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ENT 22059:2021 PG 1 of 409
ANDREA ALLEN
UTAH COUNTY RECORDER
2021 Feb 04 1:25 pm FEE 0.00 BY SS
RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2020- 1109

AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE FOR THE ADOPTION OF THE REVISED ORDINANCE, IN ITS ENTIRETY, WHICH REVISION REPEALS OUTDATED PROVISIONS, RENUMBERS SECTIONS, MAKES STYLISTIC CHANGES, MAKES TECHNICAL AND CONFORMING CHANGES, AND OTHERWISE MODIFIES THE ORDINANCE TO BE HOSTED ONLINE THROUGH MUNICODE

WHEREAS, the Utah County Planning Commission initiated a review of the Utah County Land Use Ordinance for the adoption of the revised Ordinance, in its entirety, which revision repeals outdated provisions, renumbers sections, makes stylistic changes, makes technical and conforming changes, and otherwise modifies the Ordinance to be hosted online through Municode; and

WHEREAS, the Utah County Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on December 15, 2020, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes of the Planning Commission meeting and the public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

The Utah County Land Use Ordinance is hereby amended for the adoption of the revised Ordinance, in its entirety, which revision repeals outdated provisions, renumbers sections, makes

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stylistic changes, makes technical and conforming changes, and otherwise modifies the Ordinance to be hosted online through Municode, to read as follows:

See attached Utah County Land Use Ordinance in its entirety

Part II:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part III:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part IV:

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 30th day of December 2020.

UTAH COUNTY COMMISSION

DocuSigned by:
Tanner Ainge
TANNER AINGE, CHAIR — VOTE: YEA

DocuSigned by:
NATHAN IVIE, VICE-CHAIR — VOTE: YEA

DocuSigned by:
William C. Lee
WILLIAM C. LEE, COMMISSIONER — VOTE: YEA

STATE OF UTAH COUNTY CLERK AUDITOR UTAH COUNTY

ATTEST:
AMELIA A. POWERS
Utah County Clerk/Auditor

By: DocuSigned by: Alice Black
Deputy

APPROVED AS TO FORM:
DAVID O. LEAVITT
Utah County Attorney

X Approved

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_____Disapproved

By: DocuSigned by: Robert J Moore 880C11BACFB0471...
~~Deputy~~

Date of Publication: Once only, as soon as possible

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Utah County
HEART of UTAH

Utah County

Utah County, Utah

Land Use Ordinance

Compiled: Friday, December 11, 2020

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1 GENERAL PROVISIONS

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1.04 Title And Construction

A. This ordinance shall be known as and shall be entitled the "Utah County Land Use Ordinance" and may be so cited and pleaded. The title page shall contain a reference to its most recent date of amendment. Any reference in this ordinance to "Utah County Zoning Ordinance" or "UCLUO," shall be deemed to be a reference to the Utah County Land Use Ordinance."

B. The Utah County Attorney's Office has the discretion to review, examine, and correct any technical and stylistic errors in the Utah County Land Use Ordinance. Technical errors include adopting a uniform system of punctuation, capitalization, numbering, and wording; eliminating duplication and renumbering when necessary; correcting defective or inconsistent section and paragraph structure in the arrangement of the subject matter of existing statutes; eliminating all obsolete and redundant words; correcting obvious errors and inconsistencies including those involving punctuation, capitalization, cross references, numbering, and wording; changing the boldface to more accurately reflect the substance of each section, part, chapter, article, or title; and merging or determining priority of any amendments, enactments, or repealers to the same code provisions that are passed by the Board of County Commissioners of Utah County. This section in no way grants the Utah County Attorney's Office the discretion to modify the substance of an ordinance. Any necessary substantive changes to the Utah County Land Use Ordinance may be recommended to the Board of County Commissioners of Utah County for consideration in a follow-up ordinance.

HISTORY
Amended by Ord. 2020574 Housekeeping update on 8/8/2020

1.08 Intent And Purpose

It is the intent and purpose of the Board of County Commissioners of the County of Utah, State of Utah, to avail itself of the powers granted under Utah Code § 17-27a, as

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amended, in a manner that will promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Utah County, and to this end:

A. To encourage and facilitate orderly growth and development in the county.

B. To secure economy in governmental expenditures in the process of development.

C. To promote efficient and economical utilization, conservation, and production of land, water, and other resources and facilities.

D. To foster the county's agricultural and other industries.

E. To facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.

F. To reduce the waste of physical, financial, and human resources resulting from excessive scattering of population.

G. To lessen congestion in the streets, prevent the overcrowding of land, and provide adequate light and air.

H. To lessen the hazards to persons and property from fires, floods, traffic hazards, and other dangers.

I. To promote a more attractive and wholesome environment.

J. To create conditions favorable to prosperity, civic activities, and recreational, educational, and cultural opportunities.

K. To protect both urban and non-urban development.

L. To enforce the provisions of this ordinance and to minimize the exceptions or variances hereto.

HISTORY
Amended by Ord. 2020574 Housekeeping update on 8/8/2020

1.12 Conflicting Regulations

The regulations and restrictions as set forth in this ordinance shall be so interpreted and applied as to further the intent and purpose of this ordinance. Except as may be provided in the Lots Lying in Multiple Zones section of Chapter 4 of this ordinance, if two or more regulations or restrictions of this ordinance are in conflict or are inconsistent with each other, the most restrictive regulation or restriction shall govern.

All ordinances, resolutions, or parts thereof in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict with the provisions set forth in this ordinance. Any building or use of land or any construction thereon which was not authorized by or under the preexisting zoning ordinance(s), as amended, or which is illegal under such ordinance, shall remain unauthorized and illegal unless expressly

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authorized or permitted in the provisions of this ordinance.

