-commercial, not-for-profit organizations or be free to the public. Priority will be given first to the Interlaken Town Other requests from not-for-profit organizations outside of the Town limits may be considered..
- L. The Permanent Message Board located at the Town Pump House is reserved for community announcements at the discretion of the Town and with the approval of the Town Council.

**CHAPTER 11.09 WIRELESS TELECOMMUNICATIONS**

- Section 11.09.010 Purpose and Intent**
- Section 11.09.020 Permitted Uses**
- Section 11.09.030 Non-Conforming Uses**

**Section 11.09.010 Purpose and Intent**

The purpose of this Chapter is to establish general guidelines for the site locating of wireless communications towers and antennas.

**Section 11.09.020 Permitted Uses**

- A. General. The uses listed in this Section are deemed to be permitted uses and shall not require a special use permit.
- B. Permitted Uses are for Municipal purposes only.

**Section 11.09.030 Non-Conforming Uses**

- A. No Expansion of Nonconforming Use Towers that are constructed, and antennas that are installed in accordance with the provisions of this Chapter, shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. Pre-existing towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.
- C. Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding other provisions of this Chapter, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special use permit and without having to meet the separation requirements specified in this Chapter. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval; provided, however, that any destroyed lattice or guyed tower shall be replaced with a monopole structure only. Building permits to rebuild the facility shall comply with the then- applicable building codes and shall be obtained within 90 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in this Chapter.

**CHAPTER 11.10 WIND ENERGY CONVERSION SYSTEMS**

**Section 11.10.010 Purpose**

**Section 11.10.020 Permitted Uses**

**Section 11.10.010 Purpose**

The express purpose of this Chapter is to define allowable uses of Wind Energy Conversion Systems in Interlaken Town.

**Section 11.10.020 Permitted Uses**

Interlaken Town does not allow the construction or use of Wind Energy Conversion Systems in any zone.

**CHAPTER 11.11 ENFORCEMENT AND ZONING VIOLATIONS**

- Section 11.11.010 Building Permits Required**
- Section 11.11.020 Plans Required**
- Section 11.11.030 Permits to Comply with Ordinance**
- Section 11.11.040 Permits Required**
- Section 11.11.050 Construction and Use to Comply with Application**
- Section 11.11.060 Severability**
- Section 11.11.070 Responsibility for Violations**
- Section 11.11.080 Penalties**
- Section 11.11.090 Each Day of Violation a Separate Violation**

**Section 11.11.010 Buildings Permits Required**

No person, firm, or corporation shall commence to construct, alter or move a building or structure, excavate, or to make a change in use of any land within Interlaken Town Limits without first submitting an application and obtaining a permit from the office authorized by the Town; provided, however, that permits for the moving of structures shall be granted only after complying with the requirements as set forth in Title 11.

**Section 11.11.020 Plans Required**

All applications for building permits shall be accompanied by plans which have been drawn to scale showing the accurate dimensions of the lot to be built upon, the size and location of existing buildings, the location and layout of off-street parking, and landscaping, as required by Town standards.

**Section 11.11.030 Permits to Comply with Ordinance**

Permits shall not be granted for the construction or alteration of any building or structure or for the moving of a building or structure onto a lot if such construction, alteration, moving, or change in use would be a violation of any of the provisions of this Title, nor shall any sewer or water service line or electric utilities be installed to serve the premises until a permit to construct the building has been obtained.

**Section 11.11.040 Permits Required**

No building or structure shall be constructed, reconstructed, altered, or moved, nor shall the use of any land be changed except after the issuance of a permit for the same by the office authorized by the Town, unless the construction, reconstruction, or alteration is noted as an exemption in the Interlaken Permit Process document prepared by the Town Planning Commission.

**Section 11.11.050 Construction and Use to Comply with Application**

Building Permit issued on the basis of plans and specifications recommended by the



Planning Commission and approved by the Town Council, authorize only the use, arrangement, and construction set forth in such approved plans and application, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed to be a violation of this Ordinance Title.

**Section 11.11.060 Severability**

This Code and the various parts, Sections, and clauses are hereby declared to be severable. If any part, Section, paragraph, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, it is hereby declared that the remainder of the Code shall not be affected thereby. The governing body of Interlaken Town, Utah, hereby declares that it would have passed this Municipal Code on each part, Section, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more portions thereof be declared invalid.

**Section 11.11.070 Responsibility for Violations**

It shall be the duty of all design professionals, contractors, subcontractors, builders and other persons having to do with the establishment of any use of land or the erection, altering, changing, or remodeling of any building or structure to be sure that a proper permit has been granted before work is begun on any project for which a permit is required. Any builder, contractor or other person doing or performing any such work without a permit having been issued is in conflict with the requirements of this Code in the same manner and to the same extent that the owner of the premises or the persons for whom the use is established, or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for violation.

