

!TITLE! 8

LAND USE REGULATIONS

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CHAPTER 1

TITLE, PURPOSE, INTENT, GENERAL PROVISIONS

SECTION:

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8-1-1: DECLARATION:

This title is an amended zoning and subdivision ordinance for the unincorporated area of Daggett County, Utah, dividing the unincorporated area of said county into zoning districts appropriate for various classes of residential, business and industrial uses; it also provides for the establishment of land development standards and requirements.

8-1-2: PURPOSE:

This amended zoning and subdivision title is designed to promote the public health, peace, safety, comfort, convenience, prosperity and welfare of the present and future inhabitants of the county; to guide, control and regulate future growth and development in order to promote orderly and appropriate use of land in the entire area of said county; to protect the character and stability of residential, business, industrial, open space and recreational areas of the county; to facilitate existing or potential traffic movements; to provide adequate air, light and parking facilities; to secure safety from fire and other dangers; to prevent overcrowding of land and undue congestion of population; to protect the tax base of the county; and to secure economy in governmental services and expenditures. In preparation of this title, consideration has been given to Utah Code Annotated chapter 17-27a, and sections 57-8-3 through 57-8-36, and 57-11-1 through 57-11-21, and to all studies and surveys made in the past in connection therewith.

8-1-3: SHORT TITLE:

This title may be cited as the *AMENDED ZONING AND SUBDIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF DAGGETT COUNTY*.

8-1-4: INTERPRETATION:

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

8-1-5: AMENDMENTS:

A. Procedure:

1. The board of county commissioners may, from time to time, amend the number, shape, boundaries or area of any zone, or any regulation within any zones or any other provisions of this title. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the approval, disapproval or suggestions of the planning commission. Zoning amendment applications approved by the planning commission, to become effective, shall receive the favorable vote of not less than a majority of the entire membership of the board of county commissioners, as jurisdiction may apply.

2. Zoning and subdivision amendment applications disapproved by the planning commission may be appealed to the board of adjustment, as provided in chapter 5 of this title.

B. Hearing And Publication Of Notice Before Amendment: Before finally adopting any such amendment, the applicable governing body shall hold a public hearing thereon, and shall give notice of the date, time and place of the first public hearing to consider the adoption or modification of a land use ordinance; and notice of each public meeting on the subject. Each notice of a public hearing shall be:

1. Mailed to each affected entity at least ten (10) calendar days before the public hearing; and

2. Posted in at least three (3) public locations within the county at least twenty four (24) hours before the hearing; or on the county's official website at least twenty four (24) hours before the hearing; and

3. Publish in a newspaper of general circulation in the area at least ten (10) calendar days before the public hearing; and on the Utah public notice website created in Utah Code Annotated section

63F-1-701, at least ten (10) calendar days before the public hearing.

C. Determination Of Governing Body: The county commission body, after notice as provided in Utah Code Annotated section 17-27a-205, as amended, and public meeting and review of the decision of the planning commission, may affirm, revise, alter or remand for further review and consideration any action taken by said planning commission.

D. Disapproval Of Rezoning Application: Disapproval of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map, to reclassify the same parcel of property, or any portion thereof, to the same zone classification within one year of the date of the final disapproval of the application, unless the planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one year time period.

8-1-6: CONFLICTS:

This title shall not nullify any laws, ordinances, agreements or covenants which are more restrictive, but shall prevail over provisions which are less restrictive. No statement in this title shall be operative if it is found to be in conflict with any laws of the state.

8-1-7: EFFECT ON PREVIOUS ORDINANCES AND MAPS:

The existing ordinances of the county covering the subdivision of land and zoning of areas and districts in the county, in their entirety, and including the maps theretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this title, including the maps on file with the planning commission and by this reference made a part hereof, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this title, whether in the same or in different language; and this title shall be so interpreted upon all questions of construction, including, but not limited to, questions of construction, and to questions of conforming or nonconforming land uses, buildings or structures, and to questions as to the dates upon which such uses, buildings or structures become conforming or nonconforming.

8-1-8: COMPLETION OF REQUIRED IMPROVEMENTS:

A. Performance Bonds: Any improvements required under this title by the planning commission, including, but not limited to, curb, gutter and sidewalk, fences, landscaping, streets, utility lines, parking and flood control requirements shall be satisfactorily installed prior to the final electrical inspection approval of the premises by the building inspector or, if no electrical inspection is required, prior to the issuance of any occupancy permit for the land being developed. In lieu of actual completion of such improvements prior to the final electrical inspection approval or occupancy permit, a developer may file with the county commission, when applicable, a cash or surety bond or escrow agreement in an amount specified by the county commission to ensure completion of such improvements within one year. The bond or agreement shall be approved by the county engineer and county attorney. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer shall call for inspections of the improvements by the building inspector.

B. Release: If the inspection shows the county standards and specifications have been met in the completion of such improvements, the bond or agreement shall be released within seven (7) days from the time of inspection. If the bond agreement is not released, refusal to release and the reasons therefor shall be given to the developer in writing within seven (7) days from the time of the inspection. The bond or agreement may be partially released based on the percentage of completion of the required improvements.

C. Exception: If the county commission determines that the issuance of a final electrical inspection approval or occupancy permit prior to completion of any required improvements may be injurious to the health, safety or welfare of the county or its inhabitants, it may refuse to accept a bond or escrow agreement in lieu of actual completion of required improvements or may limit a bond or escrow agreement to a period of less than one year.

CHAPTER 2

DEFINITIONS AND RULES

SECTION:

- 8-2-1: General Rules For Construction Of Language
- 8-2-2: Time Computation
- 8-2-3: Definitions !2R!

8-2-1: GENERAL RULES FOR CONSTRUCTION OF LANGUAGE:

All words used in the present tense shall include the future tense. All words in the singular number shall include the plural number and all words in the plural number shall include the singular number. The word structure includes the word building, the word shall is mandatory and not directory and the word may is permissive.

8-2-2: TIME COMPUTATION:

In computing any period of time prescribed or allowed by this title, the day of the act, event or decision after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day, which is neither a Saturday, Sunday or a holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. The date of a decision or recommendation of the planning commission shall be the date the hearing or such decision or recommendation is made. If no hearing is held on the matter, the date of the decision or recommendation shall be the date written notice of such decision or recommendation is mailed to the applicant.

8-2-3: DEFINITIONS:

For the purpose of this title, certain words are hereby defined:

!DEF! ACCESSORY BUILDING: A detached, subordinate building, use of which is appropriate, subordinate and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use. "Accessory building" includes any "storage container", as defined in this section.

AGRICULTURE: The tilling of the soil, the raising or grazing of livestock and raising of crops, horticulture and gardening, including the keeping or raising of domestic animals or fowl.

APARTMENT HOUSE: A multiple dwelling. See definition of Dwelling, Multi-Family.

AUTOMOBILE GRAVEYARD: Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

BASEMENT: That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is more than the vertical distance from grade to ceiling.

BOARDING HOUSE: A building containing rooms in which meals are provided for compensation to more than two (2) persons but which does not include provision for cooking in any guestroom.

BUILDING: A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING PERMIT: Written permission issued by the county building inspector for the construction, repair, alteration or addition to a structure.

CLUSTER SUBDIVISION: A form of development that permits a reduction in lot area requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active or passive recreation, preservation of environmentally sensitive areas, or agriculture.

CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. Such use of land requires a conditional use permit pursuant to chapter 11 of this title.

CONTIGUOUS: Substantial touching between two (2) districts or areas of land which abut one another.

COUNTY: The unincorporated area of Daggett County.

DRIVE-IN REFRESHMENT STAND: A place of business where food and drink are sold primarily for consumption on the premises outside the structure.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, but not including hotels, tourist cabins and boarding houses.

DWELLING, FOUR-FAMILY: See definition of Dwelling, Multi-Family.

DWELLING, MULTI-FAMILY: A building or structure occupied as or designed or intended for occupancy as a residence for more than one family and containing two (2) or more separate dwelling units, which may be separated vertically or horizontally, but not including commercial lodging or bed and breakfast inns. Each dwelling unit shall have a minimum living quarters area of eight hundred fifty (850) square feet and the structure must be a minimum of forty five feet (45') wide, facing the street, and twenty feet (20') deep. The minimum rental period for a multi-family dwelling shall be thirty (30) days.

DWELLING, OVERNIGHT RENTAL: Rental of any property within residential zoning districts shall not be permitted for periods of less than thirty (30) days. Rental of dwellings within other areas is permitted or conditional as outlined in the table of uses.

DWELLING, SINGLE-FAMILY: A building or structure occupied as or designed or intended for occupancy as a residence for one family, the structure having one dwelling unit. (See also Utah Code Annotated section 57-21-2.) Each single-family dwelling (except in agriculture and multiple use zones) shall have a minimum of eight hundred (800) square feet and shall be a minimum twenty feet (20') on all sides, not including nondwelling space. The minimum rental permitted shall be thirty (30) days.

DWELLING, TWO-FAMILY: See definition of Dwelling, Multi-Family.

DWELLING UNIT: One or more rooms in a dwelling, apartment, hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having one but not more than one kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units, and having its own sanitary facilities.

FAMILY: One or more persons occupying a dwelling unit, and living as a single housekeeping unit, as distinguished from a group occupying a "boarding house", lodging house or "hotel", as herein defined.

FARM: An area of no less than twenty (20) contiguous acres which is used for the commercial production of farm crops, such as vegetables, fruit trees, hay, grain and other crops, and their storage on the area, as well as the raising thereon of farm poultry and farm animals, such as horses, cattle, sheep and swine for commercial purposes. The term "farm" includes the operating of such an area for one or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce; provided, that the operation of any such accessory uses is secondary to that of farm activities; and provided further, that the farm activities do not include commercial pen feeding or commercial feed lots, or the commercial feeding of garbage or offal to swine or other animals.

FRONTAGE: All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

GAS CORPORATION: The same meaning as defined in Utah Code Annotated section 54-2-1, as amended.

GUEST: A transient person who rents or occupies a room for sleeping purposes.

GUEST RANCH: A building or group of buildings containing two (2) or more guestrooms, other than a boarding house, hotel or motel, and including outdoor recreational facilities, such as, but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the use primarily by guests of the guest ranch, but not including bars and restaurants which cater primarily to other than guests of the guest ranch.

GUESTHOUSE: A separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

GUESTROOM: A room which is designed for occupancy by one or more guests for sleeping purposes, but having no cooking facilities and not including dormitories.

HOME OCCUPATION: Any occupation or profession customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof and in connection with which there are no employees, other than a member of the immediate family residing in the dwelling unit, and not mechanical equipment, except for that which is customarily used for domestic, hobby or household purposes. "Home occupation" includes the use of a dwelling unit by physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment. "Home occupation" may also include a clinic, hospital, barbershop, beauty parlor, animal hospital, advertising or public relations agency, interior decorator's office or workshop, real estate or insurance office, stockbroker's office or similar use. "Home occupation" shall include the care of not more than six (6) children, other than members of the family residing in the dwelling. Parking for a home occupation shall be limited to the following: a) one car for each twenty five feet (25') of unobstructed and unrestricted frontage of the subject property; and b) available parking on the subject property where automobiles are customarily parked.

HOTEL: A building in which lodging or boarding and lodging are provided for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to and from all guestrooms are made through an inside lobby or office.

INTERSTATE PIPELINE COMPANY: A person or entity engaged in natural gas transportation subject to the jurisdiction of the federal energy regulatory commission under the natural gas act, 15 USC section 717 et seq.

INTRASTATE PIPELINE COMPANY: A person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the federal energy regulatory commission under the natural gas act, 15 USC section 717 et seq.

JUNK: Any old or scrap copper, brass, rope, rags, batteries, paper, trash, wood and rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

JUNKYARD: The use of any lot, portion of a lot or tract of land for the storage, keeping or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts

thereof; provided, that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

LEGISLATIVE BODY: The Daggett County board of county commissioners.

LOT: A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot areas as are required by this title, having frontage upon a street or upon a right of way approved by the planning commission, or upon a right of way not less than sixteen feet (16') wide. Except for group dwellings and guesthouses, not more than one dwelling structure shall occupy any one lot.

LOT AREA: The area of a horizontal plane within the lot lines of a lot.

LOT COVERAGE: The percentage of the area of a lot which is occupied by all buildings or other covered structures.

LOT DEPTH: For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel with and at a maximum distance from the front lot line, having a length of not less than ten feet (10').

LOT LINE: Any line bounding a lot.

LOT LINE ADJUSTMENT: The relocation of the property boundary line between two (2) adjoining lots with the consent of the owners of record.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the county recorder of Daggett County, or a lot, parcel or tract of land, the deed of which has been recorded in the office of the county recorder of Daggett County.

METES AND BOUNDS: A method of describing the boundaries of land by direction (bounds) and distances (metes) from a known point of reference.

MOBILE HOME: A transportable structure in one or more sections with the plumbing, heating and electrical systems contained within the unit, which when erected on a site, may be used with or without a

permanent foundation as a family dwelling.

MOBILE HOME PARK: Any tract of land on which two (2) or more mobile home spaces are leased, or offered for lease or rent, to accommodate mobile homes for residential purposes.

MOBILE HOME SPACE: A specific area of land within a mobile home park designed to accommodate one mobile home.

MOTEL: A building or group of buildings containing guestrooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of automobile transients. "Motel" includes motor courts, motor lodges and tourist courts, but not mobile home parks or recreational vehicle parks.

MUNICIPALITY: An incorporated city or town.

NONCOMPLYING 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 that govern the use of land.

NONCONFORMING 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 regulation 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.

OFFICIAL MAP: The same meaning as provided in Utah Code Annotated section 72-5-401, as amended.

PERSON: An individual, corporation, partnership, organization, association, trust, governmental agency or any other legal entity.

PLANNED UNIT DEVELOPMENT: Complete development plan for an area pursuant to this title.

PLANNING COMMISSION: The county planning commission of Daggett County.

PLAT: A map or other graphical representation of lands being laid out and prepared in accordance with Utah Code Annotated section 17-27a-603 et seq., as amended.

PLAT, FINAL: A map of all or a portion of a subdivision that is presented to the Daggett County board of county commissioners for final approval.

PLAT, PRELIMINARY: A map indicating the proposed layout of the subdivision that is submitted to the Daggett County planning commission for recommendation and to the Daggett County board of county commissioners for preliminary approval.

RECORD OF SURVEY MAP: A map of a survey of land prepared in accordance with Utah Code Annotated section 17-23-17, as amended.

RECREATIONAL VEHICLE (RV): A. A vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational or vacation use, that is either self-propelled or pulled by another vehicle, which may legally travel upon state highways without special permits.

B. "Recreational vehicle" includes:

1. A travel trailer;
2. A camping trailer;
3. A motor home;
4. A fifth wheel trailer; and
5. A van.

RECREATIONAL VEHICLE PARK: Any parcel of land accommodating two (2) or more recreational vehicles, campers or RV units for dwelling or sleeping purposes, for which a charge is made for those accommodations.

RECREATIONAL VEHICLE SPACE: A plot of ground within a mobile home park or recreational vehicle park designed for the accommodation of one recreational vehicle, together with its accessory structures,

including carports or other off street parking areas, storage lockers, armadas, cabanas, patios, patio covers, awnings and similar appurtenances.

RESTAURANT: A place of business where a variety of food is prepared and cooked and complete meals are served to the general public for consumption on the premises, primarily in indoor dining accommodations.

SERVICE STATION: A building or use devoted to the retail sale of fuels, lubricants and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

SKETCH PLAN: A concept, informal map of the proposed subdivision of sufficient accuracy to be used for the purpose of discussion and classification.

SPECIAL DISTRICT: All entities established under the authority of Utah Code Annotated title 17B, local districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district or unit of the state.

STORAGE CONTAINER: Any enclosed container having one hundred twenty (120) square feet of floor space or larger. A "storage container" includes any and all enclosed storage containers, cargo containers, shipping crates, boxes, trailers or similar moveable pieces of equipment or objects.

STREET: A public right of way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement or other way.

SUBDIVISION: A. Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions.

B. "Subdivision" includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and

2. Except as provided in subsection C of this definition, divisions of land for residential and

nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

C. "Subdivision" does not include:

1. (i) A bona fide division or partition of agricultural land for agricultural purposes;

2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

a. No new lot is created; and

b. The adjustment does not violate applicable land use ordinances;

3. A recorded document, executed by the owner of record:

a. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or

b. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;

4. A bona fide division or partition of land in a county, other than a first class county, for the purpose of siting, on one or more of the resulting separate parcels:

a. An electrical transmission line or a substation;

b. A natural gas pipeline or a regulation station; or

c. An unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;

5. A recorded agreement between owners of

adjoining subdivided properties adjusting their mutual boundary if:

a. No new dwelling lot or housing unit will result from the adjustment; and

b. The adjustment will not violate any applicable land use ordinance;

6. A bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels; or

7. A parcel boundary adjustment.

D. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.

TENSION MEMBRANE STRUCTURES: Structures consisting of a metal or other frame covered by an architectural membrane, or guy ropes and stakes, that are placed under high tension or carries loads primarily through tensile stresses. "Tension membrane structures" include structures known or commonly referred to as architectural membrane structures, tensioned membrane structures, stressed membrane structures, frame supported tension structures, tensioned fabric structures, and all other similar structures such as a yurt, tent or hoop garage. The definition of "tension membrane structure" does not include open air canopies, such as freestanding awnings, shade structures, shade gazebos and walkway covers.

UNINCORPORATED: The area outside of the incorporated boundaries of cities and towns. !DEFEND!

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 8-3-1: Building Inspector
- 8-3-2: Building Permits To Comply
- 8-3-3: Site Plans Required
- 8-3-4: Building Permits
- 8-3-5: Coordination By State Health, Building Officials And Inspectors
- 8-3-6: Building Permit Required; Utility Services
- 8-3-7: Costs, Charges For Zoning Changes And Plan Reviews
- 8-3-8: Violations And Penalty !2R!

8-3-1: BUILDING INSPECTOR:

A. Office Created: The office of building inspector is hereby created within the county, and the board of county commissioners shall appoint a licensed inspector to fill said office.

B. Enforcement Officer: The building inspector shall be charged with the administration and enforcement of this title.

C. Powers And Duties:

1. Inspection: The building inspector is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land use to determine compliance with the provisions of this title; provided, however, that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification or repair of any building or structure.

2. Enforcement: The building inspector shall enforce all of the provisions of this and other applicable ordinances, employing all legal means available to do so. In enforcement of this title, the building inspector, or any employee of the department authorized to represent the building inspector, shall have the right to enter any building for the purpose of determining the use thereof, or to enter the premises for the purpose of determining compliance with the provisions of this title; provided, that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

3. Maintain Records: The building inspector shall keep careful and comprehensive records of applications or permits issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be maintained in the county planning and zoning office and shall be open to public inspection at reasonable hours, but shall not be removed from the county planning and zoning office.

4. Make Reports: The building inspector shall make a report to the planning commission once each month or more often if requested, including a statement of permits issued.

5. Cooperation Of Other Officials: The building inspector may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of all departments, agencies, officials and public employees vested with the duty or authority to issue permits, licenses, or to enforce the regulations of this title. Permits or licenses for uses, buildings or purposes where the same would be in conflict with the regulations of this title shall not be issued and any such permit or license if used in conflict with the regulations of this title shall be null and void.

8-3-2: BUILDING PERMITS TO COMPLY:

After the effective date hereof, no building permit may be issued without first having been approved by the building inspector. The building inspector shall not approve a building permit if any building, structure or use of land would be in violation of any of the provisions of this title, nor shall any other county or municipal officer grant any permit or license, nor approve the use of any building or land if said use would be in violation of this title.

8-3-3: SITE PLANS REQUIRED:

A detailed site plan, drawn to scale (scale and sheet size to be determined by the building inspector) shall be filed as part of any application prior to consideration of or for any building permit. The site plan shall show where pertinent:

A. Scale: Note of scale used.

B. North Point: Direction of north point.

C. Lot Lines: Lot lines, together with adjacent streets, roads and

rights of way.

D. Existing Structures: Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.).

5. Proposed Construction And Improvements: Location of proposed construction and improvements, including the location of all signs.

6. Vehicle Access: Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter and sidewalk location.

7. Notes: Necessary explanatory notes.

8. Personal Information: Name, address and telephone number of builder and owner.

9. Other Required Information: All other information that may be required as determined by the building inspector.

8-3-4: BUILDING PERMITS:

A. When Required: It shall be unlawful to construct, alter, repair or improve, remove or demolish, or to commence the construction of, or the set up of a mobile home, alteration, removal or demolition of a building or structure, or any industrial facility, without first filing with the building inspector an application in writing and obtaining a formal permit. Agricultural buildings (see subsections 8-6A-1A and 1B of this title) and detached accessory buildings of less than one hundred twenty (120) square feet (see ICC code section R105.2) are exempt. This section shall apply to state and federally financed construction projects of any kind wherein the county has an interest to inspect said projects to ensure the health, safety and general welfare of the residents of the county. Permits shall apply to all development and construction regardless of whether the project is government or privately financed and owned.

B. Form:

1. An application for a building permit shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee or the person making the application that the proposed work is authorized by the owner in fee and that the person making application is

authorized to make such application as agent of the owner.

2. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers.

3. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the building inspector for an intelligent understanding of the proposed work.

C. Plans: Application for a building permit shall be accompanied by a plan in duplicate drawn to scale of the proposed construction or use containing sufficient information for the enforcement of this title. The required information to be shown on the plan shall include the legal description of the property upon which the improvement is to be made, the street address of said property, the type of the use to which said improvement is to be put, the type of building to be created, the dimensions of the lot, parcel or tract of land upon which said improvement is to be made, the dimensions of the improvement and the distance said improvement is to be from the front, side and rear lot lines of said lot, parcel or tract of land, and elevations of said improvement showing the heights thereof, the location of water and sewer lines serving said improvement and, if said improvement is not connected with a public sewer, then the location of the private disposal system which serves or will serve said improvement, the location of existing uses and buildings, and such other information as the building inspector may require for the purpose of determining whether a building permit may be issued under the terms of this title.

D. Amendments: Nothing herein shall prohibit the filing of amendments to an application or to a plan or other record accompanying the same, at any time before the completion of the work for which the building permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

E. Completion Of Existing Building: Nothing in this title shall require changes in the plans, construction or designated use of a building or structure for which a lawful building permit has been issued prior to the time this title or amendments thereto became effective, or which has been otherwise lawfully authorized and the construction of which shall have been actually begun within ninety (90) days after this title or amendments thereto became effective and which the entire building or structure shall be completed as authorized within two (2) years thereafter.

F. Action On Applications: It shall be the duty of the building

inspector to examine applications for building permits within a reasonable time after filing. If, after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a building permit for the proposed work as soon as practicable. If his examination reveals otherwise, he shall reject such application, noting his finding in a report to be attached to the application and delivering a copy to the applicant.

G. Approval In Part: Nothing herein shall be construed to prevent the building inspector from issuing a building permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this title.

H. Limitation Of Building Permit:

1. All work performed under a building permit issued by the building inspector shall conform to the approved application and plans and approved amendments thereof.

2. Location of all new construction as shown on the approved plot diagram or an approved amendment thereof, shall be strictly adhered to.

3. It shall be unlawful to reduce or diminish the area of a lot or plot for which a plot diagram has been filed and has been used as the basis for a building permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided, that this shall not apply when the lot is reduced by reason of a street opening or widening, or other public improvement.

4. A building permit under which no work is commenced within one hundred eighty (180) days after issuance shall expire by limitation.

5. If a parcel of land is subdivided into two (2) or more lots and not recorded, the issuance of building permits shall be prohibited within such subdivision; provided, that this limitation shall be removed when the subdivision is officially approved by the planning commission and properly recorded, subject to all requirements imposed by the county subdivision ordinance.

6. A building permit shall not be issued for any building or structure on any lot or parcel of land unless that lot or parcel adjoins for a minimum distance of twenty feet (20') directly upon a street or

upon a permanent easement.

I. Signature To Building Permit: Every building permit issued by the building inspector under the provisions of this title shall have his signature affixed thereto, but this shall not prevent him from authorizing a subordinate to affix such signature.

J. Posting Of Building Permit:

1. A copy of the building permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of the same.

2. The governing body may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to completion thereof.

3. The building inspector shall be given at least twenty four (24) hours' written notice of the starting of work under a building permit.