To the extent required by applicable law, this land use ordinance shall be subject to the provisions of the federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), the federal Endangered Species Act of 1973 (ESA), Section 404 of the federal Clean Water Act (CWA), and other federal and state statutory and regulatory provisions which, by law, supersede the provisions of this land use ordinance.

HISTORY
Amended by Ord. 2020574 Housekeeping update on 8/8/2020

1.16 Minimum Requirements

In interpreting and applying this ordinance, the provisions thereof shall be held to be the minimum requirements needed to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the county. The land use authority shall apply the plain language of any land use regulation found in this ordinance. If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation in favor of the land use application. Except as specifically provided herein, it is not intended by the adoption of this ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of laws or ordinances, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to laws relating to the erection, construction, establishment, moving, alteration, or enlargement of any building or improvement, or change in the use of land; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenant, or other agreement between parties; provided however, that in cases in which this ordinance imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this ordinance shall govern.

The degree of protection from natural hazards, fire, decay, traffic, property value devaluation, and the actions of others is based on scientific and sound planning considerations. The degree of protection from such damages is considered reasonable by the County Commission, but does not imply that any person or property can be completely free from the acts of nature or the actions of others. This ordinance shall not create any liability for reliance on this ordinance or any administrative decision made thereunder on the part of Utah County, any officer or employee thereof, the State of Utah, or, in the case of the special flood hazard area requirements which were enacted according to federal requirement, the federal government.

HISTORY
Amended by Ord. 2020574 Housekeeping update on 8/8/2020

1.20 Severability

This ordinance and the various parts, sections, and clauses are hereby declared to be

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severable, except the provisions relating to large-scale developments; otherwise, if any part, section, paragraph, sentence, clause, or phrase is adjudged unconstitutional or, invalid, it is hereby declared that the remainder of the ordinance shall not be affected thereby; the County Commission hereby declares that it would have passed this ordinance and each part, section, paragraph, sentence, clause, and phrase thereof, irrespective of the fact that any one or more portions thereof be declared invalid.

HISTORY
Amended by Ord. 2020574 Housekeeping update on 8/8/2020

1.24 Nonconforming Uses And Noncomplying Structures

A. **INTENT**
It is the intent of this ordinance that noncomplying structures and nonconforming uses of land (except billboards) existing at the time of passage of the zoning ordinance, but not in conformance therewith, be changed, ultimately, to complying structures and conforming uses and that noncomplying structures and nonconforming uses shall not be continued, increased, nor expanded except as permitted herein.

B. **CONTINUATION**

1. Except as provided below in this section, a noncomplying structure or a nonconforming use of land may be continued to the same extent and character as that which was legally existing and permitted on the effective date of the ordinance provision(s) causing noncompliance or nonconformity if:

    a. Except as provided in this land use ordinance, no increase or expansion of the nonconforming use or noncomplying structure shall be made; and

    b. The boundaries of the lot or parcel on which the structure or use lies are unchanged.
    Exception 1: The boundaries of the lot or parcel on which the structure or use lies are changed due to one of the following reasons: the addition of more land area to the lot or parcel, fence line or boundary agreements that establish historic boundaries, and dedications of road right-of-way.
    Exception 2: A noncomplying structure consisting of an inhabited structure shall be allowed to continue in its noncomplying status when the boundaries of the parcel on which the inhabited structure is located are changed to create a platted subdivision lot, if the County Engineer has provided the Zoning Administrator with a written statement that the noncompliance will not impair the right of way nor increase any hazard to public safety.
    Exception 3: A noncomplying structure consisting of an inhabited

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structure shall be allowed to continue in its noncomplying status when the boundaries of the lot or parcel on which the inhabited structure is located are reconfigured and such reconfigured lot or parcel meets the area and width requirements of the applicable zone, if such noncompliance is relative to the structure's distance from a front property line or distance from a right of way line or center line of an official county or state road and the County Engineer has provided the Zoning Administrator with a written statement that the noncompliance will not impair the right of way nor increase any hazard to public safety.
Exception 4: A noncomplying structure consisting of a permitted agricultural structure shall be allowed to continue in its noncomplying status when the boundaries of the parcel on which the agricultural structure is located are changed to create a platted subdivision lot., if the County Engineer has provided the Zoning Administrator with a written statement that the noncompliance will not impair the right of way nor increase any hazard to public safety.

2. Recorded noncomplying plats can be amended pursuant to the procedure contained in chapter 6 of this land use ordinance.

C. **EXPANSION**

A noncomplying structure or nonconforming use of land may be expanded only if:

1. The Zoning Administrator approves the expansion after making the following findings:

    a. The specific use and structure to be expanded is a noncomplying, one-family dwelling, or a noncomplying, one-family dwelling on a lot or parcel recognized as legal nonconforming which is to include an agricultural equipment and agricultural vehicle repair facility; and

    b. The boundaries of the lot or parcel on which the one-family dwelling lies are unchanged from those existing when the dwelling became noncomplying, except for the addition of more land area to the lot or parcel, fence line agreements that establish historic boundaries, and dedications of road right-of-way; and

    c. The proposed expansion meets all the requirements of the zone in which it is located for subdivision, Health Department approval of water supply and sewage, flood protection, parking, and setback, except new construction may be approved within the required front, side, or rear setback distance if it does not intrude beyond the setback measured at the closest distance from the property line or road centerline of the existing structure.

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Or:

2. The Zoning Administrator approves the expansion after making the following findings:

    a. The specific use and structure to be expanded is an existing church or other structure for religious worship that is located on a legal nonconforming lot or parcel of record; and

    b. The overall use and structure meet all of the requirements of Utah County and the State of Utah for fire protection, water supply for fire suppression, drinking water, sewage disposal, drainage and flood protection, subdivision, parking capacity, construction code compliance, and building setback, except new construction may be approved within the required front, side, or rear setback distance if it does not intrude beyond the setback measured at the closest distance from the property line or road centerline of the existing structure.