**Section 11.11.080 Penalties**

- A. Declaration of Penalty. Violations of this Code shall be a classified as a class C misdemeanor.
- B. In addition to the penal remedy stated in this Section, the Town Attorney may bring action before any competent court having jurisdiction to enjoin the continuation of any prohibited condition of nuisance and impose a civil penalty of up to \$1,000.00 per day, plus costs and reasonable attorney's fees.

**Section 11.11.090 Each Day of Violation a Separate Violation**

Each person, persons, firm, or corporation found guilty of violation shall be deemed guilty of a separate offense for every day during which any violation of any provision of this Code is committed, continued, or permitted by such person, persons, firm, or corporation, and shall be punished as provided in this Code.

**CHAPTER 11.12 LAND USE ADMINISTRATION**

- Section 11.12.010 Public Notice**
- Section 11.12.020 Notice to Surrounding Governmental Entities**
- Section 11.12.030 Notice Regarding Changes to Zoning Ordinance Requirements**
- Section 11.12.040 Findings**
- Section 11.12.050 Appeal Authority**
- Section 11.12.060 Amendments**
- Section 11.12.070 Non-Conforming Buildings and Uses**
- Section 11.12.080 Non-Conforming Lots of Record**
- Section 11.12.090 Annexations**
- Section 11.12.100 Amendments to Ordinance and Map**
- Section 11.12.110 Vested Rights**

**Section 11.12.010 Public Notice**

Notice of the date, time, and place of all public hearings concerning the adoption or modification of a land use ordinance or zoning map shall be posted and delivered in accordance with Utah State law.

**Section 11.12.020 Notice to Surrounding Governmental Entities**

In proceedings involving rezoning of land that abuts other municipalities, unincorporated areas of the County, or a combination thereof, copies of the notice of public hearing shall be transmitted to the Planning agency of such governmental unit abutting such land. In addition to notice by publication, the Town may give notice of the hearing in such other manner as it may deem necessary or desirable.

**Section 11.12.030 Notice Regarding Changes to Zoning Ordinance Requirements**

- A. For public hearings to hear proposed changes to General Plan provisions or Land Use requirements for any one or more of the following subjects, the Town shall provide notice as required in this Chapter:
1. A ten percent or more increase or decrease in the number of square feet or units that may be developed.
  2. A ten percent or more increase or reduction in the allowable height of a building.
  3. An increase or reduction in the allowable number of stories.
  4. A ten percent or more increase or decrease in the setback or open space requirements.
  5. An increase or reduction in permitted uses.
  6. Rezoning proceedings that may change the zoning classification of an individual real property owner's property.

B. The Town shall provide notice to real property owners pursuant to notification procedures for proceedings governed by this Chapter. Notice shall be sent by first class mail to each real property owner, as shown on the latest County assessment records, whose real property is directly governed by the changes; or the Town shall publish a summary of such changes in a newspaper of general circulation prior to the hearing. The summary shall be published in a "display ad" covering not less than one-eighth of a full page.

**Section 11.12.040 Findings**

Within 30 days after the close of a public hearing:

A. The Planning Commission shall render its recommendation in writing to the Town Council, including the reasons for the recommendation in regard to a General Plan amendment, Land Use Title, or zone changes, or

B. The Town Council shall advise the applicant, in writing, of its decision in regard to an appeal or variance, or

C. The Town Council shall advise the applicant of its decision, in writing, concerning a Special Use Permit, General Plan amendment, Land Use Title, or zone changes.

**Section 11.12.050 Appeal Authority**

A. The Appeal Authority shall hear and decide requests for variances from the terms of the Land Use Title. An adverse decision by the Appeal Authority in variance matters may be appealed to district court pursuant to Utah law.

B. The Town Council shall be the appeal authority for review of constitutional takings issues.

C. Appeal of an administrative order issued by a Town administrative law judge shall be made directly to district court within 30 days of the issuance of the order.

D. Except as provided in this Section, the Town Council shall be the appeal authority of all non- variance land use decisions in which the Town Council has not first acted as the land use authority. Appeal of such decisions shall be made to the Town Council within 30 days of the decision being appealed. The standard of review by the Town Council shall be *de novo*. An adverse decision by the Town Council acting as appeal authority may be appealed to district court pursuant to Utah law.

E. Appeal shall be made directly to district court of all non-variance land use decisions in which the Town Council has acted as the land use authority. In acting as

the land use authority, the Town Council shall keep a written record of its proceedings in the form of minutes or other records.

F. Each appeal authority shall keep a written record of its appeal proceedings.

**Section 11.12.060 Amendments**

This Interlaken Town Land Use Title and accompanying zoning map may be amended as follows:

A. The Planning Commission shall, after providing the proper notice requirements, hold a public hearing on a proposed amendment to the Land Use Title or zoning map. After holding the public hearing and receiving any public comment on the proposed amendment, the Planning Commission shall make a recommendation to the Town Council on the proposed amendment.