K. Revocation: The building inspector may revoke a building permit or approval issued under the terms of this title if there has been any false statement or misrepresentation as to fact in the application or plans on which the building permit or approval was based.

L. County Assessor: One copy of each building permit issued by the building inspector shall be transmitted to the county assessor within thirty (30) days.

M. Fees: Any fee charged for the issuance of building permits shall be based upon the current international building code as recommended therein.

N. Codes Adopted: The county adopts and enforces the provisions of the international building code, in its most recent editions, as editions are updated from time to time, as well as the international plumbing code and the national electrical code, the model energy code, and the state regulations which apply to the handicapped.

8-3-5: COORDINATION BY STATE HEALTH, BUILDING OFFICIALS AND INSPECTORS:

A. Scope; Notice To County: The county government finds that it is in the interest of the county for purposes of coordination and efficient provision of government services to be informed of, and coordinated with, officials of the state as they perform their

numerous tasks of inspections for state health and other state regulations. Therefore, state inspectors and agents of the state tax commission shall notify the building inspector of all state inspections of new or existing development within the county, and of all state issued permits granted, denied or renewed within the county.

B. Denial: The county reserves the right to deny occupancy, construction, development or any use where a state inspection or permit was not previously coordinated with the county prior to its issuance.

8-3-6: BUILDING PERMIT REQUIRED; UTILITY SERVICES:

A. Building Permit: The county requires that a building permit be obtained before the start of construction of structures within the county.

B. Furnishing Utility Services: Any individual, business, company or entity is hereby prohibited from furnishing utility services to any new construction or any newly constructed structure until said individual, business, company or entity is furnished with a copy of the certificate of a building permit for said structure from the county.

8-3-7: COSTS, CHARGES FOR ZONING CHANGES AND PLAN REVIEWS:

A. Purpose: It is recognized that county governments incur substantial costs in the processing and review of petitions and applications for land development, changes in ordinances, zoning changes and appeals therefrom. In order to ease the burden on the public, reasonable charges shall be imposed on all petitions and applications which come before the planning commission.

B. Charges To Be Imposed: The costs and charges in connection with petitions and applications to the planning commission shall be in such amounts as established by the board of county commissioners.

C. Fees Additional: These fees are in addition to all required subdivision fees.

8-3-8: VIOLATIONS AND PENALTY:

A. Violations:

1. Any sale or transfer of real property by contract, grant, gift or any other form which is not recorded with the office of the county recorder, and any building or structure erected or maintained or any use of property in violation of this title shall be and the same is hereby declared to be unlawful and a public nuisance, and the county attorney shall immediately commence action, or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take such other actions and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from establishing, erecting or maintaining such building or structure, or using any property in violation of this title. It shall be the right and duty of every citizen to participate and assist the county officials in the enforcement of the regulations of this title. The planning commission shall report in writing to the county attorney any real property or structure it knows or has reason to believe is in violation of this title.

2. No land, building or structure shall be used for any purpose or use not allowed in the zone in which such land, building or structure is located.

3. Such person, firm or corporation who intentionally violates this title shall be deemed to be guilty of a separate offense for each and every day during which any violation of this title is committed, continued or permitted by such person or corporation and shall be punishable as herein stated; provided, however, that when any structure or use is in continuous violation of this title for a period exceeding five (5) years, and upon proper affidavits being submitted to the planning commission to the effect that no action has been instigated or complaint received during said period with respect to the violation, and when said commission finds that in the interest of justice and the general public good and welfare such structure or use should be allowed to continue, then and in that event said commission may declare such structure or use nonconforming. However, the period of limitations of five (5) years prescribed herein shall not commence to run until the effective date hereof and in no way shall be interpreted to permit the continuation of any violation which existed on the effective date hereof.

B. Notice Of Violation:

1. Any property known or believed to be in violation shall be served notice of said violation by:

a. Registered or certified letter from the planning commission addressed to the owner listed on the county tax assessment roll; or

b. A stop work sign posted conspicuously on the property.

2. These two (2) forms of notice shall describe the alleged violation and shall state the full text of subsections A and C of this section. The notices shall also inform the violator of the location to which he may respond to the notice and the time limit within which such action may be taken.

C. Penalty: Any person who violates any regulation of this title, or violates or fails to comply with any order or regulation made hereunder, shall be guilty of a class C misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. Every violator shall be deemed guilty of a separate offense for each day such violation is permitted to exist after official county notice has been given.

CHAPTER 4

PLANNING COMMISSION

SECTION:

- 8-4-1: Appointment, Term, Removal
- 8-4-2: Organization, Meetings, Records
- 8-4-3: Members Serve Without Compensation
- 8-4-4: Contracts And Employment
- 8-4-5: Powers, Duties And Responsibilities !2R!

8-4-1: APPOINTMENT, TERM, REMOVAL:

The planning commission shall consist of five (5) members. Members shall be appointed by the county commission from the residents of the county. Planning commission members shall be appointed to serve for a period of three (3) years. Each member of the planning commission shall serve until the expiration of the term for which he is appointed, and until his successor is appointed and qualified. Any vacancy occurring during the term of any member of the planning commission by reason of death, resignation, removal or disqualification shall be promptly filled by appointment of the county commission for the unexpired portion of the term. Any member may be removed for cause by the county commission upon written charges, and after a public hearing, if such hearing is requested. Two (2) alternate members shall be appointed by the county commission to serve on the planning commission for a three (3) year term, and shall be authorized to vote on all matters when the alternate member is needed to create a full quorum of three (3) members.

8-4-2: ORGANIZATION, MEETINGS, RECORDS:

The planning commission shall organize and elect a chairperson and vice chairperson, and may adopt rules and regulations in accordance with the provisions of this title. The chairperson, when in attendance, shall preside at all meetings of the commission and shall be a voting member. A quorum of the planning commission shall consist of three (3) or more members. Meetings of the commission shall be at the call of the chairperson, and at such other times as the commission may determine. All meetings of the planning commission, except executive sessions wherein no binding decisions can be made, shall be open to the public. The planning commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, all of which shall be filed in the office of the commission and shall

be a public record.

8-4-3: MEMBERS SERVE WITHOUT COMPENSATION:

Members of the planning commission shall serve without compensation, except that they may be reimbursed for reasonable expenses incurred with the approval of the county commission. The secretary may be paid as approved by the county commission.

8-4-4: CONTRACTS AND EMPLOYMENT:

The county commission may appoint such employees and staff as it may deem necessary for the work of the planning commission, and may contract with planners and other consultants for such services as it requires, provided the expenditures of the planning commission shall not be in excess of such sums as may be appropriated by the county commission, and/or placed at the disposal of the commission through gift or otherwise.

8-4-5: POWERS, DUTIES AND RESPONSIBILITIES:

A. Reports And Recommendations: The planning commission may make reports and recommendations relating to the plan and development of the county to county officials and agencies, other organizations and citizens. It may recommend to the county commission programs for public improvements and the financing thereof.

B. Entrance Upon Land: The planning commission, its members and employees, in the performance of its functions, may enter upon any land at reasonable times to make examinations and surveys and place and maintain necessary monuments and marks thereon.

C. Generally: In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote county planning.

D. Zoning Plan: The planning commission, through its own initiative or by order of the county commission, shall make and certify to the county commission a zoning plan, including both the full texts of the zoning ordinance and maps, and any amendments thereto, representing the commission's recommendations for zoning the unincorporated county into districts or zones of such number, shape and area as it may determine.

E. Master Plan:

1. Prepare; Adopt: It shall be the function and duty of the planning commission, after holding public hearings, to make and adopt and certify to the county commission a master plan for the physical development of the county. The master plan, with the accompanying maps, charts and descriptive and explanatory matter, shall show the commission's recommendations for the physical development and may include, among other things, the general location and extent of streets. The planning commission, after holding a public hearing thereon, may from time to time amend, extend or add to the plan or carry any part or subject matter into greater detail.

2. Master Plan To Act As Guide For Development: Whenever the county commission shall have adopted a master plan for the unincorporated area of the county, all land use decisions should, where practical, conform to the adopted master plan. The master plan should be reviewed and updated from time to time to reflect new circumstances.

F. Adoption Of Master Street Plan: The planning commission shall adopt and maintain a master street plan for the county in conformance with, and as a part of, the comprehensive general plan. The master street plan shall contain the proposed location of all arterial and collector streets and such other principal streets as the commission may deem appropriate. Upon adoption of a master street plan by the planning commission, the plan shall be submitted to and recommended to the county commission for adoption as the official master street plan.

G. Approval And Recording Of Subdivision Plats: No plat of a subdivision of land lying within the county shall be filed or recorded in the county recorder's office until it shall have been submitted to and approved by the commission and county, and such approval entered in writing on the plat by the chairperson of the planning commission and county commission, and no county recorder shall file or record a plat of a subdivision without such approval, and any recording of a plat of a subdivision without such approval shall be void. In exercising the powers granted to it, the planning commission shall prepare regulations governing the subdivision of land within the county. A public meeting thereon shall be held by the county commission, after which the county commission may adopt the regulations for the county.

H. Other Powers And Duties: The planning commission shall have such other powers and functions and shall perform such duties as are prescribed by Utah Code Annotated title 17, chapter 27a, as amended, and such other powers and duties as may be prescribed by law.

CHAPTER 5

BOARD OF ADJUSTMENT

SECTION:

- 8-5-1: Appointment, Term, Removal
- 8-5-2: Powers And Duties
- 8-5-3: Action By Board
- 8-5-4: Voting Of Board
- 8-5-5: Meetings And Rules
- 8-5-6: Appeals To Board
- 8-5-7: Authority Limited
- 8-5-8: Further Appeal To Court
- 8-5-9: Request To Appear Form !2R!

8-5-1: APPOINTMENT, TERM, REMOVAL:

There is hereby created a board of adjustment, which shall consist of five (5) members, each to be appointed by the board of county commissioners for a term of five (5) years; provided, that the terms of the members of the first board so appointed shall be such that the term of one member shall expire each year. Any member may be removed for cause by the board of county commissioners upon written charge after public hearing if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term is not completed. The chairperson of the board shall be elected by the board members and shall serve a one year term. Successive elections are permitted. Unless otherwise provided, the county commission may serve as the board of adjustment.

8-5-2: POWERS AND DUTIES:

A. Appeals: It shall be the duty of such board to hear all appeals taken by the person aggrieved or by any officer, department, board or bureau of the county affected by any decision related to administration or enforcement of this title. Said board shall adopt rules for the regulation of its procedures and conduct of its duties not inconsistent with the provisions of this title or of the state law, which said rules shall be submitted to the board of county commissioners for approval prior to their adoption and which may be altered, amended or changed in the same manner.

B. Powers Specified: The board, after proper notice and public hearing, shall have the following powers, as set forth in Utah Code Annotated section 17-27a-701 et seq.:

1. Appeals: To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the planning commission based on or made in the enforcement of this title.

2. Variances: When by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the provisions of any regulation enacted under this title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property, to authorize, upon an appeal relating to said property, a variance from such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the master plan and this title.

8-5-3: ACTION BY BOARD:

In exercising the above mentioned powers, such board may, in conformity with the provisions of the law, reverse or affirm, wholly or partially, or may modify the order, requirements, decision or determination appealed from and may make such determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken; provided, that before any variance may be granted, it shall be shown that special circumstances attached to the property covered by the application, which do not generally apply to other properties in the same zone; that because of said special circumstances, property covered by application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

8-5-4: VOTING OF BOARD:

The concurring vote of four (4) of the five (5) members of the board shall be necessary to reverse any order, requirement or determination of any such planning commission, or to decide in favor of the applicant on any matter on which it is required to pass, or to affect any such variation to this title.

8-5-5: MEETINGS AND RULES:

A. Meetings: Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine.

B. Conduct: The chairperson of said board of adjustment or in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall be open to the public.

C. Notice: The board shall fix a reasonable time for any meeting and shall give at least thirty (30) days' public notice thereof. Where appeals are to be heard, thirty (30) days' public notice of the meeting and twenty (20) days' written notice by mail to last known address, shall be given all owners of real property located within a two hundred foot (200') radius of the property in question.

D. Minutes, Records: The board shall keep minutes of its proceedings showing the roll call of votes, upon all questions and shall keep records of its examinations and other official actions, all of which shall be filed in the office of said board and shall be public records.

E. Clerk: The board of county commissioners shall appoint a person to act as clerk of the board of adjustment.

8-5-6: APPEALS TO BOARD:

A. Authorized Appeals: Appeals to the board of adjustment may be taken:

1. By any person aggrieved by the inability to obtain a building permit, or by the decision of any administrative officer, or agency based upon or made in the course of the administration or enforcement of the provisions of this title.

2. By any officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of this title.

B. Theory Of Relief: The appellant shall provide the board of adjustment every theory of relief that can be raised in district court.

C. Fee: The appellant shall pay a fee to the county clerk in such amount as established by the board of county commissioners.

D. Records Transmitted: The planning commission shall transmit to

the board of adjustment all the papers constituting the record upon which the action appealed from was based.

8-5-7: AUTHORITY LIMITED:

It shall not be the function of the board of adjustment to correct what it may consider to be an unwise requirement in this title or to substitute its judgment in place of that of the board of county commissioners as to what is good or poor zoning. The board of adjustment may grant only those variances which are specifically mentioned in this chapter. Nevertheless, it shall be the duty of the board to recommend appropriate modifications or amendments to this title to the planning commission when in its opinion such modifications or amendments would more fully promote the objectives and purposes of this title.

8-5-8: FURTHER APPEAL TO COURT:

Any person aggrieved by any decision of the board of adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, that petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the board of adjustment.

8-5-9: REQUEST TO APPEAR FORM:

Requests to appear before the board of adjustment shall be in writing and shall be in the form as follows:

Date _____ Appeal No. _____

APPLICATION TO APPEAR BEFORE THE BOARD OF ADJUSTMENT

I (we) _____
(name)

of _____
(address)

do hereby apply to the board of adjustment of Daggett County, Utah, for a determination on the following matter:¹

The facts are as follows: The property covered by this appeal is located at _____ and is situated within the zone.

(signature of applicant)

Note: By law, the board of adjustment may consider only two (2) types of cases. These are outlined below. Please acquaint yourself with these provisions and indicate under which provisions you are making this appeal. State the facts fully. Use additional sheets, if necessary, and attach a plot plan, where appropriate, showing the location of the buildings now on the lot and the buildings on adjoining lots, if any.

POWERS OF THE BOARD OF ADJUSTMENT

- 1. The board of adjustment may consider cases where the applicant thinks the officer of the county is interpreting the zoning ordinance and map incorrectly.*
- 2. The board of adjustment may consider cases known as variances, where the person making the appeal can show that the strict application of the regulation would result in peculiar and exceptional narrowness, shallowness, or shape of his property at the time of the enactment of the controlling regulation, or because of exceptional topographic conditions or other conditions peculiar to the lot. However, the board of adjustment cannot grant a request which would be contrary to the spirit of the zoning ordinance or its objectives and purposes.*
- 3. The board of adjustment may approve, deny in whole or in part, or may attach conditions to the granting of the request.*

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CHAPTER 6

ZONING DISTRICTS

SECTION:

- 8-6-1: Establishment Of Zoning Districts
- 8-6-2: Filing Of Ordinance And Map
- 8-6-3: Rules For Locating Boundaries !2R!

8-6-1: ESTABLISHMENT OF ZONING DISTRICTS:

For the purposes of this title, the territory of the local jurisdiction to which this title applies is divided into the following zoning districts, as follows:

- Multiple use district MU-40
- Multiple use district MU-80
- Multiple use district MU-160

- Agricultural district A-20
- Agricultural district A-40

- Rural residential district RR-¹/₂
- Rural residential district RR-1
- Rural residential district RR-5
- Rural residential district RR-10

- Residential district R1-40
- Residential district R1-20
- Residential district R1-12
- Residential district R1-10
- Residential district R1-8
- Residential district R1-6
- Residential district RM-7
- Residential district RM-15

- Neighborhood commercial district CN
- Commercial shopping district CS
- Highway commercial district CH
- General commercial district CG

- Manufacturing-distribution district MD
- General industrial district MG

- Central development district CD

Planned district PUD

8-6-2: FILING OF ORDINANCE AND MAP:

This title and map shall be filed in the custody of the county clerk and may be examined by the public, subject to the reasonable regulations established by said clerk.

8-6-3: RULES FOR LOCATING BOUNDARIES:

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

A. Wherever the district boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on map, the centerline of such street, alley, block or such property line, shall be construed to be the boundary of such district.

B. Whenever such boundary line of such district is indicated as being approximately at the line of any river, irrigation canal or other waterway, or railroad right of way, or public park or other public land, or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right of way, or boundary line of such public land or such section line, shall be deemed to be the boundary of such district.

C. Where such district boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.

D. Where the application of the above rules does not clarify the district boundary location, the board of adjustment shall interpret the map.

CHAPTER 6

ZONING DISTRICTS

ARTICLE A. MULTIPLE USE, AGRICULTURAL AND RURAL RESIDENTIAL DISTRICTS

SECTION:

- 8-6A-1: Purposes
- 8-6A-2: Codes And Symbols
- 8-6A-3: Uses
- 8-6A-4: Area, Width, Frontage, Yard, Height And Coverage Regulations !2R!

8-6A-1: PURPOSES:

A. Multiple Use Districts:

1. The purposes of providing a multiple use district are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scatteration of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat and recreation; to avoid excessive damage to watershed, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising and to wildlife values; and to promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of the community.

2. Agricultural buildings are not required to obtain a building permit when used solely in conjunction with agriculture use, and are not for human occupancy; notwithstanding this and unless otherwise exempted, a site plan is required and permits for plumbing, electrical and mechanical work will be required when that work is included in the structure.

District	Minimum Lot Size
MU-40	40 acres
MU-80	80 acres
MU-160	160 acres

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B. Agricultural Districts:

1. The purpose of this district is to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt open spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

2. Agricultural buildings are not required to obtain a building permit when used solely in conjunction with agriculture use, and are not for human occupancy; notwithstanding this and unless otherwise exempted, a site plan is required and permits for plumbing, electrical, and mechanical work will be required when that work is included in the structure.

District	Minimum Lot Size
A-20	20 acres
A-40	40 acres

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C. Rural Residential Districts: The purpose of this district is to promote and preserve in appropriate areas conditions favorable to large lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

District	Minimum Lot Size
RR- $\frac{1}{2}$	$\frac{1}{2}$ acre
RR-1	1 acres
RR-5	5 acres
RR-10	10 acres

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8-6A-2: CODES AND SYMBOLS:

In the following sections of this article, uses of land or buildings which are allowed in the various districts are shown as "permitted

uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a blank cell. If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a blank cell.

8-6A-3: USES:

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the multiple use, agricultural or rural residential districts, except as provided in this article.

	Multiple Use			Agricultural		Rural Residential			
	40	80	160	20	40	1/2	1	5	10
Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P	P	P
Accessory uses and buildings customarily incidental to conditional uses	C	C	C	C	C	C	C	C	C
Agriculture and forestry:									
Agriculture, business or industry	C	C	C	C	C		C	C	C
Agriculture, except grazing and pasturing of animals	P	P	P	P	P		P	P	P
Agriculture, including grazing and pasturing of animals	P	P	P	P	P		P	P	P
Animals and fowl for recreation or for family food production for the primary use of persons residing on premises	P	P	P	P	P	P	P	P	P
Farms devoted to raising and marketing chickens, turkeys or other fowl or poultry, fish or frogs, including wholesale and retail sales	P	P	P	P	P			C	C

	Multiple Use			Agricultural		Rural Residential			
	40	80	160	20	40	1/2	1	5	10
Forest industry, such as sawmill, wood products plant or others	C	C	C						
Forestry, except forest industry	P	P	P	P	P		P	P	P
Nursery or greenhouse, wholesale or retail	C	C	C	C	C		C	C	C
The tilling of the soil, raising of crops, horticulture and gardening	P	P	P	P	P	P	P	P	P
Apiary	P	P	P	P	P		C	C	P
Aviary	P	P	P	P	P		P	P	P
Cluster subdivision of single-family dwellings:									
Provided, that the residential density is not increased by more than 100 percent for the district						C	C	C	C
Provided, that the area, in acres, of the parcel is not less than						3	5	15	40
Dude ranch, family vacation ranch	C	C	C	C	C				C
Dwellings:									

	Multiple Use			Agricultural		Rural Residential			
	40	80	160	20	40	1/2	1	5	10
Farm or ranch housing	P	C	C	C	C				
Seasonal home or cabin	C	C	C	P	P	P	P	P	P
Single-family	P	C	C	P	P	P	P	P	P
Two-family	C	C	C	P	P		P	P	P
Home occupation	C	C	C	C	C	C	C	C	C
Household pets	P	P	P	P	P	P	P	P	P
Hydroelectric dam	C	C	C	C	C	C	C	C	C
Kennel				C	C		C	C	C
Mine, quarry, gravel pit, rock crusher, concrete hatching plant, or asphalt plant, oil wells, or steam wells	C	C	C	C	C				C
Petroleum and gas exploration and production	C	C	C	C	C	C	C	C	C
Power generation:									
Large wind energy system	C	C	C	C	C	C	C	C	C
Minor wind energy system	P	P	P	P	P	P	P	P	P

	Multiple Use			Agricultural		Rural Residential			
	40	80	160	20	40	1/2	1	5	10
Small wind energy system	C	C	C	C	C	C	C	C	C
Private park or recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory	C	C	C	C	C			C	C
Public stable, riding academy or riding ring, horse show barns or facilities	C	C	C	C	C			C	C
Public use, quasi-public use, essential services, including private school, with a curriculum corresponding to a public school, church; dams and reservoirs; radio and television transmitting stations or towers; cemetery	C	C	C	C	C		C	C	C
Signs:									
1 civic sign, not to exceed 16 square feet in sign area	P	P	P	P	P			C	C
1 development sign, not to exceed 8	P	P	P	P	P	P	P	P	P

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8-6A-3

	Multiple Use			Agricultural		Rural Residential			
	40	80	160	20	40	1/2	1	5	10
square feet in area									
1 identification sign, not to exceed 16 square feet in sign area	P	P	P	P	P				P
1 real estate sign, not to exceed 8 square feet in area	P	P	P	P	P	P	P	P	P
1 residential sign, not to exceed 2 square feet in area	P	P	P	P	P	P	P	P	P
Solar structures	P	P	P	P	P	P	P	P	P
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of construction work	C	C	C	C	C	C	C	C	C

!SETLRM!!SETFNT!!SETTAB!

8-6A-4: AREA, WIDTH, FRONTAGE, YARD, HEIGHT AND COVERAGE REGULATIONS:

	Multiple Use			Agricultural		Rural Residential			
	40	80	160	20	40	1/2	1	5	10
Area Regulations:									
The minimum lot area in acres for any main use in the districts regulated by this article shall be	40	80	160	20	40	1/2	1	5	10
Width Regulations:									
The minimum width in feet for any lot in the districts regulated by this article, except as modified by planned unit developments or cluster subdivisions, shall be	660	1,320	1,320	330	660	120	150	200	330
Frontage Regulations:									
The minimum frontage in feet for any lot in the districts regulated by this article on a public street or a private street approved by the governing body shall be	60	60	60	60	60	25	25	50	60
Front Yard Regulations:									
The minimum depth in feet for the front	60	60	60	60	60	30	30	60	60

	Multiple Use			Agricultural		Rural Residential			
	40	80	160	20	40	1/2	1	5	10
yard for main buildings in districts regulated by this article shall be									
Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings, otherwise they shall be set back at least 6 feet in the rear of the main building	A	A	A	A	A	A	A	A	A
Rear Yard Regulations:									
The minimum depth in feet for the rear yard in the districts regulated by this article shall be:									
For main buildings	60	60	60	60	60	30	30	50	60
For accessory buildings	60	60	60	60	60	3	10	20	60
Side Yard Regulations:									
The minimum side yard in feet for any dwelling other than main or accessory buildings in districts regulated by this article shall be	60	60	60	60	60	10	15	20	25
and a total width in feet of the 2	120	120	120	120	120	20	40	40	50

	Multiple Use			Agricultural		Rural Residential			
	40	80	160	20	40	1/2	1	5	10
required side yards of not less than									
Except on corner lots, 2 front and 2 rear yards are required	A	A	A	A	A		A	A	A
Except on corner lots, 2 front, 1 side and 1 rear yard are required						A			
Height Regulations:									
The maximum height for all buildings and structures in districts regulated by this article shall be:									
In feet	35	35	35	35	35	25	35	35	35
In number of stories	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Coverage Regulations:									
The maximum coverage in percent for any lot in the districts regulated by this article shall be						25	20	10	5

CHAPTER 6

ZONING DISTRICTS

ARTICLE B. RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS

SECTION:

8-6B-1: Purpose

8-6B-2: Codes And Symbols

8-6B-3: Uses

8-6B-4: Area, Width, Frontage, Yard, Height And Coverage Regulations
!2R!