D. **REPAIRS**

Repairs may be made to a noncomplying structure, but only when the repairs are for the purpose of the maintenance of the existing structure. The repairs cannot increase the total square footage of the structure (including all floor levels), cannot alter the footprint of the structure, and cannot create or relocate any exterior walls of the structure.

E. **REPLACEMENT OF DESTROYED BUILDINGS**

A noncomplying structure which is rendered unusable for its approved use, or, if a habitable structure, is rendered uninhabitable, for any reason, including but not limited to destruction or damage caused by a fire, flood, or other calamity or act of nature, (triggering event) may be restored and the preexisting use resumed, only if a building permit for reconstruction is obtained within one year from the date written notice is served to the property owners that the structure is uninhabitable due to the triggering event and a certificate of occupancy is issued by the zoning administrator within two years from the date written notice is served to the property owners that the structure in uninhabitable due to the triggering event. Failure to either obtain said building permit, or obtain said certificate of occupancy, within such time deadlines, shall be conclusively deemed an abandonment of all rights related to such noncomplying structure. Such restoration shall not increase the floor area of the noncomplying structure which existed at the time the structure became noncomplying, unless such increase meets all applicable requirements related to the increase.

F. **AMORTIZATION OF RIGHT TO OCCUPY OR USE**

A noncomplying structure or nonconforming use which is not used for its approved use, or, if a habitable structure, is not inhabited, for a continuous period

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of one year or longer from the date written notice is served to the property owners that the structure has been abandoned, shall be conclusively deemed abandoned and shall not thereafter be used or inhabited except by a structure and use which conform to the regulations of the zone in which the structure and use are located.

G. **CHANGE IN USE**

A noncomplying structure or a nonconforming use of land shall not be changed to another noncomplying structure or nonconforming use whatsoever; changes shall not be made except in conformity with the current provisions of the Land Use Ordinance. Any noncomplying structure or nonconforming use which has been changed to a complying structure or conforming use shall not thereafter be changed back to a noncomplying structure or a nonconforming use.

H. **NO RIGHTS GAINED BY UNPERMITTED OCCUPANCY OR USE**

No nonconforming status, nor any right to occupy a structure or use of a structure or lot or parcel of land contrary to the provisions of this ordinance, shall be gained through such occupancy or use in the past when such was illegal or accomplished without a permit, unless otherwise expressly permitted by the terms of this land use ordinance.

I. **EFFECT OF AMENDMENTS**

The provisions of the Land Use Ordinance pertaining to noncomplying structures and nonconforming uses of land also apply to structures and land uses which hereafter become noncomplying and nonconforming because of an amendment to the Land Use Ordinance.

J. **NONCONFORMING LOT OR PARCEL OF RECORD**

1. A nonconforming lot or parcel of record which conforms with every provision and requirement of this ordinance for a one-family dwelling or manufactured home, except for the required area and/or required width along the side abutting a state or county road, may be granted a building permit for a one-family dwelling or manufactured home — notwithstanding such deficiency in area or width, provided:

    a. The lot or parcel lies in the RR-5, TR-5, CE-I, CE-2, M&G-I, or RA-5 zone;

    b. The lot or parcel has existed continuously on the official records of the County Clerk or Recorder as an independent lot or parcel since before the effective date of the area or width provision of the Land Use Ordinance amendment (or the initial enactment) which rendered such lot or parcel unbuildable;

    c. The lot or parcel owner dedicates ownership of the portion of the lot or parcel, which lies in the right-of-way, to the County or other applicable governmental entity, unless the County or other governmental entity elects to decline receiving the dedication;

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d. If the lot or parcel lies in the RA-5 Zone, it shall possess an area of at least 90-percent of the minimum area of a zoning lot or parcel for a one-family dwelling or manufactured home, prior to the required dedication of right-of-way; and

e. Every provision and requirement of this ordinance, except for said area and width requirement, is met.

2. No provision of this Ordinance shall render an existing, platted lot unbuildable because it does not meet the area or width requirements of the zoning district in which it lies.

3. The right to obtain a building permit for a one-family dwelling or manufactured home on a nonconforming lot or parcel of record, as described in this subsection, can be transferred from the nonconforming lot or parcel (sending lot or parcel) to another lot or parcel (receiving lot or parcel) if all of the following conditions are found to exist:

   a. The sending lot or parcel is a lot or parcel in private ownership located within or adjacent to the boundaries of a United States National Forest;

   b. The sending lot or parcel meets all of the requirements, as a nonconforming lot or parcel of record, to obtain a building permit for a one-family dwelling or manufactured home;

   c. The receiving lot or parcel is owned by the United States of America and is exchanged, in whole or in part, for all of the sending lot or parcel;

   d. The receiving lot or parcel and the sending lot or parcel are adjacent lots or parcels of property, or are separated by a distance of not more than one half mile;

   e. Both the sending lot or parcel and the receiving lot are located within the CE-I Critical Environmental Zone;

   f. The area of the receiving lot or parcel is equal to or greater than the area of the sending lot or parcel; and

   g. The receiving lot or parcel meets every provision and requirement of this ordinance to obtain a building permit for a one-family dwelling or manufactured home, except for the area and frontage width requirement.

K. **EFFECT OF TAX SALES ON NONCONFORMING USES**

When Utah County acquires title to any property because of tax sale, the future use of the property shall conform with the existing requirements within the zone.

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HISTORY
Amended by Ord. 2020574 Housekeeping update on 8/8/2020

1.28 Structures And Uses Prohibited In Zones Unless Expressly Permitted

Structures and uses of land which are not expressly permitted within a zone are hereby declared to be expressly prohibited therein. Any use not expressly permitted can only become permitted by amendment of this land use ordinance.