B. The Town Council may amend any provision of the Land Use Title or the accompanying zoning map after the Planning Commission has held a public hearing and made a recommendation to the Town Council on the proposed amendment; provided, however, that the Town Council shall, after providing the proper notice requirements, also hold a public hearing on the proposed amendment before voting on the amendment.

**Section 11.12.070 Non-Conforming Buildings and Uses**

In view of the fact that no further development or change in use can be undertaken contrary to the provisions of this Code, it is the intent of this Chapter that non-conforming uses shall not be increased nor expanded except where a health or safety official, acting in his official capacity, requires such increase or expansion. Such expansion shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official. Nevertheless, a non-conforming building or structure or use of land may be continued to the same extent and character as that which legally existed on the effective day of the applicable regulations. Repairs may also be made to a non-conforming building or to a building housing a non-conforming use.

A. Damaged Building may be Restored. A non-conforming building or structure or a building or structure occupied by a non-conforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of nature may be restored, and the occupancy or use of such buildings, structure, or part thereof which legally existed at the time of such restoration is started within a period of one year from the date of destruction and is diligently prosecuted to completion, and provided that such restoration does not increase the floor space devoted to the non-conforming use over that which existed at the time the building became non-conforming.

B. Discontinuance or Abandonment. A non-conforming building or structure or

portion thereof or a lot occupied by a non-conforming use which is, or hereafter becomes abandoned or is discontinued for a continuous period of 365 days or more shall not thereafter be occupied, except by a use which conforms to the use regulations of the zone in which it is located.

C. Change to a Conforming Use. A non-conforming use or building may be changed to a conforming use or building. Any non-conforming use or building which has been changed to a conforming use or building shall not thereafter be changed back to a non-conforming use.

D. Change to Another Non-Conforming Use Prohibited. A non-conforming use of a building or lot shall not be changed to another non-conforming use whatsoever. Changes in use shall be made only to a conforming use.

E. Reclassification of Territory. The provision pertaining to non-conforming uses of land and buildings shall also apply to land and buildings, which hereafter become non-conforming due to an amendment in the Land Use Title.

F. Permits Granted Prior to Passage of Amendments to this Chapter. Notwithstanding the issuance of a permit therefore, no building which becomes non-conforming due to an amendment to this Chapter shall be built unless construction has taken place thereon to the extent of at least \$500.00, or an amount set by Town Council from time to time, in replaceable value by the date on which said amendment becomes effective. Replaceable value shall be construed to mean the expenditure necessary to duplicate the materials and labor at market prices.

#### **Section 11.12.080 Non-Conforming Lots of Record**

Notwithstanding any other provision of this Code, a one-family dwelling may be permitted on any lot of record in any zone in which dwellings are permitted, even though such lot fails to meet the area or width requirements for one-family dwellings within the zone, provided that where two or more contiguous lots of record having continuous frontage are owned by the same persons at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a dwelling site or sold which does not meet the area and width requirements of the zone in which the lot is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations of the zone in which the lot is located except when granted a variance by the Appeal Authority.

**Section 11.12.090 Annexations**

All land annexed shall be classified as shown on the future zoning map and the General Plan.

**Section 11.12.100 Amendments to Ordinance and Map**

This Municipal Code, including the zoning map, may be amended as hereinafter provided.

A. Intent with Respect to Amendments. It is hereby declared to be public policy that this Code shall not be amended except to more fully carry out the intent and purpose of the General Plan of the Town and of this Code.

B. Procedure. Any person seeking an amendment of the Municipal Code or zoning map shall submit to the Town a written petition designating the change desired and the reasons therefore and shall pay the required fee to the Town. Upon receipt of the petition and the paying of the filing fee, the Planning Commission shall consider the request and shall certify its recommendations to the Town Council with respect to the request within 30 days from receipt of the request. Failure on the part of the Planning Commission to certify its recommendations to the Town Council within 30 days shall be deemed to constitute approval unless a longer period is granted by the Town Council. The fee required herein shall not be returned to the applicant. The Planning Commission or Town Council may also initiate amendments to this Code or zoning map.

C. Public Hearing Required Before Amending-Notice. Amendments to this Code may be adopted only after a public hearing is held in relation thereto before the Town Council at which parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper of general circulation within the area, or by posting said notice in three public places within the Town. Public notice shall be per Utah law and per Title 11 of the Interlaken Town Municipal Code.

**Section 11.12.110 Vested Rights**

A. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the Town's zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

1. The Town Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
2. In the manner provided by local ordinance and before the application is submitted, the Town has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

B. The Town shall process an application without regard to proceedings initiated to amend the Town Code if:

1. 180 days have passed since the proceedings were initiated; and
2. The proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.

C. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

D. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

E. The Town shall not impose on a holder of an issued land use permit a requirement that is not expressed:

1. In the land use permit or in documents on which the land use permit is based; or
2. In the Town's ordinances.

F. The Town will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:

1. In the building permit or in documents on which the building permit is based; or
2. In the Town's ordinances.

G. The Town is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.