8-6B-1: PURPOSE:

The purposes of the residential and multiple residential districts are:

A. Residential district R1-40: To provide areas for large lot residential neighborhoods of essentially rural or estate character. Minimum lot size: forty thousand (40,000) square feet.

B. Residential district R1-20: To provide areas for very low density, single-family residential neighborhoods of essentially spacious and uncrowded character. Minimum lot size: twenty thousand (20,000) square feet.

C. Residential district R1-12: To provide areas for low density, single-family residential neighborhoods of spacious and uncrowded character. Minimum lot size: twelve thousand (12,000) square feet.

D. Residential district R1-10: To provide areas for medium low density, single-family residential neighborhoods where medium costs of development may occur. Minimum lot size: ten thousand (10,000) square feet.

E. Residential district R1-8: To provide areas for medium low density, single-family residential neighborhoods where low and medium costs of development may occur. Minimum lot size: eight thousand (8,000) square feet.

F. Residential district R1-6: To provide areas for low density, single-family residential neighborhoods where low and medium costs of development may occur. Minimum lot size: six thousand (6,000) square feet.

G. Multiple-residential district RM-7: To provide areas for low residential density with the opportunity for varied housing styles and character. Maximum density: seven (7) dwelling units per net acre.

H. Multiple-residential district RM-15: To provide areas for medium residential density with the opportunity for varied housing styles and character. Maximum density: fifteen (15) dwelling units per net acre.

8-6B-2: CODES AND SYMBOLS:

In the following sections of this article, uses of land or buildings which are allowed in the various districts are shown as "permitted uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a blank cell. If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a blank cell.

8-6B-3: USES:

No building, structure or land shall be used and no building or structure shall be hereafter structurally altered, enlarged or maintained in the residential and multiple-residential districts, except as provided in this article.

	R-1						R-M	
	40	20	12	10	8	6	7	15
Accessory buildings and uses customarily incidental to the permitted uses	P	P	P	P	P	P	P	P
Accessory uses and buildings customarily incidental to the conditional uses	C	C	C	C	C	C	C	C
Agriculture, the tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P	P	P	P
Child daycare or nursery	C	C	C	C	C	C	C	C
Cluster subdivision of single-family dwellings; provided, that the residential density is not increased to allow more than 1 dwelling for each:								
30,000 square feet	C							
15,000 square feet		C						
8,000 square feet			C					
7,000 square feet				C				
6,000 square feet					C			
4,000 square feet						C	C	C

	R-1						R-M	
	40	20	12	10	8	6	7	15
and that the total area of the subdivision cluster be not less than 5 acres, and that at least $\frac{1}{3}$ of the total area of the subdivision be reserved or dedicated as permanent open space for common use of the residents, under development approval	A	A	A	A	A	A	A	A
Dwellings:								
Four-family dwelling							C	C
Groups of dwellings each approved as a planned unit development							C	C
Multiple-family dwelling							C	C
Single-family dwelling	P	P	P	P	P	P	P	P
Three-family dwelling							C	C
Two-family dwelling							P	P
Two-family dwelling on corner lots requires 2 front and 2 rear yards							A	A

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	R-1						R-M	
	40	20	12	10	8	6	7	15
Home occupation	C	C	C	C	C	C	C	C
Hospital; medical or dental clinic accessory to a hospital and located on the same premises								C
Household pets	P	P	P	P	P	P	P	P
Mobile home developments:								
Mobile home parks								
Mobile home subdivisions								
Power generation:								
Large wind energy system								
Minor wind energy system			C	C	C	C	C	C
Small wind energy system								
Private educational institution having a curriculum similar to that ordinarily given in public schools	C	C	C	C	C	C	C	C
Private recreational grounds and facilities, not open to the general public, and to which no	C	C	C	C	C	C	C	C

8-6B-3

8-6B-3

	R-1						R-M	
	40	20	12	10	8	6	7	15
admission charge is made								
Public and quasi-public buildings and uses:								
Cemetery								
Church	C	C	C	C	C	C	C	C
Essential service facilities	C	C	C	C	C	C	C	C
Golf course	C	C	C	C	C	C	C	C
Substations or transmission lines of 50 kV or greater capacity	C	C	C	C	C	C	C	C
Quarries, gravel pits, land excavations								
Signs:								
1 civic sign, not to exceed 16 square feet in sign area	P	P					P	P
1 development sign, not to exceed 8 square feet in area	P	P	P	P	P	P	P	P
1 real estate sign, not to exceed 8 square feet in area	P	P	P	P	P	P	P	P

8-6B-3

8-6B-3

	R-1						R-M	
	40	20	12	10	8	6	7	15
1 residential sign, not to exceed 4 square feet in area for the resident of a building, and one residential sign, not to exceed 8 square feet for name and address of a multiple-family residential building	P	P	P	P	P	P	P	P
All such signs shall be located on the property to which they pertain	A	A	A	A	A	A	A	A
Civic and residential signs may be illuminated, but the source of illumination shall not be visible. No flashing or intermittent illumination shall be employed, and the other signs shall not be illuminated	A	A	A	A	A	A	A	A
Identification sign, sign for conditional use	C	C	C	C	C	C	C	C
Solar structures	P	P	P	P	P	P	P	P

!SETLRM!!SETFNT!!SETTAB!

8-6B-4: AREA, WIDTH, FRONTAGE, YARD, HEIGHT AND COVERAGE REGULATIONS:

	R-1						R-M	
	40	20	12	10	8	6	7	15
Area Regulations:								
The minimum lot area in square feet for any single-family dwelling structure in the districts regulated by this article shall be (in thousands)	40	20	12	10	8	6	7	8
The additional lot area for each additional dwelling unit in a dwelling structure shall be (in thousands)							6	2.5
For group dwellings, each separate dwelling structure after the first dwelling structure and each additional dwelling structure in square feet shall have (in thousands)							5	2.5
Minimum lot area for all main uses or buildings other than dwellings shall be (in thousands)	40	20	12	10	10	10	10	10
Width Regulations:								
The minimum width in feet for any lot in the districts regulated by this article,	120	100	80	80	70	60	70	70

	R-1						R-M	
	40	20	12	10	8	6	7	15
except as modified by planned unit developments or cluster subdivisions, shall be								
Frontage Regulations:								
The minimum frontage in feet for any lot in the districts regulated by this article on a public street or a private street approved by the governing body shall be	60	50	45	45	40	40	45	45
Front Yard Regulations:								
The minimum depth in feet for the front yard for main buildings in districts regulated by this article shall be	30	30	30	30	25	25	25	25
Rear Yard Regulations:								
The minimum depth in feet for the rear yard in the districts regulated by this article shall be:								
For main buildings	30	30	30	30	6	20	30	20

	R-1						R-M	
	40	20	12	10	8	6	7	15
For accessory buildings	3	3	3	3	3	3	3	3
Provided, that on corner lots which rear on a side yard of another lot, all such districts shall be located not closer than 10 feet to such side yard	A	A	A	A	A	A	A	A
Side Yard Regulations:								
The minimum side yard in feet for any dwelling in districts regulated by this article shall be	15	10	10	10	10	10	10	10
and the total width of the 2 required side yards	30	24	22	18	16	16	18	18
except that in no case shall the total width of the 2 side yards be less than the height of the building	A	A	A	A	A	A	A	A
Other main buildings shall have a minimum side yard of	20	20	20	15	15	15	20	20
and a total width of the 2 required side yards of not less than	40	40	40	30	30	30	40	40

8-6B-3

8-6B-3

	R-1						R-M	
	40	20	12	10	8	6	7	15
The minimum side yard for a private garage shall be	15	10	10	8	6	6	6	6
except that private garages and other accessory buildings located at least 6 feet in the rear of the main building may have a minimum side yard of	3	3	3	3	3	3	3	3
provided, that no private garage or other accessory buildings shall be located closer in feet to a dwelling on an adjacent lot than	15	10	10	10	10	10	10	10
On corner lots, the side yard in feet which faces on a street for both main and accessory buildings shall be not less than	20	20	20	20	20	20	20	20
or the average of existing buildings, but in no case shall the side yard be less in feet than	15	15	15	15	15	15	15	15
nor be required to be more than	25	25	25	25	25	25	25	25
Any garage or carport opening which faces onto a street shall be set back	30	30	30	30	25	25	25	25

	R-1						R-M	
	40	20	12	10	8	6	7	15
from the street line in feet at least								
Height Regulations:								
The maximum height for all buildings and structures in districts regulated by this article shall be								
In feet	35	35	35	35	35	35	35	55
In number of stories	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Coverage Regulations:								
The maximum coverage in percent for any lot in the districts regulated by this article shall be	20	20	30	35	35	35	35	50

CHAPTER 6

ZONING DISTRICTS

ARTICLE C. COMMERCIAL AND INDUSTRIAL DISTRICTS

SECTION:

8-6C-1: Purpose

8-6C-2: Codes And Symbols

8-6C-3: Uses

8-6C-4: Height, Area, Width, Frontage, Yard, Coverage Regulations;
Special Provisions !2R!

8-6C-1: PURPOSE:

The purposes of the commercial and industrial districts are:

A. Neighborhood commercial district CN: To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day to day needs of area residents.

B. Shopping commercial district CS: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.

C. Highway commercial district CH: To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway related activities.

D. General commercial district CG: To provide areas in appropriate locations where a combination of business, commercial, entertainment and related activities may be established, maintained, and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.

E. Manufacturing-distribution district MD: To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

F. General industrial district MG: To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

8-6C-2: CODES AND SYMBOLS:

In the following sections of this article, uses of land or buildings which are allowed in the various districts are shown as "permitted uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a blank cell. If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a blank cell.

8-6C-3: USES:

No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial and industrial districts except as provided in this article.

	CN	CS	CH	CG	MD	MG
Accessory uses and buildings customarily incidental to the conditional uses	C	C	C	C	C	C
Accessory uses and buildings customarily incidental to the permitted uses	P	P	P	P	P	P
Agriculture:						
Agricultural industries			C	C	C	C
The tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P	P
Automobile sales and services:						

	CN	CS	CH	CG	MD	MG
Automatic car wash; automobile and recreation vehicle sales, lease, rental or repair, new or used, conducted outdoors; automobile repair garage		C	C	P	P	P
Automobile or recreation vehicle sale, service, lease, rental and repair, new or used, conducted entirely within an enclosed building; auto parts, indoor		P	P	P		
Parking lot incidental to a use conducted on the premises	P	P	P	P	P	P
Parking lot not incidental to a use conducted on the premises	C	C	C	C	C	C
Automobile service station	C	C	C	C	C	C
Body and fender shop; tire recapping; motor vehicle, bicycle and recreation vehicle assembly, painting, upholstering and rebuilding			C	C	P	P
Dwellings and other living quarters:						
Hotel; motel		P	P	P		
Recreational vehicle park		C	C	C		
Power generation:						
Large wind energy system	C	C	C	C	C	C
Minor wind energy system	P	P	P	P	P	P
Small wind energy system	C	C	C	C	C	C
Processing and manufacturing:						
Bag cleaning					P	P
Baking, ice cream making, and/or candy making	C	C	C	C	P	P
Blacksmith shop					P	P
Boiler works					P	P
Bookbinding		C	C	P	P	P
Bottling works					P	P
Breweries		C			C	C
Cement, mortar, plaster, or paving materials, central mixing plant, related to construction industry						C
Construction of buildings to be sold and moved off the premises				C	P	P

	CN	CS	CH	CG	MD	MG
Dairy				C	P	P
Egg candling, sales or processing				P	P	P
Fertilizer and soil conditioner manufacture, processing and/or sales, providing only nonanimal products and byproducts are used					C	C
Forage plant					P	P
Foundry, casting light weight, nonferrous metal					C	P
Hatchery				C	P	P
Honey extraction				P	P	P
Incinerator, nonaccessory					C	C
Knitting mill				C	P	P
Laboratories		C	C	C	C	C
Laundry			C	P	P	P
Machine shop				C	P	P
Manufacture, curing, compounding, processing, packaging and treatment of fish, sauerkraut, pickles, vinegar, yeast and rendering of fat						C
Manufacture, curing, compounding, processing, packaging and treatment of the following:						
Baker goods, batteries				C	C	C
Candy, cereal, cosmetics				C	C	C
Dairy products				C	C	C
Food products (excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat)				C	C	C
Lubrication grease				C	C	C
Meat products				C	C	C
Oil				C	C	C
Pharmaceuticals				C	C	C
Toiletries				C	C	C
Manufacture, fabrication, assembly, canning, compounding, packaging, processing, treatment, storage and/or						

	CN	CS	CH	CG	MD	MG
maintenance of the following:						
Airplane and parts, automobiles and parts, alcohol					C	P
Brass					C	P
Candles, cans, cameras, photo equipment, including film, cast stone products, copper					C	P
Dyestuffs					C	P
Emery cloth, excelsior					C	P
Glass, glucose, gypsum					C	P
Hair, hardware					C	P
Ink, iron					C	P
Lampblack, linoleum, lime					C	P
Machinery, malt, matches, meats, musical instruments					C	P
Novelties					C	P
Oilcloth, oiled rubber goods, oxygen					C	P
Paper, paint, pulp, pickles, pottery, incidental plaster, plaster of Paris, plastics					C	P
Salt, sheet metal, shellac, shoddy, shoe polish, soap, detergents, soda, starch, steel					C	P
Terra cotta, tile, toys, turpentine					C	P
Varnish, vinegar					C	P
Yeast					C	P
Manufacture/maintenance of the following:						
Boats, business machines			C	C	P	P
Cameras, photo equipment			C	C	P	P
Electric or neon signs, billboards, and/or commercial advertising structures			C	C	P	P
Light sheet metal products including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awning			C	C	P	P

	CN	CS	CH	CG	MD	MG
Musical instruments			C	C	P	P
Novelties			C	C	P	P
Rubber and metal stamps			C	C	P	P
Toys			C	C	P	P
Manufacture of brick, clay, ceramic, cinder, concrete, synthetic, cast stone, plastic and pumice stone products, including, in addition, manufacture or fabrication of building blocks. Tile or pipe from raw materials for use in building construction or for sewer or drainage purposes, and excluding rock or gravel crushing of raw materials, except that which is incidental to the manufacture or fabrication of the above described products, and provided that such crushing facilities be located not closer than 200 feet to any property line					C	C
Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials:						
Bone					C	C
Cellophane, canvas, cloth, cork					C	C
Feathers					C	C
Hair, horn					C	C
Leather					C	C
Paper, paint, plastics, precious or semiprecious stone, or metals					C	C
Rubber					C	C
Shell, straw					C	C
Textiles, tobacco					C	C
Wood, wool					C	C
Manufacturing, processing, refining, treatment, distilling, storage, or compounding of the following:						
Acid, ammonia, asphalt, acetylene gas						C
Bleaching powder and chlorine, bones						C

	CN	CS	CH	CG	MD	MG
Chemicals of an objectionable or dangerous nature, coal creosote						C
Disinfectants						C
Explosives						C
Fireworks						C
Gas, gelatin or size, glue, grease or lard						C
Hides						C
Insecticides						C
Metals crushing						C
Ore						C
Petroleum, plastics, potash, pyroxylin						C
Roofing, or waterproofing material, rubber, or gutta-percha						C
Tallow, tar						C
Wood						C
Mobile lunch agency		C	C	P	P	P
Monument works				C	P	P
Motion picture studio			C	C	P	P
Planing mill					C	P
Printing convenience for drop-in customers		C	C	P	P	P
Publishing and contract printing			C	P	P	P
Rock crusher					C	C
Sandblasting					C	C
Sawmill					C	C
Tire retreading or vulcanizing				C	P	P
Upholstering, including mattress manufacture, rebuilding or renovating			C	P	P	P
Uses which follow, provided they are located at least 300 feet from any district boundary:						
Animal byproducts, plants, offal or dead animal reduction or dumping						C

	CN	CS	CH	CG	MD	MG
Blast furnace						C
Fat rendering, fertilizer and soil conditioner, foundry						C
Garbage or refuse maintenance or disposal site, gravel pits, quarries						C
Weaving		C	C	C	P	P
Welding shop			C	C	P	P
Public and quasi-public:						
Cemetery			C	C	C	C
Churches	C	C	C	C	C	C
Parks, golf courses, swimming pools, and other recreation areas	P	P	P	P	P	P
Public buildings	C	C	C	C	C	C
Private schools	C	C	C	C	C	
Radio/television transmitting towers					C	P
Recreation, commercial:						
Archery shop/range, if conducted in enclosed building	C	C	C	P	C	C
Athletic club; health club, athletic goods store	C	P	P	P	P	C
Billiards or pool hall, swimming pool, skating rink	C	P	P	P	C	C
Bowling alley, boxing arena			C	C	C	C
Bicycle shop	P	P	P	P	C	C
Campground			C	C	C	
Dance hall, dancing		C	C	C	C	
Drag strip racing					C	C
Go-cart racing					C	C
Golf course, miniature golf	P	P	P	P	P	P
Gymnasium	C	P	P	P	P	C
Nightclub/social club		C	C	C	C	
Recreation center	C	C	C	P	C	C
Recreation vehicles rental-lease, sales and service	C	C	C	C	C	C

	CN	CS	CH	CG	MD	MG
Recreational vehicle parks			P	P		
Theater, indoor	C	C	C	P	C	
Theater, outdoor		C	C	C	C	C
Sales and related services:						
Air conditioning, ventilating equipment, sales/repair		C	C	P	P	C
Art needlework shop	P	P	P	P		
Art shop and/or supply	P	P	P	P		
Awning sales/repair		P	C	P	C	
Bakery, retail sales	P	P	P	P	C	C
Beer outlet, class A, class B		C	C	C		
Bookstore	P	P	P	P		
Bookstore, adult					C	
Building material sales, enclosed		C	C	C	P	P
Building material sales yard with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing, except as such concrete mixing is necessary in preparation and manufacture of any products specified in this section				C	P	P
Cafe, cafeteria, catering establishment	P	P	P	P	C	C
Candy, confectionery, nut shop	P	P	P	P	C	C
Carbonated water sales		P	P	P		
China and/or silver shop	P	P	P	P		
Clothing store	P	P	P	P	C	C
Coal/fuel sales office	C	C	C	P	P	C
Delicatessen	P	P	P	P	C	C
Department store		P	P	P		
Drapery/curtain store	C	P	P	P	C	C
Drive-ins, refreshment stand, eating and/or drinking place	C	C	C	C	C	C
Drugstore	P	P	P	P		
Dry goods store	C	P	C	P	C	
Electrical, heating appliances and	C	P	P	P	C	

	CN	CS	CH	CG	MD	MG
fixtures, sales/repair/service						
Electronics sales and repair	P	P	C	P	C	C
Floor covering sales	P	P	P	P	C	C
Florist shop	P	P	P	P		
Fountain equipment supply				P	P	
Fruit/fruit juice store, fruit and/or vegetable stand, or store	P	P	P	P		
Fur sales, storage, repair		P		P	C	
Furniture sales, and/or repair	C	P	C	P	C	
Gift shop, hobby or crafts shop	P	P	P	P		
Greenhouse, nursery, plant materials, soil/lawn service		P	P	P	P	
Grocery, meat sales	P	P	P	P	C	C
Gunsmith	C	P	C	P	C	C
Hardware store	C	P	P	P	P	
Health food store	P	P	P	P		
Hobby and/or craft shop	P	P	P	P		
Hospital supplies		C	C	P	P	
Ice cream shop	P	P	P	P	P	
Ice manufacture, storage, and retail/wholesale sales	C	C	C	P	P	P
Insulation sales				P	P	P
Jewelry stores	P	P	P	P		
Laundry, automatic self-help, laundry agency	P	P	P	P	C	
Leather goods, luggage sales	P	P	P	P	C	C
Linen shop	P	P	P	P		
Liquor and beer sales, places for the drinking of liquor or beer		C	C	C	C	
Lumberyard				C	P	P
Military surplus store	C	C	C	C	C	C
Milk distributing station, sale of dairy products, excluding processing/bottling	P	P	P	P		
Monument sales, retail			P	P	P	P

	CN	CS	CH	CG	MD	MG
Motorboat sales	C	C	C	C	C	C
Music store	P	P	C	P		
Notions	P	P	P	P		
Novelty shop		P	P	P		
Oil burner shop		P		P	P	
Ornamental iron, sales only	C	P	C	P	P	C
Package agency		C	C	C	C	
Painter/paint store	C	P	P	P	P	
Pet shop	P	P		P		
Photographer or photography shop, sales and service	P	P	P	P		
Plumbing shop	C	P	P	P	P	
Popcorn and/or nut shop	P	P	P	P	C	C
Radio and television station				C	C	P
Restaurant	P	P	P	P	C	C
Roofing sales	C	P	P	P	P	
Secondhand shop, antiques, conducted within a building or enclosure	C	P	C	P	P	
Seed/feed store			C	P	P	P
Shoe shop, shoeshine, shoe repair	P	P	C	P	C	
Sewing machine shop	P	P	P	P		
Stationery and greeting card sales	P	P	P	P		
Tobacco shop	C	P	P	P		
Tire shop	C	P	P	P	C	C
Variety store	P	P	P	P		
Wallpaper store	C	P	P	P	P	
Wholesale business		C		P	P	P
Service activities:						
Animal hospital			C	C	C	C
Baby formula service, baby diaper service, sitter agency	P	P	P	P		
Bank	P	P	P	P	P	
Barbershop	P	P	P	P	C	

	CN	CS	CH	CG	MD	MG
Bath and massage		P	P	P		
Beauty shop	P	P	P	P	C	
Carpet and/or rug cleaning				P	P	
Clothes cleaning, dyeing, pressing	P	P	P	P	P	P
Costume rental	C	P	C	P	P	
Dramatics school	C	C	C	C	C	
Electric appliances and/or electronic instruments service		P		P	P	
Employment agency or employment office		P	P	P	P	
Fix-it shop, repair shop, household items		P	P	P	P	
Flooring, floor repair shop		P		P	P	
Frozen food lockers		C	C	P	P	
Household cleaning/repair, house equipment displays		P		P	P	
Interior decorating store	P	P	P	P		
Janitorial service	P	P		P	P	
kennel		C		C	C	C
Key and lock service		P	C	P	P	
Medical/dental clinic, laboratories	C	P	C	P	C	
Mortuary		C	C	C	C	
Nurses' agency	P	P		P		
Office, business or professional	C	P		P	P	
Office, supply, office machines sales, repair		P		P	P	
Optometrist, and/or oculist	P	P		P		
Pest extermination business	C	P		C	C	C
Printing and small paper reproduction service	P	P	C	P	P	
Printing, including engraving, photo engraving			C	P	P	
Reception center and/or wedding chapel	C	C	C	C		
Sign painting shop		C		P	P	
Tailor shop	P	P		P		

	CN	CS	CH	CG	MD	MG
Taxidermist		P		P	P	
Towel and linen supply service		P		P	P	
Travel bureau	C	P	P	P	P	
Upholstery shop	C	C	C	P	P	
Veterinary			C	C	C	C
Signs:						
Advertising signs, not exceeding 132 square feet in area or 25 feet in height may be allowed by the planning commission						C
Business signs, not to exceed a total of 1 square foot of sign area for each 1 linear foot of business building frontage; no such sign to exceed 50 square feet in area and not more than 3 signs for any one business; all such signs to be flat wall or freestanding signs; no such sign to be revolving or to have flashing or intermittent lighting	P	P	P	P	P	P
Business signs permitted above herein may be allowed as pole signs not to exceed 25 feet in height and 100 square feet in total area by the planning commission			C	C	C	C
The following nonadvertising signs, subject to the limitations stated. All such signs may be lighted but shall have no flashing or intermittent light and shall not revolve or have lighted moving parts. Such signs to be flat wall signs or pole signs but no such signs shall project above the eaves or parapet wall of the building on the premises to which it is appurtenant. The maximum sign area may be used in not more than 3 signs.						
Civic, maximum 14 square feet	P	P	P	P	P	P
Development, maximum 40 square feet	P	P	P	P	P	P
Other, maximum 8 square feet	P	P	P	P	P	P
Real estate, maximum 16 square feet	P	P	P	P	P	P
Residential, personal nameplate, maximum 2 square feet	P	P	P	P	P	P
Solar structures	P	P	P	P	P	P

	CN	CS	CH	CG	MD	MG
Storage and warehousing:						
Boat storage			C	P	C	C
Coal, fuel and wood yards			C	C	P	P
Contractors' equipment storage yard or plant, or rental of equipment used by contractors	C	C	P	P	P	P
Garage, public		C	C	P	P	P
Junkyard					C	C
Warehouse		C	C	C	P	P
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C	C	C	C	C	C
Transportation:						
Bus terminal		C	C	P	P	
Draying, freighting, or trucking yard or terminal			C	C	P	P
Express shipping office	C	P	P	P	P	P
Railroad yards, shop and/or roundhouse for railroads					P	P
Taxi stand	P	P	P	P	P	P
Terminal, parking and maintenance facilities	C	C	C	C	C	C
Transfer company			C	C	P	P
Transfer company, provided trucks no larger than 2 tons capacity are used		C	C	P	P	P
Truck stop and service facilities			P	C	P	P

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8-6C-4: HEIGHT, AREA, WIDTH, FRONTAGE, YARD, COVERAGE REGULATIONS; SPECIAL PROVISIONS:

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	CN	CS	CH	CG	MD	MG
Height Regulations:						

	CN	CS	CH	CG	MD	MG
The maximum height for all buildings and structures in districts regulated by this chapter shall be:						
In feet	35	45	45	75	75	75
In number of stories	2	3	3	7	7	7
Area, Width, Frontage, Yard And Coverage Regulations:						
Any parcel larger than 1 acre at the time of passage of this ordinance may be divided or developed only under planned unit development approval	A	A	A	A	A	A
Regulations as may be required by conditional use permit or by planned unit development approval, except that no commercial building shall be located closer than 15 feet to any residential district boundary line or to any street line which continues as frontage into a residential district	A	A	A	A	A	A
Except as may be allowed through a planned unit development approval, buildings and structures may cover no more percentage of the lot area than	30	30	30	50	50	50
Special Provisions:						
Any area outside of a building used for any activity other than off street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or from adjoining parcels					A	
All uses shall be conducted from enclosed buildings except automobile service stations, automatic car wash, automobile and recreational coach or vehicle sales, lease, rental or repair, off street parking and loading, plant material nurseries, outdoor restaurants, and commercial recreation, unless otherwise permitted by planned unit development or conditional use permit	A					
Not more than 20 percent of the building shall be used for wholesale business	A					

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CHAPTER 6

ZONING DISTRICTS

ARTICLE D. CENTRAL DEVELOPMENT DISTRICT CD

SECTION:

8-6D-1: Purpose

8-6D-2: Permitted Uses

8-6D-3: Conditional Uses

8-6D-4: Special Provisions

8-6D-5: Area, Width, Frontage, Yard, Coverage, Height Regulations
!2R!