HISTORY
Amended by Ord. 2020574 Housekeeping update on 8/8/2020

1.32 Land Uses In An Emergency

Notwithstanding the requirements of a zone to the contrary, whenever the federal, state or county government has declared a disaster area, or a state of emergency or extreme danger, in Utah County which requires a temporary use permit to deal with the situation, the County Commission may order the zoning administrator to issue the necessary permit.

HISTORY
Amended by Ord. 2020574 Housekeeping update on 8/8/2020

1.36 Exemption Of Government-Owned Property

Properties and land owned by districts, municipalities, counties, the State of Utah, and the United States Government shall be subject to all of the provisions of this ordinance unless specifically exempted from a provision by Utah State or United States law. Moreover, any person or entity, other than the State of Utah or United States Government, which may obtain State or United States property by purchase, lease, or other arrangement shall use such property in accordance with the provisions of this ordinance, unless specifically exempted from a provision by Utah State or United States law.

HISTORY
Amended by Ord. 2020574 Housekeeping update on 8/8/2020

1.40 Pending Ordinance Change

No action can be taken on any application or request for a permit or approval under this land use ordinance if a pending ordinance change exists which could affect the application or permit requested, until the pending ordinance change process has been finally completed by the applicable land use authority. If the pending ordinance change process results in a change to this land use ordinance, the application or request will be

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required to comply with the ordinance as changed.

HISTORY
Amended by Ord. 2020574 Housekeeping update on 8/8/2020

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2 DEFINITIONS - LAND USE

2.04 Intent
2.08 Definitions - Land Use

2.04 Intent

It is the intent of this section to more fully set forth the meaning of certain terms and phrases utilized within this land use ordinance or to differentiate the term from other terms which may or may not be used in this land use ordinance.

2.08 Definitions - Land Use

For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any term defining a land use does not imply that the term is a permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:

"**Accessory Dwelling Unit**" A habitable one-family dwelling unit added to, created within, or detached from, a primary one-family dwelling and contained on a single lot or parcel.

"**Administrative Agency**" The Zoning Administrator and his/her associated staff members (excluding the appointed Planning Commission).

"**Administrative Officer**" The Zoning Administrator or any of his/her duly appointed designees.

"**Adult Day Care Facility**" A facility that furnishes nonresidential care and supervision for three (3) or more adults for at least four but less than 24 hours a day through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.

"**Affected Entity**" Any entity as defined under Utah Code § 17-27a-103, as amended.

"**Agriculture Business**" An enterprise involving agricultural products as opposed to agricultural production.

"**Agriculture Production**" Land used for the growing and production of crops such as grain, foliage, and fruit, and land used for feedlots or other confined conditions for the raising of livestock or poultry. This definition shall also include any land designated as prime farmland as depicted on the most recent version of a soil survey map from the U.

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S. Department of Agricultural Natural Resource Conservation Service or any successor agency.

"**Agricultural Equipment**" Equipment used for the primary purpose of farming or ranching.

"**Agricultural Vehicle**" A vehicle that meets one of the following definitions:

A. Farm Vehicle - Truck which complies with the requirements of Utah Code § 41, Motor Vehicles Act, for registration as a farm vehicle and displays a current farm vehicle license plate which is used exclusively to transport farm products or supplies.

B. A vehicle or semi-tractor and attached trailer which complies with the requirements of Utah Code § 41, Motor Vehicle Act, for registration and licensing and which the primary use is for transporting livestock, harvested crops, farm supplies, feed, and other agricultural products.

"**Agritourism**" The travel or visit by the general public to a working farm, ranch, or other agricultural operation for the enjoyment of, education about, or participation in the activities of the farm, ranch, or other agricultural operation.

"**Agritourism Activity**" An educational or recreational activity that:

A. takes place on a farm or ranch; and

B. to guarantee legitimacy and viability, the parcels designated as the location of the agritourism activity shall have qualified under the Farmland Assessment Act; and

C. allows an individual to tour, explore, observe, learn about, participate in, or be entertained by an aspect of agricultural operations.

"**Appeal Authority**" The person, board, commission, agency, or other body designated by this ordinance to decide an appeal of a decision of a land use application or a variance.

"**Area of Deformation** (Zone of Deformation)" The zone along a fault in which natural soil and rock are disturbed as a result of movement along the fault.

"**Area of Shallow Flooding**" A location designated by the symbols AO or VO on the FIRM; it has the following characteristics: a flood depth that ranges from one to three feet, no clearly defined channel, a path of flooding that is unpredictable and indeterminate, and some flow that may be evident.

"**Area of Special Flood Hazard**" The land in the unincorporated area of Utah County subject to a one percent (1%) chance of flooding in any given year.

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"**Assisted Living Facility**" A residential facility, licensed by the State of Utah as an "Assisted Living Facility", with a home-like setting that provides an array of coordinated supportive personal and health care services, available twenty-four (24) hours per day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:

A. specified services of intermittent nursing care;

B. administration of medication; or

C. supportive services promoting resident(s) independence and self-sufficiency.

"**Avalanche**" A mass of snow sliding, tumbling, or flowing down an inclined surface that may contain rocks, soil, or ice; includes both wet and dry snow avalanches.

"**Base Flood**" Means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

"**Billboard**" See "Sign, Non-Accessory".

"**Boarder**" A person living in a rented room in a boarding house. The boarding house operator, or a member of his or her immediate family who resides on the premises with the operator, shall not be deemed a boarder.

"**Boarding House**" A building or portion thereof operated by a person residing on the premises where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. "Compensation" shall include money, services or any other thing of value. A boarding house does not include any non-residential facility, such as a treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants thereof.

"**Bond**" Includes any of the following:

A. A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FAR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570.

B. An irrevocable letter of credit issued by a bank organized to do business in the United States.

"**Building**" A permanently located structure, including but not limited to dwelling units, designed, intended or used for occupancy by any person or for storage of property of any

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kind.