8-6D-1: PURPOSE:

The purpose of this district is to provide areas in appropriate locations for high intensity public, quasi-public, commercial, office and multiple-family uses which may center in harmonious relationships based on planned development for mutual benefit.

8-6D-2: PERMITTED USES:

None. All uses require conditional use permits.

8-6D-3: CONDITIONAL USES:

All uses allowed in the CN, CS, CH and CG districts are conditional uses in the CD district.

8-6D-4: SPECIAL PROVISIONS:

A. Lot Size: Any parcel located in a central development district that is larger than one acre at the time of passage of this article may be divided or developed only under planned unit development approval. No new lot smaller than one acre may be created.

B. Considerations: Every conditional use permit and every planned unit development approval shall be based primarily on how the development, as proposed in the application, will contribute to compatibility and mutual private and public benefit from existing, proposed and potential buildings and uses in the area; the efficient, effective and aesthetic use of land, buildings, landscaping and

amenities; and the improvements to be made in land use, building construction and appearance, traffic safety and control, landscaping and drainage.

8-6D-5: AREA, WIDTH, FRONTAGE, YARD, COVERAGE, HEIGHT REGULATIONS:

The area, width, frontage, yard, coverage and height regulations are to be determined by conditional use permit or planned unit development approval.

CHAPTER 7

PLANNED UNIT DEVELOPMENT

SECTION:

- 8-7--1: Introduction
- 8-7--2: Purpose
- 8-7--3: Defined
- 8-7--4: Planned Unit Development Permit
- 8-7--5: Required Conditions
- 8-7--6: Site Plan Requirements
- 8-7--7: Planning Commission Action
- 8-7--8: Construction Limitations
- 8-7--9: Public Hearing
- 8-7-10: Fees !2R!

8-7-1: INTRODUCTION:

Provision of a planned unit development by this chapter in no way guarantees a property owner the right to exercise the provisions of the planned unit development. Planned unit developments shall be approved by the planning commission only if in its judgment the proposed planned unit development fully meets the intent and purpose and requirements of this title.

8-7-2: PURPOSE:

The purpose of the planned unit development is to allow diversification in the relationship of various uses and structures to their sites and to permit more flexibility in the use of such sites. The application of planned unit concepts is intended to encourage good neighborhood, housing or area design, thus ensuring substantial compliance with the intent of the district regulations and other provisions of this title related to the public health, safety and general welfare and, at the same time, securing the advantages of large scale site planning for residential, commercial, industrial, mountain and recreational developments, or combinations thereof.

8-7-3: DEFINED:

"Planned unit development", for the purpose of this title, shall mean an integrated design for development of residential, commercial, industrial or recreational uses, or combination of such uses, in which one or more of the regulations, other than use regulations of

the district in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements as specified in this article. A planned unit development may be:

A. The development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and/or aesthetic uses;

B. The conservation or development of desirable amenities not otherwise possible by typical development standards;

C. Creation of areas for multiple use that are of benefit to the neighborhood or environment of the area.

8-7-4: PLANNED UNIT DEVELOPMENT PERMIT:

A. Required: Planned unit developments may be allowed by planning commission approval of any zoning district. An approved planned unit development shall consist of an official planned unit form approved by the planning commission and signed by its chairperson, and an approved site plan also signed by the chairperson of the planning commission. Denial of a planned unit development shall also be indicated on the official form. A planned unit development permit shall not be granted unless the planned unit development meets the use limitations of the zoning district in which it is to be located and meets the density and other limitations of such districts.

B. Subdivision Provisions Applicable: Compliance with the regulations of this title in no sense excuses the developer from the application requirements of the subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

C. Scope Of Permit: The permit shall be considered in two (2) parts:

1. Preliminary approval subject to the public hearing provisions of this article; and

2. Final approval based on construction drawings and specifications in general accord with the granted preliminary approval.

8-7-5: REQUIRED CONDITIONS:

A. Area: No planned unit development shall have an area of less than one acre.

B. Uses; Amendment Of Zoning District: A planned unit development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in planned unit development which allows residential use and shall be governed by design and other requirements of the planned unit development permit. Hotels, motels, lodges, mobile home parks, etc., shall not be considered residential uses for the purpose of this article.

C. Ownership: The development shall be in single, partnership or corporate ownership, or under option to purchase by an individual or a corporate entity at the time of application or the application shall be filed jointly by all owners of the property.

D. Arrangement: The planning commission shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected.

1. Height and intensity of buildings and uses shall be arranged around the boundaries of the planned unit development to be compatible with existing adjacent developments or zones. However, unless conditions of the site so warrant, buildings located on the periphery of the development shall be limited to a maximum height of two (2) stories.

2. Lot area, lot width, yard and coverage regulations shall be determined by approval of the site plan.

3. Density of dwelling units per acre shall be the same as allowed in the zone in which the planned unit development is located.

E. Required Open Space: Preservation, maintenance and ownership of required open space within the development shall be accomplished by:

1. Dedication of the land as a public park or parkway system; or

2. Granting to the county a permanent, open space easement on or over the said private open spaces to guarantee that the open space remains perpetually in recreational use with ownership and maintenance being the responsibility of the owner or an owners' association established with articles of association and bylaws which are satisfactory to the county; and

3. Complying with the provisions of the condominium ownership act,

Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

F. Landscaping, Fencing, Screening: Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development.

G. Signs; Lighting: The size, location, design and nature of signs, if any, and the intensity and direction of area of floodlighting shall be detailed in the application.

H. Grading, Drainage Plan: A grading and drainage plan shall be submitted to the planning commission with the application.

8-7-6: SITE PLAN REQUIREMENTS:

The applicant shall submit a planned unit development plan for the total area within the proposed development. If the planned unit development is to be developed on a phase basis, each phase shall be of such size, composition and arrangement that its construction, marketing and operation is feasible as a unit independent of any subsequent phases. Final approval shall be given to only one phase at a time. The general site plan shall show where pertinent:

A. The use or uses, dimensions, sketch elevations and locations of proposed structures.

B. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses, such as schools and playgrounds, landscaping and other open spaces.

C. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.

D. Such other pertinent information, including, but not limited to, residential density, coverage and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this title.

8-7-7: PLANNING COMMISSION ACTION:

In carrying out the intent of this article, the planning commission shall consider the following principles:

A. Design: It is the intent of this article that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in planning as proposed in the application. The commission may require the applicant to engage such a qualified designer or design team.

B. Control Minimum Necessary: It is not the intent of this section that control of the design of a planned unit development by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this article.

C. Decision; Appeal: The planning commission may approve or disapprove an application for a planned unit development. In approving an application, the commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in section 8-7-5 of this article. The action of the planning commission may be appealed to the board of adjustment.

8-7-8: CONSTRUCTION LIMITATIONS:

A. According To Plans, Specifications: Upon approval of a planned unit development, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in conformity with any conditions attached by the commission to its approval.

B. Amendments: Amendments to approved plans and specifications for a planned unit development shall be approved by the planning commission and shown on the approved plans.

C. Permit Issuance: The building inspector or any other department shall not issue any permit for any proposed building, structure, activity or uses within the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

D. Certificate Of Occupancy: The building inspector shall issue a certificate of occupancy for any building or structure upon its completion in accordance with the approved development plan.

8-7-9: PUBLIC HEARING:

Preliminary development plans, including site plan (buildings, open space, parking, landscaping, pedestrian and traffic circulation), building elevations and general drainage and utility layout with topography shall be submitted for the purpose of public review. A public hearing shall be held after notice as required by state statute. Failure of property owners to receive notice of said hearing shall in no way affect the validity of action taken.

8-7-10: FEES:

See fee schedule established by the board of county commissioners for the planned unit development fee, plus subdivision fee as per lot schedule in this title.

CHAPTER 8

SUBDIVISIONS

ARTICLE A. GENERAL PROVISIONS

SECTION:

- 8-8A-1: Short Title
- 8-8A-2: Purpose
- 8-8A-3: Authority
- 8-8A-4: Jurisdiction
- 8-8A-5: Violation; Penalty !2R!

8-8A-1: SHORT TITLE:

This chapter shall be known as the *DAGGETT COUNTY SUBDIVISION ORDINANCE* and may be identified within this document as "this chapter" or "the subdivision ordinance".

8-8A-2: PURPOSE:

This chapter is established to promote the health, safety and welfare of residents and to provide for the orderly subdivision of land within the unincorporated area of the county.

8-8A-3: AUTHORITY:

This chapter is enacted and authorized under the provisions of Utah Code Annotated title 17, chapter 27a et seq., as amended. Upon adoption by the board of county commissioners, this title repeals the current subdivision ordinance.

8-8A-4: JURISDICTION:

A. Applicability: This chapter shall govern and apply to the subdivision, platting and recording of all lands lying within the unincorporated area of the county.

B. Compliance: No person shall subdivide any land, nor shall any building permit be issued for any lot or parcel of land which is located wholly, or in part, within the unincorporated area of the county, except in compliance with this chapter, the zoning ordinance, and all applicable local, state and federal laws.

C. Recording Without Approval: Any plat of a subdivision, or any metes and bounds subdivision, filed or recorded without the approvals required by this chapter is void, for the purposes of development or the issuance of a building permit, as required by Utah Code Annotated section 17-27a-601 et seq., as amended.

8-8A-4: VIOLATION; PENALTY:

A. Violation:

1. Any owner or agent of the owner of any land located in a "subdivision", as defined in section 8-2-3 of this title, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, is guilty of a violation of this chapter and state law at Utah Code Annotated section 17-27a-611, as amended, for each lot or parcel transferred or sold.

2. The description by metes and bounds in the instrument or transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation from the penalties or remedies provided by this ordinance or the laws of the state.

B. Penalty: Any violation of any section of this chapter is a class C misdemeanor and, upon conviction, subject to penalty a provided in section 1-4-1 of this code.

CHAPTER 8

SUBDIVISIONS

ARTICLE B. CONCEPT PLANS

SECTION:

8-8B-1: Concept Plan Required

8-8B-2: Plan Requirements

8-8B-3: Consideration And Effect Of Plan

8-8B-4: Plan Not Application For Subdivision Approval !2R!

8-8B-1: CONCEPT PLAN REQUIRED:

To promote efficiency and an understanding of the subdivision review and approval process and to allow applicants to present their initial subdivision proposals to the county, applicants for subdivision approval shall present a concept plan of the proposed subdivision to the planning commission and county staff for initial review.

8-8B-2: PLAN REQUIREMENTS:

The concept plan is an informal discussion document only, designed to allow the identification of polities, procedures, standards and other items that may be considered in the subdivision review process, once a subdivision application is received. To achieve these objectives, and to promote the identification of all items necessary for consideration by the applicant, no specific submission requirements are identified. However, the applicant should provide and the planning commission and county staff may require, information necessary to identify the relevant issues affecting the proposed subdivision.

8-8B-3: CONSIDERATION AND EFFECT OF PLAN:

The planning commission shall discuss the concept plan with the applicant at a planning commission meeting. At this meeting, the planning commission and the applicant may review the procedure anticipated for subdivision approval, the goals, objectives and policies of the county general plan, the applicable standards of the zoning ordinance, this chapter, and all other applicable local, state and federal requirements, and any other matters deemed appropriate. The planning commission shall take no action on a concept plan.

8-8B-4: PLAN NOT APPLICATION FOR SUBDIVISION APPROVAL:

A. A concept plan shall not constitute an application for subdivision approval and is in no way binding on the county or the applicant. Any discussion before the planning commission, at the meeting when the concept plan is discussed, shall not be considered any indication of subdivision approval or disapproval, either actual or implied.

B. An application for subdivision approval shall only be considered filed with the county upon the submission of all information and materials as required for a preliminary plat or metes and bounds subdivision, as contained herein.

CHAPTER 8

SUBDIVISIONS

ARTICLE C. MINOR SUBDIVISIONS

SECTION:

8-8C--1: Purpose; Applicability; Statute
8-8C--2: Minor Subdivision Defined
8-8C--3: Concept Plan Required
8-8C--4: Application For Minor Subdivision
8-8C--5: Evidence Of Availability Of Necessary Services
8-8C--6: Suitability Of Area For Subdivision
8-8C--7: Coordination With Service Providers Required
8-8C--8: Engineering Review Fees
8-8C--9: Planning Commission To Determine Complete Application
8-8C-10: Lack Of Application Information; Incomplete Application
8-8C-11: Approval; Procedures
8-8C-12: Building Permits
8-8C-13: Effective Period Of Approval
8-8C-14: Site Preparation Work Prohibited Before Approval And Recording !2R!

8-8C-1: PURPOSE; APPLICABILITY; STATUTE:

A. The purpose of these requirements is to facilitate the review and approval of subdivisions with six (6) or fewer lots and where no area of the proposed subdivision is traversed by the mapped lines of a proposed road or street, and when the dedication of any land for a road or street or any other public purpose is not required.

B. Subdivisions, proposing more than six (6) lots or where any area of the subdivision is traversed by a proposed road or street and where land dedications are proposed or required, shall not be considered as a minor subdivision.

C. Unless otherwise provided, the provisions of Utah Code Annotated section 17-27a-605 shall apply.

8-8C-2: MINOR SUBDIVISION DEFINED:

A "minor subdivision" is a subdivision containing six (6) or fewer lots and where no area of the proposed subdivision is traversed by the mapped lines of a proposed road or street, or the dedication of any land for a road or street, or any other public purpose, is not

proposed or required.

8-8C-3: CONCEPT PLAN REQUIRED:

An application for a minor subdivision shall be initiated by presenting a concept plan, as required by article B of this chapter.

8-8C-4: APPLICATION FOR MINOR SUBDIVISION:

The following information is required for all applications for a minor subdivision. The applicant may be required to provide other information required by the planning commission or county commission necessary to evaluate the merits of the proposed minor subdivision and compliance with this chapter:

A. Application; Authorized Signature: A minor subdivision application, completed and signed by the owner, or authorized agent of the owner, of the land parcels proposed to be divided.

B. Record Of Survey Map:

1. A metes and bounds description of the parcels or lots proposed to be created, and as required by Utah Code Annotated section 17-27a-605(3), as amended, accompanied by the boundaries of each lot or parcel created being graphically illustrated on a record of survey map, at a convenient scale of not more than one inch equals one hundred feet (1" = 100'), or at a scale as approved by the administrative official. The record of survey map shall be prepared in pen and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such a size as is acceptable for recordation in the office of the county recorder. One mylar copy of the record of survey map shall be presented, along with five (5) paper copies. The administrative official may request additional copies if required.

2. The record of survey map, as required, shall be prepared by a professional land surveyor in accordance with Utah Code Annotated section 17-23-17, as amended, and shall show the following information:

- a. The location of survey by quarter section and township and range;
- b. The date of survey;
- c. The scale of drawing and north point;
- d. The distance and course of all lines traced or established, giving

the basis of bearing and the distance and course to a section corner or quarter corner, including township and range, or an identified monument within a recorded subdivision;

e. All measured bearings, angles and distances separately indicated from those of record;

f. A written boundary description of the property surveyed;

g. All monuments set and their relation to older monuments found;

h. A detailed description of monuments found and monuments set, indicated separately;

i. The surveyor's seal or stamp; and

j. The surveyor's business name and address.

3. The record of survey map shall contain a written narrative that explains and identifies:

a. The purpose of the survey;

b. The basis on which the lines were established; and

c. The found monuments and deed elements that controlled the established or reestablished lines.

4. If the narrative is a separate document, it shall contain:

a. The location of the survey by quarter section and by township and range;

b. The date of the survey;

c. The surveyor's stamp or seal; and

d. The surveyor's business name and address.

5. The map and narrative shall be referenced to each other if they are separate documents.

C. Agriculture Protection Area: If the minor subdivision is located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the owner of the proposed minor subdivision shall provide notice on the metes and bounds description and record of survey filed with the county recorder the following notice:

Agriculture Protection Area

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

!SETLRM!!SETFNT!!SETTAB!

D. Information Required: On the record of survey map, or other map, the following information shall be provided, as applicable:

1. Identification of known natural features, including, but not limited to, wetlands as identified by the U.S. army corps of engineers, areas which would be covered in the event of 100-year floods, all water bodies, floodways and drainageways, slopes exceeding thirty percent (30%), and any other natural features as required by the planning commission or county commission, for the property, including a tabulation of the acres in each.
2. Identification of known manmade features, including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights of way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all easements, irrigation ditches, canals and canal easements within and adjacent to the property.
3. The location and dimensions of all buildings, existing property lines and fence lines.
4. Other applicable notes, as required by the planning commission or county commission.
5. A tax clearance from the county treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
6. Stamped, addressed envelopes of all owners of record of real property adjoining the parcel of land proposed for the minor subdivision.
7. Payment of the nonrefundable administrative processing fee, and a refundable minor subdivision application fee, as established by resolution by the county commission.

8-8C-5: EVIDENCE OF AVAILABILITY OF NECESSARY SERVICES:

In addition to the information required in section 8-8C-4 of this

article, the following information is required to be presented as part of the minor subdivision application, necessary to establish the availability of basic services to the proposed subdivision:

A. Water Requirements:

1. Hauling Water Prohibited: All minor subdivision applications shall meet the water and sewage treatment requirements of this section. The hauling of water to a proposed minor subdivision to meet the water and fire protection requirements of this section is prohibited and shall not be accepted by the county as a method of providing any minor subdivision with water and fire protection services.

2. Health Department: The Tri-County health department shall be considered the county's expert in evaluating the proposed culinary water supply system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

3. Distance To State Approved System: Connection to a state approved water system is required if water lines are within three hundred feet (300') of any part of the property boundary proposed for a minor subdivision. The applicant for the minor subdivision shall submit a letter of intent for service from the water supplier at the time of minor subdivision application.

4. Information Required: In addition to the requirements of the Tri-County health department, the following information shall be provided, necessary to evaluate the adequacy of the culinary water system intended to serve the proposed minor subdivision:

a. Evidence of adequate water rights.

b. Evidence shall be provided identifying adequate water rights to serve the proposed minor subdivision.

c. Such evidence shall identify a minimum of one (1.0) acre foot of water right per residential unit, or equivalent, which is not dedicated to any other use.

5. Individual Wells And Springs: If individual on site wells or springs are proposed as a method of providing culinary water, the well or spring shall have documentation providing the following information as part of the application materials for a minor subdivision:

A water quality analysis indicating the quality of water

recovered from the well or spring meets all public health standards for culinary water. Water samples shall be provided for review by the Tri-County health department.

B. Sewage Requirements:

1. Health Department: The Tri-County health department shall be considered the county's expert in evaluating the proposed sewage treatment system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

2. Distance To State Approved System: Connection to a state approved sewer system is required if sewer lines are within three hundred feet (300') of any part of the property boundary proposed for a minor subdivision. The applicant for the minor subdivision shall submit a letter of intent for service from the sewer system provider at the time of minor subdivision application.

3. Percolation Test: For all proposed minor subdivisions, where on site wastewater disposal systems are proposed, the minor subdivision application shall include final percolation test results, meeting the requirements of the Tri-County health department, for each lot proposed. Larger lots than allowed by the zoning ordinance may be required by the county to assure that each lot will provide adequate on site sewer treatment. The location of the approved absorption site shall be shown.

8-8C-6: SUITABILITY OF AREA FOR SUBDIVISION:

In addition to the information required in sections 8-8C-4 and 8-8C-5 of this article, the following information is required to be presented as part of the minor subdivision application, necessary to establish the suitability of the site for the proposed minor subdivision:

A. Endangered Or Threatened Wildlife Habitat: For any minor subdivision proposed within the area of a habitat conservation plan, the applicant shall provide a letter from an authorized state or federal agency identifying compliance with any habitat conservation plan.

B. Fire Control: A letter must be provided from the fire district or fire department responsible for providing fire protection to the proposed minor subdivision, identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services. The proposed minor subdivision shall meet the

requirements for fire protection and suppression as adopted by the county and the fire district or responsible fire department.

C. Other Information And Materials: When the county staff, planning commission or county commission deem necessary, the applicant for a minor subdivision may be required to provide other information or letters of feasibility, conduct studies and provide evidence indicating suitability of the area for the proposed minor subdivision, including, but not limited to, groundwater protection, plant cover maintenance, geologic or flood hazard, erosion control, and any other physical or environmental matters necessary to fully identify the suitability of the area for the proposed minor subdivision.

8-8C-7: COORDINATION WITH SERVICE PROVIDERS REQUIRED:

In addition to the information required herein, the following information is required to promote coordination with affected service providers:

A. Location Within Special Service District: If the proposed minor subdivision is located within the boundaries of a special service district, a letter from the service district governing board acknowledging the proposed minor subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

B. Location Within Irrigation, Canal Company: If the proposed minor subdivision is located within the boundaries of an irrigation company or canal company a letter from the governing board, acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed minor subdivision.

8-8C-8: ENGINEERING REVIEW FEES:

The applicant for minor subdivision approval shall pay all costs incurred by the county for the provision of engineering services, provided by a licensed engineer and appointed by the county, acting as the county engineer, necessary to review the minor subdivision application.

8-8C-9: PLANNING COMMISSION TO DETERMINE COMPLETE APPLICATION:

Prior to considering a minor subdivision application, the planning commission shall determine and find that the minor subdivision

application is complete and contains all the minor subdivision application materials as required herein.

8-8C-10: LACK OF APPLICATION INFORMATION; INCOMPLETE APPLICATION:

A. Incomplete: The lack of information under any item specified in this article, or improper information supplied by the applicant, shall cause the planning commission to find the minor subdivision application incomplete.