"**Building, Main**" The largest building (by volume) on a lot. Exception: In a residential zone, main building shall always mean the largest building containing a dwelling.

"**Campground and Campsite Facility, Noncommercial**" A location where noncommercial camping occurs which has one or more recreational vehicle pads or tent, or other membrane-covered frame structure, sites established on the premise. Also, subject to the limitations for noncommercial minor campgrounds, a noncommercial campground may include one (1) or more of the following ancillary facilities: automobile parking spaces, driveways, tables, culinary water, electrical lights, electrical hookups, fire pits or fireplaces, play fields and outdoor recreational facilities, pavilions (roofed structure open on all sides) and restrooms or other sewage disposal facilities. This definition shall not include the use of the land for the parking or storage of tents, trailers or other recreational vehicles for a period of more than 45 days in any calendar year, except for qualifying remote yurts.

A. Noncommercial Minor Campground.
   A noncommercial campground having a combined total of not more than nine (9) recreational vehicle pads, and/or tent, or other membrane-covered frame structure, sites. Ancillary campsite facilities in a minor campground may not include more than one (1) pavilion, not greater than 300 square feet in area (measured at the roof eave line), and may not include play fields or outdoor recreational facilities.

B. Noncommercial Major Campground.
   A noncommercial campground having a combined total of more than nine (9) recreational vehicle pads and/or tent sites.

"**Camping**" A recreational or temporary activity (less than 45 days per calendar year) which involves staying overnight in the open, in a tent, or other membrane-covered frame structure, including remote yurts, or in a trailer, camper, or other recreational vehicle.

"**Commercial Day Care Center**" A building along with ancillary playground facilities wherein care and supervision are provided by to minor children in lieu of care ordinarily provided by a parent in the parent's home, between the hours of 5:00 a.m. and 10:00 p.m. only, for direct or indirect compensation.

"**Common Area**" An area designed to serve two (2) or more dwelling units in separate ownership. In a planned subdivision, Common Area shall refer to the land which is designed and intended for the common use or enjoyment of the residents of the development and may include such common structures and facilities as playgrounds, parks, recreational areas, tot lots, trails, walking paths, pavilions, restrooms, pools, club houses, equestrian facilities, and sports fields.

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"**Community Correctional Facility**" A facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of confinement rehabilitation, or treatment in a correctional institution.

"**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. To be deemed a "conditional use", the use shall be specifically listed in a zone along with the requirement that the County Commission, Planning Commission, or Board of Adjustment review and approve the use before the Zoning Administrator may issue a permit therefor.

"**Condominium**" The ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property, as defined under the Utah Condominium Ownership Act.

"**Convenience Establishments**" Establishments which are designed and intended to serve the daily or frequent trade or service needs of the surrounding residents, visitors, or vacationers. Such establishments include gasoline vending stations; grocery, variety, drug, sporting goods, and camera stores; curio shops; coin-operated laundry and dry-cleaning establishments; beauty and barber shops; and other cognate establishments or combination thereof; but such establishments do not include repair garages, automobile sales yards, wholesale establishments, and other enterprises which sell goods and services that are not used almost exclusively by surrounding residents.

"**Correctional Facility**" A prison, jail, juvenile detention facility or juvenile secure facility.

"**Correctional Institution**" A government owned and operated institution for the Court ordered, twenty-four hour, involuntary, secure confinement of adults and juveniles in jails, prisons, detention centers, secure confinement centers, etc., for criminal conduct or conduct which would be a crime if committed by an adult.

"**County Commission**" County Commission shall mean the County Executive and Legislative Body of Utah County, Utah.

"**County Engineer**" County Engineer shall mean the Utah County Public Works Director or any of his/her duly appointed designees.

"**Critical Acceleration**" The minimum amount of ground acceleration during seismically induced ground movement required to induce liquefaction or other forms of ground disruption.

"**Critical Angle of Repose**" The maximum slope or angle at which material such as soil

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or loose rock remain stable.

"**Critical Facilities**" Communication, utility and transportation lines (including their appurtenant structures which are essential to make the system function, such as switching stations, transformers and monitoring gauge houses); emergency facilities such as fire stations, police stations, ambulance facilities, emergency and government utility vehicle shelters and garages, and hospitals; unique or large structures or land uses (including appurtenant structures and facilities) whose failure might be catastrophic, such as reservoirs, canals, dams holding over ten (10) acre feet of water, water tanks, petroleum refineries, and buildings where hazardous materials, as per the currently adopted building and fire codes, are manufactured, stored or handled; high occupancy buildings which are designed to accommodate 50 or more people, such as schools, hotels and offices; government communication centers and other facilities required for emergency response.

"**Culinary Water Authority**" The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

"**Debris Flow**" A mass of rock fragments, soil, and mud which, when wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris fan surface.

"**Density**" The term density shall mean the number of dwelling units or sleeping rooms per acre of land.

"**Development**" Development shall be construed to include any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, or landscaping.

"**Development Credit**" A right or entitlement to construct a dwelling unit or its equivalent, which may be transferred and used within another zone or situation, where specifically authorized under the provisions of this land use ordinance.

"**Disability**" Any disability as defined under Utah Code § 17-27a-103, as amended.

"**Dude Ranch**" An actively operating livestock ranch that provides, as an accessory use to the principal livestock ranching operation, opportunities for the guests to participate in activities commonly associated with the ranching operation, and multi-night accommodations for guests, together with on-site dining and/or assembly facilities, barns, corrals, pastures, and livestock related to an actively operating livestock ranch operation. Dude Ranches are subject to the additional requirements of this land use ordinance.

"**Dwelling**" A building of residence or sleeping including, but not limited to, the following

mutually exclusive types: conventional dwellings or mobile homes.

A. Conventional Dwelling: A residence constructed on site, or moved on and permanently attached to the foundation or site, which meets the building, mechanical, plumbing, electrical and other codes of Utah County as such codes existed at the time the residence was placed on the site.