B. Notice: A planning commission determination of an incomplete minor subdivision application shall prohibit the planning commission from considering any material, items or other information related to the proposed minor subdivision. The planning commission shall notify the applicant of the required information lacking from the minor subdivision application. If the minor subdivision application remains incomplete after thirty (30) days from date of notification of an incomplete minor subdivision application, the planning commission shall return the incomplete minor subdivision application to the applicant.

8-8C-11: APPROVAL; PROCEDURES:

A. Consideration: Following a determination of a complete minor subdivision application by the planning commission, the minor subdivision application may be scheduled for consideration by the planning commission.

B. Public Hearing: The planning commission shall schedule a public hearing, providing at least fourteen (14) days public notice, to receive comment on the proposed minor subdivision, with notice of the public hearing:

1. Providing at least fourteen (14) days public hearing notice to all owners of record of all property adjoining the proposed minor subdivision;

2. Being posted in at least three (3) public places in the county, at least fourteen (14) days prior to the public hearing;

3. Providing at least fourteen (14) days public hearing notice to the legislative body of each municipality and county whose boundaries are within one mile of the property that is the subject of the minor subdivision application.

C. Consideration: Following the close of the public hearing, the

planning commission shall consider the application and all materials submitted and input and comments received. The planning commission may recommend approval of the minor subdivision as presented, recommend approval with conditions, or recommend denial of the minor subdivision. The planning commission may require on site and off site improvements, facilities and amenities, with findings determined necessary by the planning commission to protect the public health, safety and welfare of anticipated residents of the subdivision, or the existing residents of the county, including, but not limited to:

1. Road improvements, grading and hard surfacing, bridges, culverts, curbs, gutters, road signs and lighting.
2. Flood control areas and facilities.
3. Culinary water facilities.
4. Sanitary sewer facilities.
5. Parks, trails, open space areas and facilities.
6. Fire protection facilities, including fire hydrants and water storage facilities.
7. Irrigation facilities.
8. Electrical power and telephone facilities.
9. Fencing.

D. Recommendation: The planning commission shall transmit its recommended on to the county commission for consideration.

E. County Commission Hearing: Following receipt of the planning commission's recommendation, the county commission shall schedule a public hearing to receive comment on the planning commission's recommendation of the minor subdivision application, with notice of the public hearing:

1. Providing at least fourteen (14) days public hearing notice to all owners of record of all property adjoining the proposed minor subdivision;
2. Being posted in at least three (3) public places in the county, at least fourteen (14) days prior to the public hearing;
3. Providing public hearing notice to the legislative body of each municipality and county whose boundaries are within one mile of the

property that is the subject of the minor subdivision application.

F. Consideration: Following the close of the public hearing, the county commission shall consider the application and all materials submitted and input and comments received. The county commission may approve the minor subdivision as presented, approve the minor subdivision with conditions or deny the minor subdivision application. The county commission may require on site and off site improvements, facilities and amenities, with findings determined necessary by the county commission to protect the public health, safety and welfare of anticipated residents of the subdivision, or the existing residents of the county, including, but not limiting to:

1. Road improvements, grading and hard surfacing, bridges, culverts, curbs, gutters, road signs and lighting.
2. Flood control areas and facilities.
3. Culinary water facilities.
4. Sanitary sewer facilities.
5. Parks, trails, open space areas and facilities.
6. Fire protection facilities, including fire hydrants and water storage facilities.
7. Irrigation facilities.
8. Electrical power and telephone facilities.
9. Fencing.

8-8C-12: BUILDING PERMITS:

After a minor subdivision has been approved by the county commission and filed in the office of the county recorder, the applicant may apply for building permits consistent with the approved minor subdivision and the requirements for a building permit.

8-8C-13: EFFECTIVE PERIOD OF APPROVAL:

The approval of a minor subdivision shall be effective for a period of one year from the date the minor subdivision is approved by the county commission, at the end of which time such minor subdivision

shall have been recorded in the office of the county recorder. If the approved minor subdivision is not recorded within the one year period of date of approval, the minor subdivision approval shall be void, and the applicant shall be required to submit a new subdivision application for review and approval, subject to the then existing provisions of this chapter and all other applicable county requirements.

8-8C-14: SITE PREPARATION WORK PROHIBITED BEFORE APPROVAL AND RECORDING:

No excavation, grading or regrading shall take place on any land, and no building permits shall be issued, until a proposed minor subdivision has received approval from the county commission and the minor subdivision has been recorded in the office of the county recorder.

CHAPTER 8

SUBDIVISIONS

ARTICLE D. MAJOR SUBDIVISIONS

SECTION:

- 8-8D-1: Preliminary Subdivision Plat
- 8-8D-1--1: Application Requirements
- 8-8D-1--2: Evidence Of Availability Of Necessary Services
- 8-8D-1--3: Suitability Of Area For Subdivision
- 8-8D-1--4: Coordination With Municipalities And Service Providers Required
- 8-8D-1--5: Engineering Review Fees
- 8-8D-1--6: Planning Commission To Determine Complete Application
- 8-8D-1--7: Lack Of Application Information; Incomplete Application
- 8-8D-1--8: Approval; Procedures
- 8-8D-1--9: Effect Of Preliminary Subdivision Plat Approval
- 8-8D-1-10: Effective Period Of Approval
- 8-8D-2: Final Subdivision Plat
- 8-8D-2-1: Application Requirements
- 8-8D-2-2: Engineering Review Fees
- 8-8D-2-3: Plat Materials, Size, Copies
- 8-8D-2-4: Multiple Sheets, Plat Accuracy
- 8-8D-2-5: County Commission To Determine Complete Application
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- 8-8D-2-7: Final Subdivision Plat Approval
- 8-8D-2-8: Nature And Effective Period Of Final Subdivision Plat Approval
- 8-8D-2-9: Site Preparation Work Prohibited Before Approval And Recording !2R!

8-8D-1: PRELIMINARY SUBDIVISION PLAT:

8-8D-1-1: APPLICATION REQUIREMENTS:

The following information is required for the subdivision of all lands located within the county, unless the subdivision qualifies as a minor subdivision, as provided in article D of this chapter. The applicant may be required to provide other information required by the county staff, planning commission or county commission necessary to evaluate the merits of the proposed subdivision.

A. General: A preliminary subdivision plat shall be prepared by an engineer or land surveyor, licensed in the state, at a convenient scale of not more than one inch equals one hundred feet (1" = 100'), or at a scale as approved by the planning commission. The preliminary plat shall be prepared in pen or may be printed and the sheets shall be numbered in sequence if more than one sheet is used. The preliminary plat should be drawn or printed on tracing cloth or reproducible mylar. A minimum of ten (10) paper copies shall be presented to the county, as part of the preliminary plat application. The county may request additional copies if required.

B. Features: The preliminary subdivision plat shall show the following:

1. A layout plat to a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the planning commission.

2. A title block, placed on the lower right hand corner of the plat showing:

a. Proposed name of the subdivision and the section, township, range, principal median, and county of its location.

b. Name and address of owner of record and name and address of engineer and land surveyor preparing the preliminary plat.

c. North arrow, graphic and written scale, basis of bearings used and date of preparation.

d. Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot.

3. A vicinity map of the site at a minimum scale of one inch equals one hundred feet (1" = 100').

4. Surveyed boundary of the proposed subdivision, accurate in scale, dimension and bearing, including all adjoining and contiguous property under the control of the owner, even if only a portion is to be subdivided, giving the location of and ties to the nearest horizontal control monument and section corner, benchmark (acceptable to the county and tied to USGS benchmarks) or monument. The names of all adjoining property owners of record shall be shown. This information shall provide data sufficient to determine readily the location, bearing and length of all lines and the location of all proposed monuments.

5. All existing monuments found during the course of the survey (including a physical description such as "brass cap").

6. Topographic contour intervals of no greater than ten feet (10') for the entire subdivision site, unless otherwise required by the planning commission.

7. Identification of natural features, including, but not limited to, wetlands as identified by the U.S. army corps of engineers, floodplains and floodways, slopes exceeding thirty percent (30%), and threatened or endangered species habitat for the entire subdivision site, including a tabulation of the acres in each.

8. The location and dimensions of all existing buildings, property lines and zoning district boundary lines shall be shown, as well as existing fence lines.

9. The location of existing platted lots, and other important features, including public utility easements, railroads, power lines, culverts, drainage channels, flood channels, water bodies, irrigation ditches, and areas which would be covered in the event of 100-year floods within and contiguous to the subdivision site.

10. All lots, rights of way and easements created by the subdivision with their boundary, bearings, heights, widths, name, number or purpose, shall be given. All lots are to be numbered under a system acceptable to the county recorder. All proposed new roads shall be named or numbered acceptable to the county commission.

11. All proposed roadway locations and dimensions, their proposed names, numbers and rights of way with cross sections of all proposed roads, showing proposed cuts and fills exceeding three feet (3').

12. Location and size of existing and proposed culinary water and sewer lines and/or the location of all wells and springs used for culinary water and the location of all septic systems and drain fields, as applicable, and storm drainage improvements, including location, size, depth and slope, together with related appurtenances, fire hydrants, valves, manholes, cleanout boxes and culverts.

13. Proposed drainage system for both surface and floodwater.

14. Layout of proposed power lines, bridges, utilities, utility easements and any common space or open space areas, including the location and dimensions of all property proposed to be set aside for public or private reservation, with designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation.

15. Location of existing springs or water sources within one thousand feet (1,000').

16. Location of all existing and proposed drinking water source protection zones.

17. A development phasing schedule (if applicable) including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.

18. Stamped, addressed envelopes of all owners of record of real property within one thousand feet (1,000') of the parcel of land proposed for subdivision.

19. Payment of the preliminary plat application fee, as established by resolution by the county commission.

8-8D-1-2: EVIDENCE OF AVAILABILITY OF NECESSARY SERVICES:

In addition to the information required in section 8-8D-1-1 of this article, the following information is required to be presented as part of the preliminary subdivision plat application, necessary to establish the availability of basic services to the proposed subdivision:

A. Water Requirements:

1. Hauling Water Prohibited: All major subdivision applications shall meet the water and sewage treatment requirements of this section. The hauling of water to a proposed subdivision to meet the water and fire protection requirements of this section is hereby prohibited and shall not be accepted by the county as a method of providing any subdivision with water and fire protection services.

2. Health Department: The Tri-County health department shall be considered the county's expert in evaluating the proposed water supply system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

3. Distance To State Approved System: Connection to a state approved water system is required if water lines are within three hundred feet (300') of any part of the property boundary proposed for a major subdivision. The applicant for the major subdivision shall submit a letter of intent for service from the water supplier at the time of major subdivision application.

4. Adequate Water Rights: In addition to the requirements of the Tri-County health department and the Utah department of environmental quality, as applicable, for the provision of culinary water, the following information shall be provided, as necessary, to evaluate the adequacy of the water system intended to serve the proposed subdivision:

- a. Evidence of adequate water rights.
- b. Evidence shall be provided identifying adequate water rights to serve the proposed major subdivision.
- c. Such evidence shall identify a minimum of one (1.0) acre foot of water right per residential unit, or equivalent for nonresidential uses, which is not dedicated to any other use.

5. Individual Wells And Springs: If individual on site wells or springs are proposed as a method of providing culinary water, the well or spring shall have documentation providing the following information as part of the application materials for a major subdivision.

A water quality analysis indicating the quality of water recovered from the well or spring meets all public health standards for culinary water. Water samples shall be provided for review by the Tri-County health department.

B. Sewage Requirements:

1. Health Department: The Tri-County health department shall be considered the county's expert in evaluating the proposed sewage treatment system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

2. Distance To State Approved System: Connection to a state approved sewer system is required if sewer lines are within three hundred feet (300') of any part of the property boundary proposed for a major subdivision. The applicant for the major subdivision shall submit a letter of intent for service from the sewer system provider at the time of major subdivision application.

4. Percolation Test: For all proposed major subdivisions, where on site wastewater disposal systems are proposed, the major subdivision application shall include final percolation test results, meeting the requirements of the Tri-County health department for each lot proposed. Larger lots than allowed by the zoning ordinance may be

required by the county to assure that each lot will provide adequate on site sewer treatment. The location of the approved absorption site shall be shown.

8-8D-1-3: SUITABILITY OF AREA FOR SUBDIVISION:

In addition to the information required in sections 8-8D-1-1 and 8-8D-1-2 of this article, the following information is required to be presented as part of the preliminary subdivision plat application, necessary to establish the suitability of the site for the proposed subdivision:

A. Soils Suitability: A letter or soils report from the local soil conservation district identifying the types of soils within the proposed subdivision area and identifying any soils constraints for a subdivision.

B. Endangered Or Threatened Wildlife Habitat: For any subdivision proposed within the area of a habitat conservation plan, a letter from an authorized state or local agency identifying compliance with the habitat conservation plan.

C. Fire Control: A letter must be provided from the fire district or fire department, responsible for providing fire protection to the proposed minor subdivision, identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services. The proposed minor subdivision shall meet the requirements for fire protection and suppression as adopted by the county and the fire district or responsible fire department.

D. Other Information And Materials: When the county staff, planning commission or county commission deem necessary, the applicant may be required to provide other information or letters of feasibility, conduct studies and provide evidence indicating suitability of the area for the proposed subdivision, including, but not limited to, groundwater protection, plant cover maintenance, geologic or flood hazard, erosion control, and any other physical or environmental matters necessary to fully identify the suitability of the area for the proposed subdivision.

8-8D-1-4: COORDINATION WITH MUNICIPALITIES AND SERVICE PROVIDERS REQUIRED:

In addition to the information required in sections 8-8D-1-1 and 8-8D-1-2 of this article, the following information is required to be presented as part of the preliminary subdivision plat application,

necessary to promote coordination with affected jurisdictions and other service providers:

A. Incorporated Municipality: For all proposed major subdivisions within one-half ($\frac{1}{2}$) mile of an incorporated municipality, a letter from the legislative body of the municipality acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision and the municipality's willingness to annex the proposed subdivision area.

B. State Or Federal Road: If the proposed subdivision is within five hundred feet (500') of a state or federal road, a letter from the Utah department of transportation acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

C. Special Service District Or Area: If the proposed subdivision is located within the boundaries of a special service district or a special service area, a letter from the service district or service area governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

D. Irrigation Or Canal Company: If the proposed subdivision is located within the boundaries of an irrigation company or canal company, a letter from the governing board, acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

8-8D-1-5: ENGINEERING REVIEW FEES:

The applicant for preliminary plat approval shall pay all costs incurred by the county for the provision of engineering services, provided by a licensed engineer and appointed by the county, acting as the county engineer, necessary to review the preliminary plat application.

8-8D-1-6: PLANNING COMMISSION TO DETERMINE COMPLETE APPLICATION:

Prior to considering a preliminary plat application, the planning commission shall determine and find that the preliminary plat application is complete and contains all preliminary subdivision plat application materials as required by sections 8-8D-1-1 through 8-8D-1-5 of this article.

8-8D-1-7: LACK OF APPLICATION INFORMATION; INCOMPLETE APPLICATION:

A. The lack of any information required by this section or improper information supplied by the applicant, shall be cause for the planning commission to find the preliminary subdivision plat application incomplete.

B. A planning commission determination of an incomplete preliminary subdivision plat application shall prohibit the planning commission from considering any material, items or other information related to the proposed preliminary subdivision plat. The planning commission shall notify the applicant of the required information lacking from the preliminary plat application. If the application for preliminary plat approval remains incomplete after thirty (30) days from date of notification of an incomplete preliminary plat application, the planning commission shall return the entire incomplete preliminary plat application to the applicant.

8-8D-1-8: APPROVAL; PROCEDURES:

A. Consideration: Following a determination of a complete preliminary subdivision plat application by the planning commission, the preliminary subdivision plat application shall be scheduled for consideration by the planning commission.

B. Public Hearing: The planning commission shall schedule a public hearing, providing at least fourteen (14) days public notice, to receive comment on the proposed preliminary subdivision plat, with notice of the public hearing:

1. Being provided by U.S. mail to all owners of record of real property within one thousand feet (1,000') of the parcel of land proposed for subdivision;

2. Being posted in at least three (3) public places in the county, at least fourteen (14) days prior to the public hearing;

3. Providing at least fourteen (14) days public hearing notice to the legislative body of each municipality and county whose boundaries are within one mile of the property that is the subject of the preliminary plat application.

C. Consideration; Recommendation: Following the close of the public hearing, the planning commission shall consider the application and all materials submitted and input and comments received. The planning commission may recommend approval of the preliminary subdivision plat as presented, recommend approval of the preliminary subdivision

plat with conditions, or recommend denial of the preliminary subdivision plat. The planning commission may recommend on site and off site improvements, facilities and amenities, with findings, determined necessary by the planning commission to protect the public health, safety and welfare of anticipated residents of the subdivision, or the existing residents of the county, including, but not limited to:

1. Road improvements, grading and hard surfacing, bridges, culverts, curbs, gutters, road signs and lighting.
2. Flood control areas and facilities.
3. Culinary water facilities.
4. Sanitary sewer facilities.
5. Parks, trails, open space areas and facilities.
6. Fire protection facilities, including fire hydrants and water storage facilities.
7. Irrigation facilities.
8. Electrical power and telephone facilities.
9. Fencing.

D. Recommendation To County Commission: The planning commission shall transmit its recommendation to the county commission for consideration.

E. County Commission Hearing: Following receipt of the planning commission's recommendation, the county commission shall schedule a public hearing, providing at least fourteen (14) days public notice, on a county commission meeting agenda to consider the planning commission's recommendation, with notice of the public hearing:

1. Being provided by U.S. mail to all owners of record of real property within one thousand feet (1,000') of the parcel of land proposed for subdivision;
2. Being posted in at least three (3) public places in the county, at least fourteen (14) days prior to the public hearing;
3. Providing at least fourteen (14) days public hearing notice to the legislative body of each municipality and county whose boundaries

are within one mile of the property that is the subject of the preliminary plat application.

F. Consideration: Following the close of the public hearing, the county commission shall consider the application and all materials submitted and input and comments received. The county commission may approve the preliminary subdivision plat as presented, approve the preliminary subdivision plat with conditions, or deny the preliminary subdivision plat. The county commission may require on site and off site improvements, facilities and amenities, with findings, determined necessary by the county commission to protect the public health, safety and welfare of anticipated residents of the subdivision, or the existing residents of the county, including, but not limited to:

1. Road improvements, grading and hard surfacing, bridges, culverts, curbs, gutters, road signs and lighting.
2. Flood control areas and facilities.
3. Culinary water facilities.
4. Sanitary sewer facilities.
5. Parks, trails, open space areas and facilities.
6. Fire protection facilities, including fire hydrants and water storage facilities.
7. Irrigation facilities.
8. Electrical power and telephone facilities.
9. Fencing.

8-8D-1-9: EFFECT OF PRELIMINARY SUBDIVISION PLAT APPROVAL:

Approval of the preliminary subdivision plat by the county commission shall not constitute final acceptance of the subdivision by the county, but allows the applicant to proceed with the preparation of the final plat and all required documents. A preliminary subdivision plat shall not authorize the development of land. After a preliminary subdivision plat has been approved by the county commission, the applicant may file an application for final subdivision plat approval.

8-8D-1-10: EFFECTIVE PERIOD OF APPROVAL:

The approval of a preliminary subdivision plat shall be effective for a period of one year from the date the preliminary plat is approved by the county commissioners, at the end of which time the applicant must have submitted a final subdivision plat for approval for the entire preliminary plat, or portion thereof. If a final subdivision plat is not submitted for approval within the one year period, the preliminary approval shall be void, and the applicant shall be required to submit a new preliminary subdivision plat application for review and approval, subject to the existing provisions of this chapter and all other applicable local, state and federal requirements.

8-8D-2: FINAL SUBDIVISION PLAT:**8-8D-2-1: APPLICATION REQUIREMENTS:**

In addition to the requirements for the preliminary subdivision plat contained in section 8-8D-1-1 of this article, all final subdivision plats shall provide the following information. The final subdivision plat shall be prepared by a licensed engineer or land surveyor, and conform to current surveying practice and be in a form acceptable to the county recorder for recordation and identify the following:

A. General: The final subdivision plat shall be presented in ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by the county commission, as shown on the approved preliminary plat. All revision dates must be shown as well as the following:

1. Notation of any self-imposed restrictions, or other restrictions, if required by the county commission in accordance with this chapter.
2. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes and easements imposed on the property.
3. All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted.
4. The owner's certificate of consent including a legal description of the subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated and notarized. The owners certificate should include a reference to any covenants

that may be declared and blanks where the county recorder may enter the book and page number of their recording.

5. A certificate showing the name and registration number of the engineer or surveyor responsible for making the plat, and certifying to the plat's accuracy.

6. Signature blocks prepared for the dated signatures of the planning commission chair, county commission chair, county engineer, county recorder, county attorney and county treasurer.

7. Final design and construction drawings of all required public improvements consistent with the requirements of the county.

8. A tax clearance from the county treasurer, indicating that all taxes, interest and penalties owing for the property have been paid.

9. Payment of the final plat application fee as established by resolution by the county commission.

8-8D-2-2: ENGINEERING REVIEW FEES:

An applicant for final subdivision plat approval shall pay all costs incurred by the county for the provision of engineering services, provided by a licensed engineer and appointed by the county, acting as the county engineer, necessary to review the final plat application materials, as required herein, for conformity to the requirements of this section and accepted engineering standards and practice.

8-8D-2-3: PLAT MATERIALS, SIZE, COPIES:

Final subdivision plats shall be prepared on linen or on a stable base polyester film (mylar). Ten (10) paper copies shall be submitted along with the linen or film copy. An eleven inch by fourteen inch (11" x 14") black line original shall also be provided. A computer disk copy, in a computer format acceptable to the county, shall also be provided.

8-8D-2-4: MULTIPLE SHEETS, PLAT ACCURACY:

Multiple sheet plats may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet (along with the index and vicinity maps). Bearings shall be shown to the nearest second; lengths to the nearest

hundredth foot; areas to the nearest hundredth acre.

8-8D-2-5: COUNTY COMMISSION TO DETERMINE COMPLETE APPLICATION:

Prior to considering a final plat application, the county commission shall determine and find that the final plat application is complete and contains all application materials as required herein.

8-8D-2-6: LACK OF APPLICATION INFORMATION; INCOMPLETE APPLICATION:

A. Incomplete: The lack of information under any item specified in this section, or improper information supplied by the applicant, shall cause the county commission to find the application incomplete.

B. Return To Applicant: A county commission determination of an incomplete final subdivision plat application shall prohibit the county commission from considering any material, items or other information related to the proposed final subdivision plat. If the application for final plat application remains incomplete after thirty (30) days from date of notification of an incomplete final plat application, the county commission shall return the incomplete final subdivision plat application to the applicant.

8-8D-2-7: FINAL SUBDIVISION PLAT APPROVAL:

It is the intent of this section that approval of a final subdivision plat be a ministerial action by the county commission, assuring compliance with all applicable requirements of this chapter and any conditions imposed by the county commission for preliminary plat approval.

8-8D-2-8: NATURE AND EFFECTIVE PERIOD OF FINAL SUBDIVISION PLAT APPROVAL:

A. Building Permits: After a final subdivision plat has been approved by the county commission and recorded in the office of the county recorder, the applicant may apply for building permits consistent with the approved final subdivision plat and the requirements for a building permit.

B. Approval Period: The approval of a final subdivision plat shall be effective for a period of one year from the date the final plat is approved by the county commission, at the end of which time such final subdivision plat shall have been recorded in the office of the

county recorder. If the approved final subdivision plat is not recorded within the one year period of date of approval, the final subdivision plat approval shall be void, and the applicant shall be required to submit a new preliminary plat for review and approval subject to the then existing provisions of this chapter and all other applicable local, state and federal requirements.

8-8D-2-9: SITE PREPARATION WORK PROHIBITED BEFORE APPROVAL AND RECORDING:

No excavation, grading or regrading shall take place on any land, and no building permits shall be issued, until a proposed subdivision has received final plat approval from the county commission and the final subdivision plat has been recorded in the office of the county recorder.

CHAPTER 8

SUBDIVISIONS

ARTICLE E. CLUSTER SUBDIVISIONS

SECTION:

- 8-8E-1: Purpose And Intent
- 8-8E-2: Use Regulations
- 8-8E-3: General Requirements
- 8-8E-4: Development Standards
- 8-8E-5: Farm Area And Open Space Provision And Maintenance
- 8-8E-6: Application For Cluster Subdivision !2R!