B. Manufactured Home (Mobile Home): A vehicular, portable structure built on a chassis and designed so it may be used without a permanent foundation as a dwelling when connected to water, sewage and electric facilities, which meets the HUD Federal construction and safety standards for manufactured homes, and which contains one (1) dwelling unit.

C. Dwelling, One-Family: A detached conventional dwelling (as distinguished from a manufactured home) which contains only one (1) dwelling unit to be occupied by one (1) family.

D. Dwelling, Two-Family (Duplex): A conventional dwelling containing two (2) dwelling units, each to be occupied by one (1) family.

E. Dwelling, Multiple-Family: A conventional dwelling containing three (3) or more dwelling units, each to be occupied by one (1) family.

F. Dwelling, Caretaker's: A dwelling which is occupied by an individual or family whose function is to operate, manage, or protect a business, or industry.

G. Dwelling Unit: One (1) or more rooms in a building or portion thereof designed, occupied or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking and sanitation provided within the dwelling unit. All habitable spaces within a dwelling unit shall maintain common interior access.

H. Parsonage: A single dwelling unit on the same lot as a church building for the minister or caretaker of the church and may be located either inside the church building itself or in a separate building.

I. Farm Caretaker Dwelling: A manufactured home located on the farm property for which the occupant provides farm caretaker services, and from which caretaker services the occupant derives more than 50% of his/her income.

"**Domestic Staff**" Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing daily life activities.

"**Electric Power Transmission (Distribution) Lines**" Cables, poles, insulators, and facilities and equipment erected for the purpose of transmitting electric energy.

"**Electrical Power Generation Plant**" Facility that generates electricity from primary energy for the primary purpose of distribution and/or wholesale or retail sales of

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generated electricity.

"**Engineering Geology**" The application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are recognized and adequately interpreted in engineering practice.

"**Equine**" Relating to or affecting horses or other members of the horse family.

"**Equine Reproduction and/or Rehabilitation Facility**" A facility which may include structures and designated outside areas for the purpose of providing equine reproduction and/or rehabilitation procedures.

"**Existing Manufactured Home Park or Subdivision**" A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.

"**Expansion of Existing Manufactured Home Park or Subdivision**" The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) for existing manufactured home park or subdivision.

"**Family**" Any one of the following who occupy a dwelling unit:

A. One person living alone;

B. Two (2) or more persons all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal custody and not more than two (2) unrelated individuals, living together in a single dwelling unit and maintaining a common household;

C. Not more than four (4) unrelated persons living together in a single dwelling unit and maintaining a common household. Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.

"**Farmers Market**" A location with one (1) or more farm-based retail food stores from which the food producers sell exclusively to the food consumers, fruit, vegetables, eggs, or other unprocessed farm products. It does not include the display or sale of manufactured items.

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"**Fault**" A fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other.

A. Active Fault: A type of fault displaying evidence of displacement during Holocene time (within the previous 10,000 years).

B. Fault Trace: The intersection of the plane of the fault with the ground surface.

C. Fault Zone: A corridor of variable width along one or more fault traces in which the land surface has been deformed by movement along the fault.

"**Fences**" A structure composed of vertical supporting posts which hold cross wires or cross rails, wire mesh, or stringers with attached wooden, metal or plastic slats or other fabricated fence panels.

A. Sight-obscuring Fence: A fence, its gates or other required openings, that obscures vision through it at any point along the fence to the extent that a person standing on the outside of the fence cannot determine, from view, the identity of items which could be located behind the fence.

B. Any fence greater in height than six (6) feet above natural grade must obtain a Utah County building permit or a Utah County Zoning Compliance permit.

C. A fence shall not be constructed of materials that, when manufactured, were not designed for use in fence construction, including, by way of illustration only and not by way of limitation, tires, automobile bodies or parts, hay bales, wooden pallets, metal storage containers, and similar materials.

"**Fill**" Material brought onto a lot or parcel of land which shall:

A. not include junk, debris, salvage or metal scrap, waste, garbage, an organic, frozen or other deleterious materials, and no rock or similar irreducible material greater than 12 inches in any dimension;

B. conform to a plan for fill which has been approved by the County Engineer, which includes the following:

   1. the extent of the fill area;

   2. finished grades and elevations;

   3. methods to prevent the fill material from being removed from the site by wind, slope or erosion;

C. not be left in a condition which does not comply with the approved plan; and

D. for which applicant has obtained any applicable Utah County Land Disturbance Permit or applicable building permit.

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"**Flood or Flooding**" A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

"**Flood Channel**" A natural or artificial water course with a definite bed and banks to confine and conduct flood water.

"**Flood Elevation Study**" An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

"**Flood Insurance Rate Map or FIRM**" The publication entitled "FIRM Flood Insurance Rate Map, Utah County, Utah," wherein the Federal Insurance Administration has delineated the areas of special flood hazards and risk premium zones in Utah County. It is an official map of the community on which the Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

"**Flood Insurance Study**" The most current official report provided by the Federal Insurance Administration entitled "Flood Insurance Study, Utah County, Utah, Unincorporated Areas" wherein flood profiles, a flood boundary-floodway map, and the water surface elevation of the base flood are contained. (See "Flood Elevation Study.")

"**Floodway**" The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"**Floodway Map**" The publication entitled "Floodway Flood Boundary and Floodway Map, Utah County, Utah," wherein the Federal Insurance Administration has delineated the boundaries of the floodways in the unincorporated portion of Utah County.

"**Fraternity or Sorority House**" A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, who are associated together in a fraternity/sorority that is officially recognized by such institution and who receive lodging and/or meals on the premises for compensation.

"**Frontage**" The property line of a lot which abuts a recorded large-scale development private road, a city street, county road or state or federal highway.

"**Floor area**" Area within a structure enclosed by roof and walls.

"**General Plan**" A plan which meets the minimum requirements of Utah Code, as amended, which has been recommended by the Planning Commission and adopted by the County Commission to set forth general guidelines for the proposed future development of land. Except as otherwise specifically provided in the general plan, or

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under the Utah Code, the plan is only an advisory guide for land use decisions.

"**Governmental Utility Service Provider**" A town, city, county, conservancy district, improvement district, or other governmental unit created or organized under any general or special law of the State of Utah that provides electric, gas, telecommunications, water, or sewer service, which provider is not subject to regulation by the Public Service Commission, or its successor entity, as a public utility under Utah Code § 54, as amended, or successor code.

"**Grade**" When related to buildings, grade shall mean the average elevation of the ground adjacent to the building; when used for streets and driveways, grade shall mean the ratio of vertical distance to horizontal distance along such a street or driveway expressed in either percentage or degree.

"**Grading**" The excavation or removal of earth materials by mechanical means:

A. Grading, No Removal of Earth Material from Site: Grading of earth material that conforms to any applicable grading plan which has been approved by the County Engineer that includes the extent of the area to be graded, finished grade, elevations, and methods for dust control, when all graded earth material is maintained within the lot or parcel and not removed from the site, and for which grading the owner has obtained any applicable Utah County Land Disturbance Permit or applicable building permit.

B. Grading, Removal of Excessive Earth Material Due to Construction: When a valid Utah County Building Permit has been issued for a structure, or a large-scale development plat has been approved and recorded, excessive earth materials which are required to be excavated from the approved construction or development site to allow for the construction of the approved structure or which are required to be excavated to allow for the construction of the approved large-scale development plat improvements, may be removed from the site, pursuant to a grading plan or any applicable Utah County Land Disturbance Permit which has been approved by the County Engineer that includes the extent of the area to be graded, finished grade, elevations, and methods for dust control.

Excavation of earth materials other than those identified in (A) or (B) above shall be considered an open pit mining operation and must comply with all requirements for such mining operation found in this land use ordinance and other applicable adopted codes.

"**Graben**" An area of land deformed by fault-related activity that is bounded by at least two (2) faults, and which is down-dropped relative to the adjacent land surfaces.

"**Graveled Road**" A road

A. that is graded and drained by transverse drainage systems to prevent serious impairment of the road by surface water,

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B. that has an improved surface, and

C. that has a wearing surface made of gravel, broken stone, slag, iron ore, shale, or similar surfacing material which is coarser than sand.

"**Grocery Store**" A permanent retail food store which sells, primarily, food and food-related items for human use.

"**Group Quarters**" A dwelling such as a lodge, dormitory, or barracks which contains a large bedroom, several sleeping rooms, or other sleeping facilities for the use of unrelated individuals or several family members (who may or may not be related).

"**Home Child Care**" Care and supervision of children within a dwelling by a licensed provider who resides within the dwelling. The licensed provider must hold a current Residential Child Care certificate or a current Family Child Care license which has been issued by the State of Utah Child Care Licensing. The total number of children cared for and the total number of caregivers within the dwelling must comply with state regulations.

"**Home Occupation**" A business activity conducted within a dwelling, exclusively by family members residing on a full-time basis (not less than ten [10] months per year) in the same dwelling.

"**Homeless Shelter**" Charitable lodging or sleeping rooms provided on a daily or other temporary basis to persons lacking other safe, sanitary or affordable shelter. May also include a kitchen and cafeteria.

"**Hospital**" An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one (1) or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty-four hour (24) hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.

"**Hotel**" A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.

"**Hotel Room**" Any room, or group of rooms, with common interior access (commonly referred to as a "suite") located in a hotel situated on a single lot or parcel, or two or more immediately adjacent lots or parcels:

A. designed and intended for temporary occupancy by visitors, guests, individuals, or families for living and sleeping purposes on a short-term rental basis;

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B. including at least one(1) bathroom for the exclusive use of the hotel room occupants;

C. which may or may not contain an area used or designed for the preparation of food including one or more kitchen appliances, but not including an oven operating on 220V power; and

D. that is accessible from one or more access point(s) located in a common hallway, ground-level path, sidewalk, or other walkway of any type without passing through any other hotel room or dwelling. Separate lockout rooms included as part of platted condominium units, but which may be separately rented, are not hotel rooms.

"**Hunting Preserve**" An area especially managed or intended for the hunting of game birds, as contrasted with a "Shooting Range."

"**Jail**" A facility established and operated by Utah County, either directly or under a contract with a private provider, for confinement of persons in lawful custody.

"**Juvenile Detention Facility**" A facility established and operated by the State of Utah, either directly or under a contract with a private provider, for temporary detention of delinquent juveniles.

"**Juvenile Secure Facility**" A facility established and operated by the State of Utah, either directly or under a contract with a private provider, for incarceration of delinquent juveniles.

"**Kennel**":

A. Private or Private Rescue Kennel
Land or buildings used in the keeping of eight (8) dogs, but not more than ten (10) dogs, over six (6) months old which dogs are owned solely by the kennel owner who resides on the same parcel. The private kennel includes the sale of a maximum of four (4) litters annually.

B. Commercial or Commercial Rescue Kennel
Land or buildings used in the boarding, breeding, buying, grooming, letting for hire, training for fee, or selling of eight (8) dogs, but not more than twenty-five (25) dogs, over six (6) months old with the kennel owner residing on the same parcel.

"**Known Avalanche Path**" The path of any avalanche, extending from the beginning of its starting zone and throughout its runout zone, which has damaged a structure or critical facility, or impacted a lot or parcel of land, on or after January 1, 1970.

"**Landscape Park**" A parcel of land which is developed using an aesthetically arranged combination of trees, shrubs, ground cover, or other natural vegetative material and/or incidental structural landscaping features (i.e. fountains, reflecting pools, sculpture, play

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apparatus, benches, and tables) and which is maintained as a place of ornamentation and recreation.