8-8E-1: PURPOSE AND INTENT:

The cluster subdivision option is provided and designed to encourage creativity in subdivision layout and to allow for the protection of the natural features and amenities of the county. Full compliance with all the provisions of this title, and all other applicable county, state and federal requirements is required.

8-8E-2: USE REGULATIONS:

The cluster subdivision option may be permitted in all zoning districts of the county, at the discretion of the county commission, and following the receipt of a planning commission recommendation. An application for a cluster subdivision shall be considered concurrently with an application for subdivision approval. All use requirements of the zoning district in which the cluster subdivision is located shall apply, and the requirements for either a subdivision plat or minor subdivision, as applicable, shall apply.

8-8E-3: GENERAL REQUIREMENTS:

A. Number Of Dwelling Units: The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the minimum lot area requirements of the zoning district in which the proposed cluster subdivision is located. Any land used for other uses shall not be included in the area for determining the total number of permitted dwelling units. The total number of permitted dwelling units must also recognize any critical area requirements that may be applicable as identified in this title.

B. Ownership: The land proposed for a cluster subdivision shall be in a single ownership or the application for a cluster subdivision shall be filed jointly by the owners.

8-8E-4: DEVELOPMENT STANDARDS:

A. Minimum Lot Area: The minimum lot area may be reduced below the minimum lot area required by the zoning district requirements in which the cluster subdivision is located, as recommended by the planning commission, and as approved by the county commission.

B. Minimum Lot Width And Minimum Yard Requirements: The minimum lot width, side yard, front yard and rear yard requirements of the zoning district in which the cluster subdivision is located may be reduced as recommended by the planning commission, and as approved by the county commission.

C. Use And Height Requirements: All cluster subdivisions are required to comply with the use and height requirements of the zoning district in which they are located.

8-8E-5: FARM AREA AND OPEN SPACE PROVISION AND MAINTENANCE:

All areas to be preserved for farm use and/or open space areas, as a result of a cluster subdivision approval, shall be preserved and restricted by way of a condition of approval, with a deed restriction recorded, assuring the long term use of such areas. These areas shall only be used and shall be maintained in accordance with a condition of cluster subdivision approval, as recommended by the planning commission, and approved by the county commission.

8-8E-6: CLUSTER SUBDIVISION APPLICATION:

An application for a cluster subdivision approval shall be submitted to the county in accordance with the requirements for a preliminary plat application, or a minor subdivision application, as applicable, and as required by this title.

CHAPTER 8

SUBDIVISIONS

ARTICLE F. PLAT AMENDMENTS AND AMENDMENTS TO SUBDIVISIONS

SECTION:

8-8F-0: Statute Applicable

8-8F-1: Amendment To Recorded Plats And Subdivisions Created By Record Of Survey

8-8F-2: Amendment By Petition

8-8F-3: County Commission Public Hearing

8-8F-4: Grounds For Plat Amendments, Record Of Survey Subdivision Amendments And Recordation

8-8F-5: Appeal Of Plat Amendment And Record Of Survey Subdivision Amendment Decisions

8-8F-6: Lot Line Adjustments Within Recorded Plat Or Minor Subdivision !2R!

8-8F-0: STATUTE APPLICABLE:

Unless otherwise provided, the provisions of Utah Code Annotated section 17-27a-608 et seq., are applicable to this article.

8-8F-1: AMENDMENT TO RECORDED PLATS AND SUBDIVISIONS CREATED BY RECORD OF SURVEY:

The board of county commissioners may, with or without a petition, consider a vacation, alteration or amendment of a subdivision plat or subdivision created by record of survey, any portion of a subdivision plat or subdivision created by record of survey, or any road or lot, contained in a subdivision plat or subdivision created by record of survey.

8-8F-2: AMENDMENT BY PETITION:

A. Authorized: Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted, or any fee owner, as shown on the last county assessment rolls, of land within a subdivision recreated by record of survey description may, in writing, petition the county commission to have the plat or subdivision created by record of survey description, or any portion of it, or any road or lot contained in it, vacated, altered or amended.

B. Public Hearing: If a petition is filed, the county commission shall hold a public hearing within forty five (45) days after it is filed.

C. Information Required: A petition to vacate, alter or amend an entire plat or subdivision created by record of survey description, a portion of a plat or record of survey subdivision, or a road or lot contained in a plat or record of survey subdivision, shall include:

1. The name and address of all owners of record of the land within the entire plat or record of survey subdivision;

2. The name and address of all owners of record of land adjacent to any road that is proposed to be vacated, altered or amended;

3. The signature of each of the owners who consent to the petition; and

4. The signature of an authorized agent of all public utilities who maintain easements on any lots affected by the plat amendment.

D. Notice When Lack Of Consent: A petition that lacks the consent of all owners within the plat or record of survey subdivision may not be scheduled for consideration at a public hearing before the county commission until the notice required by Utah Code Annotated section 17-27a-608, as amended, is provided. The petitioner shall pay the cost of all required notices.

8-8F-3: COUNTY COMMISSION PUBLIC HEARING:

When the county proposes to vacate, alter or amend a subdivision plat or record of survey subdivision, or any road or lot contained in a subdivision plat or record of survey subdivision, the county commission shall consider the issue at a public hearing after giving the notice, as required by Utah Code Annotated section 17-27a-608, as amended.

8-8F-4: GROUNDS FOR PLAT AMENDMENTS, RECORD OF SURVEY SUBDIVISION AMENDMENTS AND RECORDATION:

A. Time Limit For Consideration: Within thirty (30) days after the public hearing, the county commission shall consider the petition.

B. Action By County Commission: If the county commission is satisfied that neither the public nor any person will be materially injured

by the proposed vacation, alteration or amendment, and that there is good cause for the vacation, alteration or amendment, the county commission, by ordinance, may vacate, alter or amend the plat or record of survey subdivision, any portion of the plat or record of survey subdivision, or any road or lot. The county commission shall provide that any plat or record of survey subdivision affected by a vacation, alteration or amendment, passed by ordinance, is stamped, marked or signed, indicating approval of such action by the county commission.

C. Recording Required: The county commission shall ensure that any approved vacation, alteration or amendment is recorded in the office of the county recorder.

8-8F-5: APPEAL OF PLAT AMENDMENT AND RECORD OF SURVEY SUBDIVISION AMENDMENT DECISIONS:

An aggrieved party may appeal the decision of the county commission concerning a subdivision amendment to district court, as provided in Utah Code Annotated section 17-27a-801, as amended.

8-8F-6: LOT LINE ADJUSTMENTS WITHIN RECORDED PLAT OR MINOR SUBDIVISION:

A. Conditions For Petition: Petitions to adjust lot lines between adjoining properties may be executed upon the recordation of an appropriate deed if:

1. No new dwelling lot or housing unit results from the lot line adjustment.
2. All adjoining property owners consent to the lot line adjustment.
3. The lot line adjustment does not result in a remnant piece of land that did not exist previously.
4. The lot line adjustment does not result in the violation of any applicable zoning district requirements.

B. Requirements Prior To Recordation: Prior to recordation of the appropriate deed, the county recorder shall ensure the requirements of this section are met. The county recorder shall review the materials presented for a lot line adjustment prior to recordation.

CHAPTER 8

SUBDIVISIONS

ARTICLE G. RECORDING AND CONSTRUCTION

SECTION:

8-8G-1: Construction Of Required Subdivision Improvements

8-8G-2: Proceeding With Subdivision Construction

8-8G-3: As Built Drawings

8-8G-4: Guarantees And Escrow Bond !2R!

8-8G-1: CONSTRUCTION OF REQUIRED SUBDIVISION IMPROVEMENTS:

Construction of any subdivision improvements, including infrastructure and facilities, necessary to meet the requirements of this chapter, and any conditions required by the county commission for final subdivision approval, shall comply with the requirements as established by ordinance by the county commission.

8-8G-2: PROCEEDING WITH SUBDIVISION CONSTRUCTION:

Following the recording of the approved subdivision in the office of the county recorder, the landowner may proceed with construction of the approved subdivision. However, no improvements shall be installed until their location and "cut sheets" have been approved by the county engineer. Water mains, sewer lines, laterals, drainage facilities and fire hydrants shall be installed and tested prior to the surfacing of roads and the installation of road base. A preconstruction meeting shall be held either prior to recording of the final subdivision plat or as directed by the county engineer.

8-8G-3: AS BUILT DRAWINGS:

At the completion of subdivision construction (and prior to final escrow release) the subdivider shall deliver to the county engineer three (3) sets of "as built" drawings. These drawings shall show all approved changes made during construction and provide physical ties for all water lines, valves, sewer lines, manholes, etc. All bonds held by the county will not be released until the as built drawings are received by the county engineer.

8-8G-4: GUARANTEES AND ESCROW BOND:

The county may require guarantees and bonding necessary to ensure the installation of all public improvements. Any required guarantee of bonding shall be recommended by the county engineer and approved by the county attorney consistent with the established procedures of the county.

CHAPTER 8

SUBDIVISIONS

ARTICLE H. BUILDING PERMITS

SECTION:

8-8H-1: Legal Lot Required

8-8H-2: Water, Sewage And Road Requirements !2R!

8-8H-1: LEGAL LOT REQUIRED:

The building inspector shall not issue any permit for a proposed building, use or structure, excluding agricultural buildings, as exempt by state law, on a lot within the county unless:

A. The lot is within a subdivision and the lot was legally created pursuant to this chapter, or the county subdivision ordinance adopted January 19, 1994.

B. The lot is a legal lot of record, created prior to January 19, 1994.

8-8H-2: WATER, SEWAGE AND ROAD REQUIREMENTS:

As required by this section, all applications for a building permit, excepting agricultural buildings as exempt by state law, shall comply with the following requirements for the provision of basic infrastructure and service:

A. Water Requirements:

1. The hauling of water to meet the water and fire protection requirements of this chapter for the issuance of a building permit is prohibited and shall not be accepted by the county as a method of providing any building or structure with water and fire protection services.

2. The Tri-County health department shall be considered the county's expert in evaluating the proposed water supply system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

3. In all cases where a proposed building, use or structure will require culinary water and the proposed building, use or structure

will not be connected to an existing and approved public water supply, approval for the culinary water system must be obtained from the Tri-County health department.

B. Sewage Requirements:

1. The Tri-County health department shall be considered the county's expert in evaluating the proposed sewage treatment system. It shall be the responsibility of the applicant to provide information and materials as required by the Tri-County health department.

2. For all buildings, uses and structures, where on site wastewater disposal systems are proposed, the building permit application shall include final percolation test results, meeting the requirements of the Tri-County health department.

C. Road Requirements:

1. All proposed buildings, uses and structures are required to provide direct access to a publicly dedicated road, improved to the minimum requirements for road improvements as established by the county.

2. For all building permit applications providing direct access to publicly dedicated roads, but not improved to the minimum requirements for road improvements, the board of county commissioners may issue a building permit, on a case by case basis, by requiring the applicant for a building permit to sign an agreement with the county agreeing to the following:

a. Acknowledging the required road improvements; and

b. Indicating voluntary participation, running with the property, in the establishment of an improvement district, service district or other mechanism necessary for the installation of the required road and street improvements, at a time determined necessary by the county commission.

CHAPTER 9

SUPPLEMENTARY AND QUALIFYING REGULATIONS

SECTION:

- 8-9--1: Effect
- 8-9--2: Lots In Separate Ownership
- 8-9--3: Yard Space For One Building Only
- 8-9--4: Dwelling Requirements
- 8-9--5: Private Garage With Side Yard; Reduced Yards
- 8-9--6: Sale Or Lease Of Required Space
- 8-9--7: Sale Of Lots Below Minimum Space Requirements
- 8-9--8: Area Of Accessory Buildings
- 8-9--9: Yards Unobstructed; Exceptions
- 8-9-10: Additional Height Allowed
- 8-9-11: Exceptions To Height Limitations
- 8-9-12: Maximum Height Of Accessory Buildings
- 8-9-13: Clear View Of Intersecting Streets
- 8-9-14: Animals And Fowl
- 8-9-15: Water And Sewage Requirements
- 8-9-16: Effect Of Official Map
- 8-9-17: Setbacks From State And Federal Highways
- 8-9-18: Public Dumping Grounds
- 8-9-19: Excavations
- 8-9-20: Conservation Of Values
- 8-9-21: Temporary Buildings And Uses
- 8-9-22: Location Of Recreational Vehicles, Aircraft, Boats, Camping Trailers, Truck Campers And Motor Homes For Living Purposes
- 8-9-23: Occupancy Permits
- 8-9-24: Administrative Determination As To Uses Not Listed
- 8-9-25: Maintenance Of Property For Safety And Prevention Of Public Nuisance
- 8-9-26: Airport Area Special Regulations
- 8-9-27: Storage Containers As Accessory Buildings
- 8-9-28: Tension Membrane Structures !2R!

8-9-1: EFFECT:

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title.

8-9-2: LOTS IN SEPARATE OWNERSHIP:

The requirements of this title as to minimum lot area or lot width

shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land; provided, that such lot or parcel of land is located in a zone which permits single-family dwellings and is a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land.

8-9-3: YARD SPACE FOR ONE BUILDING ONLY:

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. This section shall be so construed to mean only one main building may be permitted on one lot unless otherwise hereinafter provided.

8-9-4: DWELLING REQUIREMENTS:

All single-family and multi-family dwellings shall have a minimum of eight hundred (800) square feet and shall be a minimum of forty feet (40') wide, facing the street, and twenty feet (20') deep. The minimum rental permitted shall be thirty (30) days. Every dwelling shall be located and maintained on a "lot", as defined in section 8-2-3 of this title.

8-9-5: PRIVATE GARAGE WITH SIDE YARD; REDUCED YARDS:

On any interior lot where a private attached garage, containing a sufficient number of parking spaces to meet the requirements of this title has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard.

8-9-6: SALE OR LEASE OF REQUIRED SPACE:

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for lot or building may be sold or leased away from such lot or building.

8-9-7: SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS:

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

8-9-8: AREA OF ACCESSORY BUILDINGS:

No accessory building or group of accessory buildings in any residential zone shall cover more than twenty five percent (25%) of the rear yard.

8-9-9: YARDS UNOBSTRUCTED; EXCEPTIONS:

Every part of a required yard shall be open to the sky, unobstructed, except for canopies which might be allowed under any provision contained herein, accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimney, flues and other ornamental features which project into a yard not more than three feet (3'), and open or lattice enclosed fire escapes, fireproof outside stairways and balconies upon fire towers which project into a yard not more than five feet (5').

8-9-10: ADDITIONAL HEIGHT ALLOWED:

Public and semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding seventy five feet (75') if the building is set back from each otherwise established building line at least one foot (1') for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

8-9-11: EXCEPTIONS TO HEIGHT LIMITATIONS:

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

8-9-12: MAXIMUM HEIGHT OF ACCESSORY BUILDINGS:

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one story or thirty five feet (35').

8-9-13: CLEAR VIEW OF INTERSECTING STREETS:

In all zones which require a front yard, no obstruction to view in excess of two feet (2') in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty feet (40') from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers and pumps at gasoline service stations.

8-9-14: ANIMALS AND FOWL:

No animals or fowl shall be kept or maintained closer than forty feet (40') from any dwelling and no barn, stable, coop, pen or corral shall be kept closer than forty feet (40') from any street, except that in rural zoning districts, no corral or stable for the keeping of horses may be located closer than one hundred feet (100') to a public street or to any dwelling.

8-9-15: WATER AND SEWAGE REQUIREMENTS:

In all cases where a proposed building or proposed use will involve the use of sewage facilities and a sewer, as defined by the Tri-County health department, is not available and in all cases where a proposed supply of piped water under pressure is not available, the sewage disposal and the domestic water supply shall comply with requirements of said Tri-County health department and the application for a building permit shall be accompanied by a certificate of approval from said Tri-County health department.

8-9-16: EFFECT OF OFFICIAL MAP:

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the county recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map.

8-9-17: SETBACKS FROM STATE AND FEDERAL HIGHWAYS:

Notwithstanding any other provision of this title, all buildings abutting from highways having a state or federal designation (except nonaccess highways) shall be set back at least fifty feet (50') from the highway right of way line, except for small temporary fruit and vegetable stands.

8-9-18: PUBLIC DUMPING GROUNDS:

Public dumping grounds shall be maintained in accordance with standards of the Utah state department of health and shall be located at least one thousand feet (1,000') from any building used for human occupancy.

8-9-19: EXCAVATIONS:

The banks of all gravel, sand, clay and topsoil pits and similar excavations located within five hundred feet (500') from any street or dwelling shall be smoothed and reconditioned so as not to be hazardous or unsightly at the termination of operation or use. Before a permit for a gravel, sand, clay or topsoil pit or similar excavation shall be issued, a bond or other assurance shall be furnished to the county in the amount of ten thousand dollars (\$10,000.00) for each acre from which such material is taken as a guarantee that the reconditioning will be done in a manner and to such extent that the pit will not depreciate the surrounding property for its primary use or will impair the beauty of the landscape. Upon the completion of the reconditioning, as approved by the board of county commissioners, the bond or other assurance shall be returned to the owner; provided, that in the event the reconditioning has not been completed within one year from the date of abandonment of said pit, the governing body may declare the bond or other assurance forfeited and may do the required reconditioning with proceeds from said bonds or assurances.

8-9-20: CONSERVATION OF VALUES:

Any use which emits noise, smoke, dust, odor or vibrations in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or which deprives the owners of adjoining property of the full use of their land, shall be prohibited. This shall include the prohibition against the industrial and commercial use of land in areas zoned for residential use.

8-9-21: TEMPORARY BUILDINGS AND USES:

Temporary buildings and uses are permitted as follows:

A. Buildings, Homes, Recreational Vehicles: Temporary buildings, mobile homes and recreational vehicles used in conjunction with construction work only during the period of such construction, subject to securing a use permit and the following:

1. Any use permit approved for such temporary building, mobile home or recreational vehicle shall be limited to a period of time not to exceed one year from the date of such approval, but said permit may be renewed for like periods thereafter upon the property owner submitting to the planning commission having jurisdiction satisfactory evidence indicating the need for such temporary building, mobile home or recreational vehicle continues to exist.

2. Unless such use permit is renewed, such temporary building, mobile home or recreational vehicle shall be removed from the property upon the expiration of the previously approved use permit or within ten (10) days after completion of the construction work, whichever occurs first.

B. Building, Construction Equipment: Temporary uses such as the cutting and storage of lumber or the storage of building materials and construction equipment conducted or used in conjunction with construction work only during the period of such constructions, subject to securing a use permit and the following:

1. Any use permit approved for such temporary use shall be limited to a period of time not to exceed one year from the date of such approval, but said permit may be renewed for like periods thereafter upon the property owner submitting to the planning commission having jurisdiction satisfactory evidence indicating that the need for such temporary use continues to exist.

2. Unless such use permit is renewed, such temporary use shall cease and desist upon the expiration of the previously approved use permit or within ten (10) days after completion of the construction work, whichever occurs first.

C. Real Estate Office: Temporary real estate offices, subject to securing a use permit and the following:

1. Such office shall be located on the property being subdivided for sale as individual lots and its use shall be limited to the sale of these lots.

2. Such office shall be subject to the height, yard, intensity of use and parking regulations for the zoning district in which it is located and shall meet minimum water and sanitary standards as required by the Tri-County health department.

3. Any use permit approved for such office shall be limited to a period of time not to exceed two (2) years from the date of such approval, but said permit may be renewed by the planning commission for like periods thereafter if lots in the property being subdivided have not been sold.

D. Special Events: Temporary uses such as circuses, carnivals, Christmas tree sale lots, revivals, horse shows, rodeos and charity events, subject to securing a use permit. Any use permit approved for such use shall be limited to a period of time not to exceed sixty (60) days from the date of such approval.

8-9-22: LOCATION OF RECREATIONAL VEHICLES, AIRCRAFT, BOATS, CAMPING TRAILERS, TRUCK CAMPERS AND MOTOR HOMES FOR LIVING PURPOSES:

Unless permitted under the regulations set forth in chapters 7 and 12 of this title, or unless permitted by the use regulations for a specific zoning district, the location or storage of mobile homes and recreational vehicles outside of mobile home parks, recreational vehicle parks and the location or storage of aircraft, boats, camping trailers, truck campers and motor homes shall be subject to the following:

At no time shall the recreational vehicle, aircraft, boat, camping trailer, truck camper or motor home be occupied or used for permanent living, sleeping or housekeeping purposes.

8-9-23: OCCUPANCY PERMITS:

Land, buildings and premises in any zone shall hereafter be used only for the purpose listed herein as permitted in that zone and in accordance with the regulations herein established in that zone. The building inspector shall inspect the premises and determine whether it meets the requirements and if so, issue the permit of occupancy. Such a permit shall also be required whenever the character or use of any building or land is proposed to be changed from one use to another use. Upon written request from the owner, such a permit may also be issued covering any lawful use of a building or premises existing on the effective date hereof, including nonconforming buildings and uses.

8-9-24: ADMINISTRATIVE DETERMINATION AS TO USES NOT LISTED:

Determination as to the classification of uses not specifically listed in chapter 6 of this title, shall be made by the planning commission and shall be subject to appeal to the board of adjustment. Such appeal shall be filed in writing within ten (10) days after written notification to applicant of the planning commission's determination. The procedure shall be as follows:

A. **Written Request:** A written request for such a determination shall be filed with the building inspector. The request shall include a detailed description of the proposed use and such other information as may be required.

B. **Investigation:** The building inspector shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title and to make a determination of its classification.

C. **Determination:** The determination of the building inspector shall be rendered in writing within a reasonable time, but not to exceed thirty (30) days, unless with the written consent of the applicant. The determination shall state the zone classification in which the proposed use will be permitted, as well as the findings which establish that such use is of the same character as uses permitted in that zone classification. Upon making his decision, the building inspector shall forthwith notify the applicant and the planning commission.

D. **Effect:** The determination and all information pertaining thereto shall become a permanent public record in the office of the building inspector. Such use shall thereafter become a permitted or conditional use in the class or district specified in the determination and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.

8-9-25: MAINTENANCE OF PROPERTY FOR SAFETY AND PREVENTION OF PUBLIC NUISANCE:

Property owners shall maintain their property free of nuisances as provided in title 4, chapters 2 and 3 of this code.

8-9-26: AIRPORT AREA SPECIAL REGULATIONS:

A. Purpose: The following regulations contained in this section are established to avoid or lesson hazards resulting from the operation of aircraft, to avoid creation of new hazards, and to protect the lives of people who use aircraft facilities.

B. Airport Zones Defined: For the purpose of this chapter, the following airport zone terms shall have the following meanings:

1. Main Airport Approach Zones:

a. East approach: An area that begins two hundred feet (200') east from the east end of the landing strip, broadening from a width of two hundred fifty feet (250') (125 feet each side of centerline) at the beginning point, to a width of four hundred fifty feet (450') (225 feet each side of centerline) at a distance of one thousand feet (1,000'), the centerline being a continuation of the centerline of the landing strip.

b. West approach: An area that begins two hundred feet (200') west from the west end of the landing strip, broadening from a width of two hundred fifty feet (250') (125 feet each side of centerline) at the beginning point, to a width of four hundred fifty feet (450') (225 feet each side of centerline) at a distance of one thousand feet (1,000'), the centerline being a continuation of the centerline of the landing strip.

2. Airport Transition Zones: The rectangular areas that run full length of the existing airport property and parallel to the east/west landing strips at a distance beginning one hundred twenty five feet (125') from the centerlines of the east/west landing strips to a distance of one thousand five hundred fifty feet (1,550') from the centerlines of the landing strip.

3. Airport Turning Zone: A circular area having the radius points at the east and west end points of the landing strip surrounding an airport encompassing all of the land lying within a radius of two (2) miles distance from the landing strip of an airport, except that area covered by the airport, the transition zones, and the approach zone.

C. Airport Regulations:

1. Height Limits Near Airport:

a. In the main runway approach zones, no building or structure shall be erected which is more than one foot (1') in height for each twenty feet (20') said building or structure is distant from the beginning

points of the north and south approach zones.

b. In the airport transition zone, no building or structure shall be erected which is more than one foot (1') in height for each seven feet (7') said building or structure is distant from the inside airport transition zone boundary. The inside airport transition zone boundary begins at a point one hundred twenty five feet (125') distant from the centerline of the main runway.

c. In the airport turning zone, no building or structure shall be erected to a height greater than one hundred fifty feet (150').

2. Use Regulations:

a. Uses Causing Interference: Notwithstanding any other provision of this title, no uses may be made of land or buildings within the county which will create electrical interference with radio communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing or taking off of aircraft.

b. Structures Requiring FAA Approval: Plans for proposed structures to be located within two thousand feet (2,000') of the main or cross wind runway and within the approach or transition zones, may be required to be submitted to the federal aviation administration (FAA) for their review and recommendation regarding the proposed structure's impact on the airport.

8-9-27: STORAGE CONTAINERS AS ACCESSORY BUILDINGS:

A. Regulations: "Storage containers", as defined in section 8-2-3 of this title, may be used as accessory buildings, only in accordance with the following:

1. Permitted: Storage containers fabricated for the purpose of transporting freight or goods on a truck, railroad or ship shall be allowed to be set up as a residential storage structure or accessory building.

2. Building Permit Required: Purchasers, owners or users of storage containers shall obtain a building permit from the county for each container prior to placing or moving the container onto their property.

3. Setback Requirements: Placement of the storage container shall

meet all setback and hold down requirements for the zone in which it will be located.

4. Exterior Appearance: The exterior of the storage container shall be painted or altered to cover any advertising, lettering or numbers.

5. Stacking Prohibited: No stacking of storage containers shall be allowed.

6. Ground Level Location; Permanent Foundation: All storage containers shall be located at ground level for safety. Any storage container located on a permanent foundation must meet all building code requirements.

7. Dwelling Use Prohibited: Storage containers shall not be used as a dwelling unit.

8. Ventilation: Storage containers shall provide adequate ventilation for personal safety.

B. Penalty: Any violation of this section shall be punishable as set forth in this title or under the applicable state building code.

8-9-28: TENSION MEMBRANE STRUCTURES:

A. When Permitted: Tension membrane structures are prohibited except as provided below. Tension membrane structures shall only be allowed in the following situations:

1. Tension membrane structures are allowed in all commercial and industrial districts as accessory structures and must meet all zoning regulations.

2. Tension membrane structures are allowed in all other districts as an accessory structure and must comply with all other requirements applicable to accessory structures.

3. A tension membrane structure is allowed for a period of not more than sixty (60) days in connection with a temporary special event, such as a circus, carnival or fair; provided, that the tension membrane structure complies with all other applicable ordinances (see section 8-9-21 of this chapter).

B. Yurts: Tension membrane structures known as yurts are allowed as follows:

1. In zones CS, CH, CG as other living quarters; hotel; motel with

a conditional use permit and must meet all zoning regulations.

2. In zones MU-40, MU-80, MU-160, A-20, A-40 and RR-10 as dude ranch; family vacation ranch with a conditional use permit and must meet all zoning regulations.

C. Code Compliance: All tension membrane structures must meet current IBC, IRC and IFC codes.

D. Application: A county membrane structure permit application must be completed with an acceptable engineered set of plans, and turned into the building inspector, with all pages and data as described below:

1. Plot Plan: Plot plan drawn to scale showing:

a. Property lines with dimensions.

b. All existing and proposed structures with dimensions.

c. Proposed or existing wastewater system

d. Twenty feet (20') minimum distance between all membrane structures and all other structures and property lines.

e. Name and address of property owner.

2. Building Plans:

a. Intended use, the type of construction and the occupant load of each structure.

b. NFPA 701 documentation (yurts-fabric flame resistance certificate).

c. Snow and wind load requirements.

d. Water/sewer connection or wastewater permit verification form, if applicable. If a well is to be used for water source, applicant must have appropriate Tri-County health department approval.

e. Authorization from the building inspector stating that all zoning and setback requirements have been met.

E. Extension: Projects not completed within two (2) years of issuance must contact the building inspector for a building permit extension.

F. Inspections: Permittee must contact the building inspector for

inspections.

CHAPTER 10

NONCONFORMING USES AND NONCOMPLYING STRUCTURES

SECTION:

- 8-10--1: Continuation Of Existing Uses
- 8-10--2: Expansion Of Nonconforming Use
- 8-10--3: Repairs And Alterations
- 8-10--4: Restoration Of Damaged Buildings
- 8-10--5: One Year Occupancy
- 8-10--6: Continuation Of Use
- 8-10--7: Occupancy Within One Year
- 8-10--8: Change Of Use Not To Be More Intensive
- 8-10--9: Change Of Building Or Structure Conforming Use
- 8-10-10: Expansion Of Use Permitted
- 8-10-11: Nonconforming Use Of Land
- 8-10-12: Abandonment !2R!

8-10-1: CONTINUATION OF EXISTING USES:

Any use of land, building or structure lawfully existing at the time the ordinance codified herein, or amendments thereto, became effective, may be continued, even though such use does not conform with the regulations of this title or amendments thereto for the zoning district in which it is located.

8-10-2: EXPANSION OF NONCONFORMING USE:

A. A nonconforming use of land, or noncomplying building or structure, shall not be enlarged, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration, and further use of such property, conform with the regulations of this title for the zoning district in which such property is located.

B. A building or structure occupied by a nonconforming use or a building or structure noncomplying as to height and area of yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the board of adjustment, which may issue; provided, that the board of adjustment, after the hearing, shall find:

1. The addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this title as stated in chapter 1 of this title, and shall be in keeping with the intent

of this title.

2. The proposed change does not impose any unreasonable burden upon the lands and residents located or residing in the vicinity of the nonconforming use or noncomplying structure.

8-10-3: REPAIRS AND ALTERATIONS:

Repairs and structural alterations may be made to a noncomplying building or to a structure housing a nonconforming use.

8-10-4: RESTORATION OF DAMAGED BUILDINGS:

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction, may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion.

8-10-5: ONE YEAR OCCUPANCY:

A building or structure, or portion thereof, occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

8-10-6: CONTINUATION OF USE:

The occupancy of a building or structure by a nonconforming use, existing at the time the ordinance became effective, may be continued.

8-10-7: OCCUPANCY WITHIN ONE YEAR:

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became nonconforming.

8-10-8: CHANGE OF USE NOT TO BE MORE INTENSIVE:

A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the planning commission finds that such use would not be more intensive than the most recent existing, legal nonconforming use.

A. Buildings shall not be enlarged, removed, reconstructed or otherwise changed except for interior remodeling and exterior restoration or renewal that will make the appearance of the building more nearly conform to the character of the area in which it is located.

B. The existing lot or parcel shall not be enlarged upon or modified except to create landscaping, fencing, curb, gutter and sidewalk, road widening or minimum off street parking that will provide a safer and more compatible facility.

C. Any change of a nonconforming use to another nonconforming use shall be a conditional use and subject to provisions of chapter 11 of this title, except that the proposed nonconforming use need not conform to the county master plan.

8-10-9: CHANGE OF BUILDING OR STRUCTURE TO CONFORMING USE:

Except as otherwise provided in this chapter, the nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

8-10-10: EXPANSION OF USE PERMITTED:

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

8-10-11: NONCONFORMING USE OF LAND:

The nonconforming use of land, existing at the time the ordinance became effective, may be continued; provided, that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property; and provided, that if such nonconforming use of land or any portion thereof is abandoned or changed for a period of one year or more, any future use of such land

shall be in conformity with the provisions of this title.

8-10-12: ABANDONMENT:

A nonconforming use shall be deemed abandoned if said use has not been applied to the premises during any twelve (12) month period.

CHAPTER 11

CONDITIONAL USES

SECTION:

- 8-11-1: Purpose
- 8-11-2: Conditional Use Permit
- 8-11-3: Special Requirements
- 8-11-4: Landscape Requirements Pertaining To Site Approval Of Commercial, Industrial, Residential Planned Unit Development And Cluster (Open Space Only) Subdivisions
- 8-11-5: Appeals
- 8-11-6: Inspection
- 8-11-7: Time Limit !2R!

8-11-1: PURPOSE:

The purpose of this chapter is to allow the proper integration into the county of uses which may be suitable only in certain locations in the county or zoning district, or only if such uses are designed or laid out on the site in a particular manner.

8-11-2: CONDITIONAL USE PERMIT:

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title. A conditional use permit may be revoked upon failure in compliance with conditions precedent to the original approval of the permit.

A. Application: Application for a conditional use permit shall be made by the property owner or certified agent thereof to the planning commission.

B. Accompanying Documents: Detailed site plans drawn to scale and other drawings necessary to assist the planning commission in arriving at an appropriate decision shall accompany the application.

C. Fee: The fee for any conditional use permit shall be as specified by the board of county commissioners, no part of which shall be refunded.

D. Public Hearing: No public hearing need be held; however, a hearing may be held when the planning commission shall deem such a hearing to be necessary and in the public interest.

1. The planning commission may hold the hearing.
2. The planning commission shall have a record of the hearing, together with a report of findings and recommendations relative thereto, for its consideration of the proposed conditional uses.
3. Such hearing, if deemed necessary, shall be held not more than sixty (60) days from the date of application. The particular time and place shall be established by the planning commission.
4. The planning commission shall publish a notice of hearing in a newspaper of general circulation in the county not less than ten (10) days prior to date of said hearing. Failure of property owners to receive notice of said hearing shall in no way affect the validity of action taken.

E. Determination:

1. The planning commission may permit a conditional use to be located within any zone district in which the particular conditional use is permitted by the zoning district regulations of this title. In authorizing any conditional use, the planning commission shall impose such requirements and conditions as required by law and any additional conditions as may be necessary for the protection of adjacent properties and the public welfare.
2. The planning commission shall establish policies regarding landscaping, fencing, lighting, ingress-egress, the height of buildings, etc., to ensure consistency in the issuance of conditional use permits.
3. The planning commission shall not authorize a conditional use permit unless the evidence presented is such as to establish:
 - a. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and the community; and
 - b. The proposed use will comply with regulations and conditions specified in this title for such use; and
 - c. The proposed use will conform to the intent of the county master plan; and
 - d. Such use will not, under the circumstances of the particular case and conditions imposed, be detrimental to the health, safety and welfare of persons, not injurious to property and improvements in

the community, but will be compatible with and complementary to the existing surroundings, uses, buildings and structures when considering the following zones:

(1) Residential and rural zones:

(A) Will the proposed use generate enough traffic to be detrimental to the immediate neighborhood?

(B) Will the proposed development overload the carrying capacity for which local streets were designed?

(C) Will internal traffic circulation adversely affect adjacent residential properties?

(D) Will the proposed signs adversely affect the development itself or the overall aesthetics or the general area?

(E) Will the proposed landscaping be sufficient to enhance the aesthetic acceptability of the development?

(2) Commercial zones:

(A) Will traffic ingress and egress adversely affect the general traffic patterns in the area?

(B) Will building location create a pedestrian traffic hazard by causing blind approaches for pedestrians?

(C) Will building design be compatible with or complementary to already established adjacent structures?

(D) If the development is adjacent to a residential zone or use, will the building location, lighting, parking or traffic circulation adversely affect the adjacent residential use or zone?

(3) Manufacturing zones:

(A) Will heavy vehicle traffic adversely affect adjacent residential or commercial properties?

(B) If the proposed use emits tolerable pollution of any type, will the prevailing breezes and winds direct the pollutant toward residential or commercial properties in the immediate area?

(C) Will landscaping add aesthetic acceptance to the proposed development?

(D) Will proposed signs be in good taste and not create adverse effects on adjacent residential or commercial properties?

8-11-3: SPECIAL REQUIREMENTS:

The planning commission may establish conditions in addition to those outlined in this chapter to meet the concerns of safety for persons and property, health and sanitation, environment, master plan proposals, and neighborhood needs, performance and administration. More specifically, the planning commission may require:

A. Conditions Relating To Safety For Persons And Property:

1. Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.

2. The relocation, covering or fencing of irrigation ditches, drainage channels and other potentially attractive nuisances existing on or adjacent to the property.

3. Increased setback distances from lot lines where the planning commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this title.

4. Appropriate design, construction and location of structures, buildings and facilities in relation to property and limitations and/or restrictions of the use and/or location of uses due to special site conditions, including, but not limited to, geologically hazardous areas, floodplains, fault zones, landslide areas.

5. Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.

6. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.

7. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and streetlighting.

B. Conditions Relating To Health And Sanitation:

1. A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the county.

2. Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development in the county.

3. Other requirements ensuring the health, safety and welfare of residents within the county.

C. Conditions Relating To Environmental Concerns:

1. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.

2. Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion and the control of objectionable odors and noise.

3. The planting of ground cover or other surfacing to prevent dust and erosion.

4. Restructuring of the land and planting of the same, as directed by the planning commission, when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.

D. Conditions Relating To Compliance With Intent Of Comprehensive Plan And Characteristics Of Vicinity (Or Neighborhood):

1. The removal of structures, debris or plant materials, incompatible with the intended characteristics of the district outlined in this title.

2. The screening of yards or other areas as protection from obnoxious land uses and activities.

3. Landscaping to ensure compatibility with the intended characteristics of the district as outlined in this title.

4. Limitations or controls on the location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development or to conceal storage areas, utility installations or other unsightly development.

5. Provision of or construction of recreational facilities necessary to satisfy needs of the conditional use.

6. Population density and intensity of land use limitations where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety and welfare.

7. Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the district from the proposed conditions use.

E. Conditions Relating To Performance: A bond or other valuable assurance in favor of the county in an amount of said bond or other valuable assurance shall not exceed the amount calculated by the developer's engineer and approved by the local engineer as necessary to assure compliance with all conditions.

F. Specific Short And Long Range Plans Of Development:

1. Will the building location adversely affect adjacent residential and commercial property?

2. Will ingress and egress be sufficient to handle intended traffic and will internal traffic circulation adversely affect the general area traffic circulation?

3. Will the proposed use comply with the regulations and conditions specified in this title for such use?

4. Will the proposed use conform to the goals, policies and governing principles of the master plan for the county?

8-11-4: LANDSCAPE REQUIREMENTS PERTAINING TO SITE APPROVAL OF COMMERCIAL, INDUSTRIAL, RESIDENTIAL PLANNED UNIT DEVELOPMENT AND CLUSTER (OPEN SPACE ONLY) SUBDIVISIONS:

The planning commission will require commercial, industrial and residential planned unit development and cluster (open space only) subdivisions be included on a site plan of a scale appropriate to the project of the following:

A. Where appropriate, a performance bond will be required to ensure compliance with approved site plans.

B. Plant material locations with names.

C. Size and location and type of construction of all walkways and landscaping.

D. Final grading plan, including areas of berming.

E. A plant list which specifies the names, number of each, and size of each to be planted.

F. A sprinkling system engineered to maintain the landscaped areas.

8-11-5: APPEALS:

Any person shall have a right to appeal to the board of adjustment any decision rendered by the planning commission by filing, in writing and in triplicate, the reasons for said appeal with said board of adjustment at any regular meeting thereof within thirty (30) days following the date upon which the decision from which appeal is being taken is made by the planning commission. After receiving said appeal, the board of adjustment may reaffirm the planning commission's decision or set a date for a public hearing.

A. Notification Of Planning Commission: The board of adjustment shall notify the planning commission of the date of said review in writing at least seven (7) days preceding said date set for hearing so that said planning commission may prepare the record for said hearing.

B. Determination Of Board Of Adjustment: The board of adjustment, after proper review of the decision of the planning commission, may affirm, reverse, alter or remand for further review and consideration, any action taken by said planning commission.

8-11-6: INSPECTION:

Following the issuance of a conditional use permit by the planning commission, the building inspector shall approve an application for a building permit pursuant to this title and shall ensure that development is undertaken and completed in compliance with said permits.

8-11-7: TIME LIMIT:

Unless there is substantial action under a conditional use permit within a maximum period of one year of its issuance, the conditional use permit shall expire. The planning commission may grant a maximum extension of six (6) months under exceptional circumstances.

CHAPTER 12

MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS

SECTION:

- 8-12-1: Placement Of Recreational Vehicles And Mobile Homes
- 8-12-2: Mobile Home Park Regulations
- 8-12-3: Recreational Vehicle Park Regulations
- 8-12-4: Additional Regulations !2R!

8-12-1: PLACEMENT OF RECREATIONAL VEHICLES AND MOBILE HOMES:

A. Recreational Vehicles: It shall be unlawful to place any recreational vehicle on any lot or parcel of land in the county and to use the same for permanent (hooked up to utilities) human habitation, except when located in a recreational vehicle park. A recreational vehicle shall not stay more than sixteen (16) days out of thirty (30) days on the same lot or parcel of land.

B. Mobile Homes: It shall be unlawful to place a mobile home on any lot or parcel of land in the county, and to use the same for human habitation, except in compliance with one or more of the following conditions:

1. Temporary: When temporarily located on a lot for which a building permit has been issued, and a building is being constructed, and is connected to approved water and sewer facilities, but not to exceed one year;

2. Licensed Park: When placed in a licensed mobile home park;

3. Lot; Compliance Required: When placed on a lot that complies with all the regulations of the zone in which the mobile home is located, provided:

a. Residential dwellings are a permitted use in the zone, and the mobile home is connected to an approved water supply and domestic sewage disposal facility;

b. The mobile home is placed upon a permanent foundation and is skirted with brick, masonry, or a continuation of the facing material of the mobile home;

c. Will be entered upon the tax roles of the county as real property, as evidenced by a letter or other proof from the county assessor;

d. The mobile home is certified by the U.S. department of housing and urban development (HUD), or the state of Utah, that it has been inspected and has attached to the mobile home a HUD or state of Utah inspection shield.

8-12-2: MOBILE HOME PARK REGULATIONS:

A. Permitted: The owners of a tract of land not less than eight (8) acres, which land lies in a location which is suitable and appropriate, taking into consideration existing conditions, may construct a mobile home park thereon, upon compliance with regulations and restrictions, as hereinafter set forth, and after approval of such mobile home park by the county commission.

B. Application: Application for a mobile home park shall be submitted with the following:

1. Topography: The topography represented by contours shown at not greater intervals than two feet (2'), when required by the planning commission.

2. Layout: The proposed street and mobile home space layout.

3. Reserved Spaces: Proposed reservations for parks, playgrounds and open spaces.

4. Tabulations: Tabulations showing percent of area to be devoted to parks, playgrounds and open space, number of mobile homes, and total area in the mobile home park.

5. Parking: Proposed location and number of parking spaces.

6. Landscaping: Generalized landscaping plan, including water, electric and gas lines, fire hydrant locations, and sewer lines.

7. Stormwater: Storm drainage facilities and disposal plan for stormwater runoff.

8. State, County Approval: Written approval of the state division of health and Tri-County health department.

9. Applicant Information: Name, address, telephone number of applicant.

10. Other: Any other data that the planning commission may require.

C. Construction Drawings: Three (3) copies of detailed construction

drawings shall be supplied to and approved by the county engineer, prior to final approval by the county commission. Such construction drawings shall be drawn by a licensed engineer, and shall show the following:

1. Water, Sewer Lines: Profile and location of water and sewer lines.
2. Water Valves, Hydrants: Location of water valves and fire hydrants.
3. Water Meters: Location and size of water meters.
4. Sewer Manholes: Location and size of sewer manholes.
5. Stormwater: Stormwater disposal plan.

D. Standards And Requirements: The development of a mobile home park shall conform to the following standards and requirements:

1. Ownership: The area shall be in one ownership, or, if in several ownerships, the application for the approval of the mobile home park shall be filed jointly by all owners of the property included in the plan.
2. Density: The density of a mobile home park shall not exceed seven (7) units per acre. Mobile homes may be clustered within the mobile home park; provided, that no single mobile home space shall be smaller in area than four thousand (4,000) square feet. Recreational vehicles shall not be located in mobile home parks, except when unoccupied and located in the storage area.

The remaining land not contained in individual lots, roads or parking, shall be set aside and developed as parks, playgrounds and service areas for the common use and enjoyment of the occupants of the development and visitors thereto.

3. Open Space: Not less than ten percent (10%) of the gross area of the mobile home park shall be set aside as playground, or recreation area for the joint use of occupants. The land covered by vehicular roadways, sidewalks, off street parking, or areas not suitable for playground use, shall not be construed as part of the area required for parks and playgrounds. Ten percent (10%) of the lot area shall also be set aside for recreational vehicle storage area.
4. Distance: No mobile home or add on shall be located closer than fifteen feet (15') from the nearest portion of any other mobile home or add on.

5. Landscaping: All areas not covered by mobile homes, hard surfacing, buildings, off street parking space or driveways, shall be planted in lawns, trees and shrubs, or otherwise landscaped, except that natural drainageways may be left in the natural state.

6. Surfacing: All off street parking spaces and driveways shall be surfaced before the adjacent mobile home spaces may be occupied.

7. Perimeter Space; Fencing: A strip of land at least fifteen feet (15') wide on the sides, and thirty feet (30') in the front and rear of the mobile home park, shall be left unoccupied by mobile homes, and shall be planted and maintained in lawns, shrubs and trees designed to afford privacy to the development. A six foot (6') chainlink or other approved fence around the mobile home park shall be required.

8. Receptacles: All storage and solid waste receptacles outside of the confines of a mobile home must be housed in a closed structure or closed container.

9. Roadways: Roadways shall be surfaced, and of adequate width to accommodate anticipated traffic as follows:

a. For one-way with no parking: Minimum eighteen feet (18') in width.

b. For two-way traffic with no parking: Minimum thirty feet (30') in width, or larger, as may be required by the county commission.

c. For entrance streets: Minimum of thirty six feet (36') in width.

There shall be no more than two (2) entrances from the park onto any one street. Entrances shall be no closer than twenty five feet (25') from each other, nor closer than twenty five feet (25') to the corner of an intersection, or as otherwise required by the planning commission.

10. Access: Access shall be provided to each mobile home stand by means of an accessway reserved for maneuvering mobile homes from interior private roads.

11. Off Street Parking: Off street parking shall be provided at the rate of two (2) parking spaces per mobile home space contained within the mobile home park. In no case shall the parking space be located greater than one hundred feet (100') away from the mobile home space it is designed to serve.

12. Code Compliance: In addition to meeting the above requirements and conforming to the other laws of the county, all mobile home parks

shall also conform to requirements set forth in the code of camp trailer court, hotel, motel and resort sanitation regulations adopted by the Utah state board of health, and to the fire prevention code, which codes are hereby adopted by reference, and all restrictions, regulations and notations contained therein shall be made a part of this chapter as fully set forth herein. In event of any conflict between said regulations or codes and this chapter, this chapter shall take precedence.

E. Utilities And Other Services: Utility lines and equipment shall be located and constructed in conformity with good engineering and construction practices, and shall be in compliance with all applicable laws, ordinances or codes of the state:

1. Sewer: The mobile home park shall be served by a private sewer system, or served by an approved sewage disposal system. Main sewer collector lines shall not be installed in areas (such as underneath mobile home pads) that will limit their access in designated utility easement areas.

2. Water:

a. A public supply of water shall be obtained from an approved public water system.

b. An adequate amount of water shall be piped to each mobile home space through a private system of a design acceptable to the county engineer.

3. Fire Hydrants: Fire hydrants of a design and in sufficient numbers, as approved by the county engineer and/or fire department, shall be installed according to the county specifications.

4. Electric, Telephone: All electric, telephone and other service lines to each mobile home lot shall be underground and shall comply with all currently adopted state and local laws and regulations.

5. Liquid Or Gaseous Fuels:

a. Any liquid fuel storage shall be located in tanks at a distance away from any mobile home lot, as determined safe by the building inspector and/or fire chief.

b. All fuel lines shall be underground, and, if metered, said meters shall be arranged in a uniform manner.

6. Streetlighting: Streetlighting shall be provided in sufficient number and intensity to permit safe movement of vehicles and

pedestrians at night.

7. Refuse Handling And Receptacles: The storage, collection and disposal of refuse in the mobile home park shall be managed so as to create no health hazards, rodent harborage or accident hazards. All refuse shall be stored in containers provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or dumpsters shall be provided at permanent locations convenient to mobile home spaces.

F. Planning Commission And County Commission Approval: The planning commission shall review the plan and make a recommendation for approval, disapproval or approval with conditions to the county commission. In considering the plan, the planning commission, among other things, shall make sure that such development shall constitute a residential environment of sustained desirability and stability, and that it will not adversely affect amenities in the surrounding area. The planning commission may recommend changes to be made in the plan and development standards in excess of the minimum standards contained in this chapter, such as walls, fences, buffers, setbacks, greater amounts of landscaping or parking spaces, etc. Such changes may be imposed as conditions of approval where it is determined by the county commission that such standards are necessary to ensure that the mobile home park will mix harmoniously with adjoining or nearby uses.

G. Guarantees:

1. Required: Adequate and reasonable guarantees shall be required for installation of the landscaping, including grass and other required improvements, as set forth in this section. Guarantees may be in the form of a bond, a mortgage on real estate or other acceptable form in the sum to be determined by the county attorney.

2. Agent For Service Of Process: In any case, when a mobile home park is owned by more than one natural person, the developer shall establish and appoint an agent for the purpose of service of process, which the agent shall be authorized to receive, process and represent fully the interests of the owners in respect to continuing management and maintenance of the mobile home park.

3. License: Prerequisite to the operation of any mobile home park in the county shall be the obtaining of an annual license. It shall be unlawful to operate a mobile home park without first obtaining a license, and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as herein set forth.

H. Record Final Plat: After receiving final approval of the mobile home plat by the county commission, the approved plat shall be recorded in the office of the county recorder. The final plat shall be prepared by a registered engineer, architect or landscape architect. No building permit shall be issued for said mobile home park until final plans have been approved by the county commission and recorded with the county recorder and a financial guarantee posted guaranteeing that required improvements will be installed without cost to the county.

8-12-3: RECREATIONAL VEHICLE PARK REGULATIONS:

A. Zones Permitted: Recreational vehicle parks may be permitted only in the CH and CG zones. All such installations shall be permitted only after approval of the county commission and recommendation of the planning commission, subject to the restrictions and conditions contained in this chapter.

B. Plan Required: Before a permit shall be issued for a recreational vehicle park, the overall plan of the park must be submitted to the planning commission for its review. The plan shall show:

1. Layout: Proposed road layout and recreational vehicle space.
2. Open Space: Proposed reservation for parks, playgrounds and other open space.
3. Landscaping: A generalized landscaped plan.
4. Other: Any other data that the planning commission may require.

C. Standards And Requirements: The recreational vehicle park shall conform to the following standards and requirements:

1. Minimum Size: Recreational vehicle parks shall be minimum of four (4) acres in size.
2. Entrances, Exits: Entrances and exits from the recreational vehicle park shall be by forward motion only.
3. Mobile Homes Prohibited: "Mobile homes", as defined in section 8-2-3 of this title, shall not be allowed in recreational vehicle parks.
4. Location Of Exits And Entrances: No exit or entrance from the recreational vehicle park shall be through a residential zone, and no entrance or exit shall be located closer than fifteen feet (15')

to the intersection of two (2) streets.

5. Setbacks: All recreational vehicles shall be set back at least thirty feet (30') from any public street right of way, except for state or federal highways, where setbacks shall be fifty feet (50').

6. Roadways: All one-way roadways shall be at least twelve feet (12') in width and all two-ways at least twenty feet (20') in width, and all roadways shall be surfaced.

7. Landscaping: All areas within the park which are not surfaced, including the thirty foot (30') setback space, shall be landscaped and maintained with lawns, trees and shrubs, and designed to provide privacy and noise containment.

8. Space Size: Each recreational vehicle space shall be at least twenty five feet (25') in width and at least fifty feet (50') in length. No recreational vehicle or add on shall be located closer than fifteen feet (15') from another recreational vehicle or add on.

9. Perimeter Fencing: A minimum six foot (6') high chainlink or other approved fence shall be installed around the perimeter of the recreational vehicle park.

10. Open Space: At least twenty percent (20%) of the total area shall be maintained in open green space.

11. License Required: Prerequisite to the operation of any recreational vehicle park in the county shall be the obtaining of a business license. The license shall be issued only after inspection by the building inspector. It shall be unlawful to operate a recreational vehicle park without first obtaining a license, and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements of the county.

12. Code Compliance: In addition to meeting the above requirements, all recreational vehicle parks shall conform to the requirements set forth in the code of camp, trailer court, hotel, motel and resort sanitation requirements, adopted by the Utah state board of health, and shall also conform to the fire prevention code, which codes have been adopted by the county.

8-12-4: ADDITIONAL REGULATIONS:

A. Storage Of Recreational Vehicles: Nothing in this chapter shall be interpreted to prohibit storage of a recreational vehicle when

not in use on property of the owner, so long as the recreational vehicle is not utilized as a dwelling. Recreational vehicles shall not be stored on property so as to obstruct the view of traffic, or to create a nuisance for adjoining property owners.

B. Storage Setback: All recreational vehicles shall be stored at least thirty feet (30') back from any public street in any residential zone.

C. Add On Or Addition Requires Consent: No add on or additions shall be allowed in any recreational vehicle or mobile home park without prior consent of the building inspector.

D. Existing, Nonconforming Recreational Vehicle Parks: Existing recreational vehicle parks not in compliance with this chapter shall constitute a nonconforming use, but shall be subject to health and sanitary requirements, as provided for in section 8-12-3 of this chapter.

CHAPTER 13

WIND SYSTEMS

SECTION:

- 8-13-1: Purpose
- 8-13-2: Definitions
- 8-13-3: Minor Wind Energy Systems
- 8-13-4: Small Wind Systems
- 8-13-5: Large Wind Energy Systems And Projects
- 8-13-6: Temporary Meteorological Towers (Met Towers) !2R!

8-13-1: PURPOSE:

The purpose of this chapter is to establish minimum requirements and regulations for the placement, construction and modification of large wind energy systems, small wind energy systems, minor wind energy systems and wind metering towers and equipment, as defined herein, while promoting the safe, effective and efficient use of such systems.

8-13-2: DEFINITIONS:

!DEF! ABANDONED: A wind energy system or project shall be considered abandoned when, once installed, fails to operate for twenty four (24) months.

BUILDING INSPECTOR: A person designated by the board of county commissioners to assume certain duties of said board.

HEIGHT: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point.

LARGE WIND ENERGY SYSTEM: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity greater than one hundred (100) kilowatts (kW).

METEOROLOGICAL TOWER (MET TOWER): A temporary tower, housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity and regularity.

MINOR WIND ENERGY SYSTEM: A wind energy conversion system consisting of one permanent structure, including a wind turbine and tower and associated control and/or conversion electronics which have a rated capacity of less than twenty (20) kilowatts (kW) and providing wind generated electrical power to be used primarily for on site consumption.

PERMIT GRANTING AUTHORITY: The permit granting authority shall be the board of county commissioners. The board of county commissioners may, at their discretion, designate the planning commission or building inspector as the permit granting authority, as designated by this title, or by law for the issuance of permits, or by this chapter for the issuance of permits to construct and operate small wind energy systems.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment rated in watts (W) or British thermal units (Btus).

SMALL WIND ENERGY SYSTEM: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity of one hundred (100) kilowatts (kW) or less.

SPECIAL USE PERMIT: A permit provided by the permitting authority for nonconforming small wind systems (e.g., a small wind system that does not meet the criteria for small wind systems set forth by this chapter).

ZONING: Ordinances and bylaws adopted by a county to regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of states to protect the health, safety and general welfare of its present and future inhabitants.
!DEFEND!

8-13-3: MINOR WIND ENERGY SYSTEMS:

A. Design Standards:

1. Height: The height of minor wind energy systems shall not exceed one hundred feet (100').
2. Setbacks: Small wind energy systems shall be set back at a distance

equal to one hundred ten percent (110%) of the total height of the system from all overhead utility lines, property lines and public roads or public rights of way.

3. Setback Waivers: The building inspector may reduce the minimum setback distance if written permission is granted by the permit granting authority, or with a signed agreement from abutting neighbors, on the condition that public rights of way and power lines are not impacted by the location.

4. Minimum Blade Height: The minimum height of the lowest extent of a turbine blade shall be fifteen feet (15') above the ground.

5. Color And Finish: The wind energy system shall be a neutral color that blends with the environment.

6. Lighting: Minor wind energy systems shall be lighted only if required by the federal aviation administration. Obstacle collision avoidance systems shall be used to minimize the time lights remain on when they are required, subject to FAA approval. Lighting of other parts of the minor wind energy system shall be limited to that required for safety and operational purposes.

7. Signage And Advertising: Signs and advertising shall be restricted to reasonable identification of the manufacturer, operator of the minor wind energy system, utility and safety signs.

8. Access: No tower shall have a climbing apparatus within ten feet (10') of the ground. All access doors or accessways to towers and electrical equipment shall be inaccessible by the public.

9. Sound: The minor wind energy system and associated equipment shall not exceed sixty (60) dBA as measured from the nearest neighboring inhabitable structure.

B. Siting Conditions And Property Maintenance:

1. Land Clearing, Soil Erosion And Habitat Impacts: If the permit granting authority adopts standards for land clearing, soil erosion control and habitat impact mitigation and/or habitat reclamation, by ordinance or resolution, those same standards shall apply.

2. Minimum Lot Size: Minimum lot size for minor wind energy systems shall be determined pursuant to the setback requirements of subsection A2 of this section.

3. System Conditions: The applicant shall maintain the minor wind energy system in good condition. Maintenance shall include, but not

be limited to, painting, mechanical/electrical repairs, structural repairs and security measures.

4. Removal And Decommissioning Requirements: Any minor wind energy system, which has reached the end of its useful life or has been abandoned, shall be removed. A minor wind energy system shall be considered abandoned when it fails to operate for twenty four (24) months. Upon a notice of abandonment issued by the building inspector, the minor wind energy system owner will have sixty (60) days to provide sufficient evidence that the system has not been abandoned, or the permit granting authority shall have the authority to enter the owner's property and remove the system at the owner's expense.

C. Permit Granting Authority Issued Permits:

1. Building Permits: Minor wind energy systems shall be constructed as provided in this section by first obtaining a building permit, or by first applying for and receiving a waiver, from the appropriate permit granting authority. Primary demand for power produced by minor wind energy systems herein must be on site consumption.

2. Modifications: Any physical modification to an existing and permitted wind energy system that materially alters the size and/or type of wind turbines or other equipment shall require a permit modification under this section. Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

3. Expiration: A permit issued pursuant to this section shall expire if: a) the minor wind energy system is not installed and functioning within twenty four (24) months from the date the permit is issued; or b) the minor wind energy system is abandoned.

4. Violations: It is unlawful for any person to construct, install or operate a minor wind energy system that is not in compliance with this section or with any condition contained in a building permit issued pursuant to this section.

5. Administration And Enforcement:

1. This section shall be administered and enforced by the building inspector or other official as designated by the permit granting authority.

2. The building inspector may enter any property for which a building permit has been issued under this section to conduct an inspection to determine whether the conditions stated in the permit have been

met.

6. Penalty: Any person who fails to comply with any provision of this section or a building permit issued pursuant to this section, shall be subject to enforcement and penalties as allowed by applicable law.

D. Compliance With Laws, Ordinances And Regulations: The construction and operation of all such proposed small wind energy systems shall be consistent with all applicable local, state and federal requirements, including all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.

8-13-4: SMALL WIND SYSTEMS:

A. Design Standards:

1. Height: The height of small wind energy systems shall not exceed two hundred feet (200') without prior approval from the permit granting authority.

2. Setbacks: Small wind energy systems shall be set back at a distance equal to one hundred ten percent (110%) of the total height of system from all inhabited structures, overhead utility lines, property lines and public roads or public rights of way.

3. Setback Waivers: The building inspector may reduce the minimum setback distance if written permission is granted by the permit granting authority, or with a signed agreement from abutting neighbors, on the condition that public rights of way and power lines are not impacted by the location.

4. Minimum Blade Height: The minimum height of the lowest extent of a turbine blade shall be thirty feet (30') above the ground.

5. Color And Finish: The wind energy system shall be a neutral color that blends with the environment.

6. Lighting: Small wind energy systems shall be lighted only if required by the federal aviation administration. Obstacle collision avoidance systems shall be used to minimize the time lights remain on when they are required, subject to FAA approval. Lighting of other parts of the small wind energy system shall be limited to that required for safety and operational purposes.

7. Signage And Advertising: Signs and advertising shall be restricted to reasonable identification of the manufacturer, operator of the

small wind energy system, utility, and safety signs.

8. Access: No tower shall have a climbing apparatus within ten feet (10') of the ground. All access doors or accessways to towers and electrical equipment shall be inaccessible by the public.

9. Sound: The small wind energy system and associated equipment shall not exceed sixty (60) dBA as measured from the nearest neighboring inhabitable structure.

B. Siting Conditions And Property Maintenance:

1. Land Clearing, Soil Erosion And Habitat Impacts: If the permit granting authority adopts standards for land clearing, soil erosion control and habitat impact mitigation and/or habitat reclamation, by ordinance or resolution, those same standards shall apply. If the permit granting authority does not adopt more specific standards, the following shall apply. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and is otherwise prescribed by applicable laws, regulations and ordinances. Once the system is operational, any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation immediately. Soil erosion is to be mitigated by the use of silt fencing, the captured product of which can be used in the vegetation reclamation.

2. Minimum Lot Size: Small wind energy systems that are less than eighty feet (80') in height may be constructed on lots one acre or less. If the small wind energy system is greater than eighty feet (80') in height, the system must be constructed on a lot greater than one acre.

3. System Conditions: The applicant shall maintain the small wind energy system in good condition. Maintenance shall include, but not be limited to, painting, mechanical/electrical repairs, structural repairs and security measures.

4. Removal And Decommissioning Requirements: Any small wind energy system, which has reached the end of its useful life or has been abandoned, shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for twenty four (24) months. Upon a notice of abandonment issued by the building inspector, the small wind energy system owner will have sixty (60) days to provide sufficient evidence that the system has not been abandoned, or the permit granting authority shall have the authority to enter the owner's property and remove the system at the owner's expense.

5. Reclamation: Once the system has been removed, the owner is then responsible for land reclamation using the natural vegetation that was removed or disturbed upon construction of the project. To the greatest extent possible, the land shall be fully returned to its natural state within five (5) years of the removal and decommissioning of the project.

C. Permit Granting Authority Issued Permits:

1. Building Permits: Small wind energy systems shall be constructed as provided in this section by first obtaining a building permit from the appropriate permit granting authority. Demand for the power produced by wind energy systems herein must be demonstrated prior to issuance of any building permit. Demand should be demonstrated by providing the permit granting authority with a contract for sale of the power produced or a memorandum of understanding between the applicant and a buyer, or demonstration that a majority of the power produced will be used by the applicant or some other reasonable form demonstrating demand.

2. Modifications: Any physical modification to an existing and permitted wind energy system that materially alters the size and/or type of wind turbines or other equipment shall require a permit modification under this section. Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

3. Conditional Use Permits (CUP): A conditional use permit may be granted in the case where a proposed small wind energy system or project does not satisfy the standard criteria of the building permit set forth under this section. The applicant must then seek review and petition the permit granting authority for a conditional use permit. This CUP variance from the standard building permit criteria will only be applicable to that specific nonconforming project.

4. Expiration: A permit issued pursuant to this section shall expire if: a) the small wind energy system is not installed and functioning within twenty four (24) months from the date the permit is issued; or b) the small wind energy system is abandoned.

5. Violations: It is unlawful for any person to construct, install or operate a small wind energy system that is not in compliance with this section or with any condition contained in a building permit issued pursuant to this section. Small wind energy systems installed prior to the adoption of the ordinance codified herein are exempt.

6. Administration And Enforcement:

a. This section shall be administered and enforced by the building inspector or other official as designated by the permit granting authority.

b. The building inspector may enter any property for which a building permit has been issued under this section to conduct an inspection to determine whether the conditions stated in the permit have been met.

7. Penalty: Any person who fails to comply with any provision of this section or a building permit issued pursuant to this section shall be subject to enforcement and penalties as allowed by applicable law.

D. Compliance With Laws, Ordinances And Regulations: The construction and operation of all such proposed small wind energy systems shall be consistent with all applicable local, state and federal requirements, including all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.

8-13-5: LARGE WIND ENERGY SYSTEMS AND PROJECTS:

A. Design Standards:

1. Height: The height of large wind energy systems shall not exceed four hundred fifty feet (450') without prior approval from the permit granting authority.

2. Setbacks: Large wind energy systems shall be set back a distance equal to one hundred ten percent (110%) of the total height of system from all inhabited structures, overhead utility lines, property lines and public roads or public rights of way.

3. Setback Waivers: The building inspector may reduce the minimum setback distance if written permission is granted by the permit granting authority.

4. Minimum Blade Height: The minimum height of the lowest extent of a turbine blade shall be thirty feet (30') above the ground surface.

5. Color And Finish: The large wind energy system shall be a neutral color that blends with the environment.

6. Lighting: Large wind energy systems and projects shall be lighted only if required by the federal aviation administration. Obstacle collision avoidance systems shall be used to minimize the time lights

remain on when they are required, subject to FAA approval. Lighting of other parts of the large wind energy system shall be limited to that required for safety and operational purposes.

7. Signage And Advertising: Signs and advertising shall be restricted to reasonable identification of the manufacturer, operator of the large wind energy system, utility, and safety signs.

8. Access: No tower shall have a climbing apparatus that is external of the pole, within ten feet (10') of the ground. All access doors or accessways to towers and electrical equipment shall be kept locked for safety purposes.

9. Sound: The large wind energy system and associated equipment shall not exceed sixty (60) dBA as measured from the nearest neighboring inhabitable structure.

B. Siting Conditions And Property Maintenance:

1. Land Clearing, Soil Erosion And Habitat Impacts: If the permit granting authority adopts standards for land clearing, soil erosion control and habitat impact mitigation and/or habitat reclamation, those same standards shall apply. If the permit granting authority does not have previously prescribed standards, the following shall apply. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the large wind energy system and as otherwise prescribed by applicable laws, regulations and ordinances. Once the system is operational, any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation immediately. Soil erosion is to be mitigated by the use of silt fencing, the captured product of which can be used in the vegetation reclamation.

2. Minimum Lot Size: Large wind energy systems that are less than eighty feet (80') in height may be constructed on lots one acre or less. If the large wind energy system is greater than eighty feet (80') in height, the system must be constructed on a lot greater than one acre.

3. System Conditions: The applicant shall maintain the large wind energy system and/or project in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and security measures.

4. Removal And Decommissioning Requirements: Any large wind energy system and/or project, which has reached the end of its useful life or has been abandoned, shall be removed. A large wind energy system

shall be considered abandoned when it fails to operate for twenty four (24) months. Upon a notice of abandonment issued by the building inspector, the large wind energy system owner will have sixty (60) days to provide sufficient evidence that the system has not been abandoned, or the permit granting authority shall have the authority to enter the owner's property and remove the system at the owner's expense.

5. Reclamation: Once the system has been removed, the owner is then responsible for land reclamation using the natural vegetation that was removed or disturbed upon construction of the project. To the greatest extent possible, the land shall be fully returned to its natural state within five (5) years of the removal and decommissioning of the project.

C. Permit Granting Authority Issued Permits:

1. Building Permits: Large wind energy systems shall be constructed as provided in this section by first obtaining a building permit from the appropriate permit granting authority. Permit applications for project expansions shall be based on the total nameplate capacity including the existing project. Demand for the power produced by wind energy systems herein must be demonstrated prior to issuance of any building permit. Demand should be demonstrated by providing the permit granting authority with a contract for sale of the power produced or a memorandum of understanding between the applicant and a buyer or demonstration that a majority of the power produced will be used by the applicant or some other reasonable form demonstrating demand.

2. Modifications: Any physical modification to an existing and permitted wind energy system that materially alters the size and/or type of wind turbines or other equipment shall require a permit modification under this section. Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

3. Conditional Use Permits (CUP): A conditional use permit may be granted in the case where a proposed large wind energy system or project does not satisfy the standard criteria of the building permit set forth under this section. The applicant must then seek review and petition the permit granting authority for a conditional use permit. This CUP variance from the standard building permit criteria will only be applicable to that specific nonconforming project.

4. Expiration: A permit issued pursuant to this section shall expire if: a) the large wind energy system is not installed and functioning within twenty four (24) months from the date the permit is issued;

or b) the large wind energy system is abandoned.

5. Violations: It is unlawful for any person to construct, install or operate a large wind energy system that is not in compliance with this section or with any condition contained in a building permit issued pursuant to this section. Large wind energy systems installed prior to the adoption of the ordinance codified herein are exempt.

6. Administration And Enforcement:

a. This section shall be administered and enforced by the building inspector or other official as designated by the permit granting authority.

b. The building inspector may enter any property for which a building permit has been issued under this section to conduct an inspection to determine whether the conditions stated in the permit have been met.

7. Penalty: Any person who fails to comply with any provision of this section or a building permit issued pursuant to this section shall be subject to enforcement and penalties as allowed by applicable law.

D. Compliance With Laws, Ordinances And Regulations: The construction and operation of all such proposed large wind energy systems shall be consistent with all applicable local, state and federal requirements, including all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.

8-13-6: TEMPORARY METEOROLOGICAL TOWERS (MET TOWERS):

A. Permitted Use By Rule: Met tower installations shall be considered a permitted use in all zoning districts where the following criteria are met:

1. Applicants shall submit the following information to the permit granting authority prior to commencing any installation or construction:

a. A site plan drawn at an appropriate scale with the following information:

(1) The perimeter and dimensions of the property;

(2) The names and locations of all streets, roads or highways on or contiguous to the property;

- (3) The locations of all easements or rights of way on the property;
- (4) The names and locations of all rivers, streams or waterways on or contiguous to the property;
- (5) The use, location and dimension of all structures on the property (include distance from all proposed structures to the property lines);
- (6) A scale; and
- (7) A north arrow.

2. In addition to other applicable provisions set forth in these regulations, approval of met tower applications shall be subject to the following requirements:

- a. All necessary zoning certificates and building permits shall be applied for and issued, and all structural reviews shall be completed by the permit granting authority prior to construction.
- b. The met tower shall be constructed in conformity with all applicable FAA regulations and all FAA notices and approvals shall be received and submitted to the permit granting authority prior to any construction.
- c. Applicants shall furnish evidence that applicable rights of way have been granted for access to the met tower across any private, state or BLM lands. For BLM right of way grants, applicants may furnish a copy of the signed BLM right of way grant application, together with evidence that applicable fees have been tendered to the BLM.
- d. The met tower shall be in place for a period not exceeding three (3) years. Applicants shall provide the permit granting authority with ninety (90) days prior written notice before removal of the tower.
- e. In the event the applicant desires to relocate the met tower, the applicant shall receive prior written approval from the permit granting authority and furnish coordinates for the new tower location.
- f. If the applicant desires to extend the tower usage period, a request for an extension must be submitted in writing ninety (90) days prior to the expiration of this permit to the permit granting authority for consideration.

g. The met tower shall not physically obstruct or encumber any road, power line or pipeline easement.

CHAPTER 14

SOLAR ELECTRICITY SYSTEMS

SECTION:

- 8-14-1: Purpose
- 8-14-2: Definitions
- 8-14-3: Allowed Uses
- 8-14-4: Freestanding Solar Panels
- 8-14-5: Structurally Attached Solar Panels !2R!

8-14-1: PURPOSE:

The purpose of this solar electricity chapter is to allow the use of solar panels within the county.

8-14-2: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings specified herein:

!DEF! COMMERCIAL SOLAR PANEL: A solar panel from which electricity is produced for resale.

FREESTANDING SOLAR PANEL: A solar panel that is not permanently attached to any other structure and one that does not rely upon any other structure for support and or stability.

NONCOMMERCIAL SOLAR PANE: A solar panel from which electricity is produced for on site consumption.

SOLAR PANEL: A device that converts light into electricity.

STRUCTURALLY ATTACHED SOLAR PANEL: A solar panel that is permanently attached to any other structure and one that relies upon another structure for support and or stability. !DEFEND!

8-14-3: ALLOWED USES:

Solar structures shall be a permitted use in all zones, subject to all applicable limitations in each respective zone, including, but not limited to, setbacks, height restrictions and local building code requirements.

8-14-4: FREESTANDING SOLAR PANELS:

Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.

8-14-5: STRUCTURALLY ATTACHED SOLAR PANELS:

Structurally attached solar panels shall be a permitted accessory use in all zones, subject to the requirements for such, together with all other applicable building codes and ordinances. Structurally attached solar panels installed on a building with a sloped roof shall not project vertically above the peak of the roof. Structurally attached solar panels installed on a building with a flat roof shall not project vertically more than five feet (5') above the roof.