"**Landscape Park Recreational Facility**" Play fields, buildings, structures and landscape areas shown on the park's approved site plan. Such facilities shall be recreational in nature, such as playground equipment, picnic pavilions, a swimming pool, a recreation center, a golf course, tennis courts or athletic fields. The facilities shall not include sleeping or living facilities, paintball courses, bicycle or ATV or motorcycle courses, nor uses that produce noise, dust or light that will unreasonably conflict with neighboring residences, agriculture operations or businesses.

"**Landslide**" A general term for the downslope movement of a mass of soil, surficial deposits, or rock. Landslides may be rotational or translational.

"**Land Disturbance Permit**" Permit issued by the County Engineer subject to the adopted stormwater regulations of the Utah County Code.

"**Land Use Applicant**" A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

"**Land Use Application**" An application that is required by this ordinance that is submitted by a land use applicant to obtain a land use decision. It does not include an application to enact, amend, or repeal a land use regulation.

"**Land Use Authority**" A person, board, commission, agency, or other body designated by this ordinance to act upon a land use application.

"**Land Use Decision**" An administrative decision of a land use authority or appeal authority regarding a land use permit, a land use application, or the enforcement of a land use regulation, land use permit, or development agreement.

"**Land Use Permit**" A permit issued by a land use authority.

"**Land Use Regulation**" A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land. It also includes the adoption or amendment of a zoning map or the text of a land use ordinance.

"**Large-scale Development**" A planned subdivision, planned nonresidential subdivision, mountain home development, planned unit development, or recreational resort, which has been approved by the County Commission and finalized by the recording of a large-scale development plat with the Utah County Recorder's Office.

"**Livestock**" Cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined by state code, or any other domestic animal or domestic furbearer raised or kept for profit.

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"**Livestock Feed Yard**" An independent livestock operation wherein the primary operation is to feed and fatten livestock with hauled-in feed, as distinguished from a pasture, wherein local feed is utilized, or a corral, which is normally vacant but periodically used as a holding pen for livestock, of a larger operation or system.

"**Lot**" A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the County Recorder's Office.

A. Lot of Record: A lot designated on a subdivision plat duly recorded pursuant to statute in the County Recorder's Office or other official record. A lot of record may or may not coincide with a zoning lot.

B. Nonconforming Lot of Record: A lot which does not conform to the area and/or width requirements of this ordinance for a zoning lot, but which was shown continuously on the records of the County Clerk or Recorder as an independent lot since before the effective date of this ordinance and which did qualify for building prior to such date. A nonconforming lot of record that is diminished in area by the deeding and dedication of a portion of the lot to the respective governmental entity for a federal highway, a state highway, a county road, or a city street, if the respective governmental entity accepts the dedication, shall continue as a nonconforming lot of record.

C. Zoning Lot: A lot occupied by, or which is qualified to be occupied by, a building or use of land, or a group of buildings or uses, which meets all of the applicable requirements for area, buildable area, frontage, width, yard, setback, subdivision, and all other requirements set forth in this ordinance, for such use. (A lot which is a part or parcel in an unapproved and/or illegally recorded subdivision shall not qualify as a zoning lot under the terms of this definition.) A zoning lot that is diminished in area by the deeding and dedication of a portion of the lot to the respective governmental entity for a federal highway, a state highway, a county road, or a city street, if the respective governmental entity accepts the dedication, shall continue as a zoning lot if the frontage, width of lot, and area of lot are not reduced below the minimum frontage, width, and area requirements of the zone in which the lot is located, provided that:

    1. if the dedication reduces the area of the lot below the minimum requirements for area of the zone in which it is located, the lot shall be considered a legal nonconforming lot of record if the amount of the reduction in area is less than 15% of the area of the original lot of record; and

    2. the subdivision plat that contains the lot is amended to indicate the new description of the lot.

"**Marina**" A facility which shall include a boat launching ramp or ramps, boat storage structures or open storage yards, parking areas, and mooring docks; and may include

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one (1) or more of the following: breakwaters; deep water channels; domestic water and sanitary facilities; security and fee structures; facilities for rental of boats and water sport vehicles; facilities for the sale and rental of fishing gear and supplies; facilities for the sale of marine supplies, and food concessions and vending machines.

"**Migrant Agricultural Worker Housing**" A structure or manufactured home approved by the United States Department of Labor under the provisions of the Migrant & Seasonal Agricultural Worker Protection Act, for the housing of migrant agricultural workers who are employed as migrant agricultural workers by the owner of the parcel of land upon which the housing is located and who work, during the period of occupancy, solely for said owner, in the agricultural production operation owned and operated by said owner. The owner, the facility, and the agricultural workers must comply with all requirements of the Department of Labor, and other applicable Federal, State and County requirements.

"**Minor Subdivision**" A planned subdivision consisting of no more than five (5) lots, which subdivision has been approved by the County Commission and finalized by the recording of a subdivision plat with the Utah County Recorder's Office.

"**Natural Hazard**" A naturally occurring geologic condition or phenomenon that may present a potential danger to life and property. Natural hazards which are treated in the NHO Zone of this ordinance are limited to surface fault rupture, rockfall, landslides, and debris flows. Natural hazards include the above-listed conditions even though they are aggravated or induced by man.

"**New Construction**" For the purposes of determining insurance rates, "new construction" means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM [Oct. 15, 1982] or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the community and includes any subsequent improvements to such structures.

"**Noncomplying Structure**" A structure that legally existed before its current zoning designation, or was established as a private summer cottage located in the Recreation-Forestry District 1 as shown on the Utah County Zone Map attached to the Zoning Ordinance passed on November 16, 1942 (R-F 1 District) and such structure was constructed prior to January 1, 1950; and, because of one (1) or more subsequent land use ordinance changes, the structure does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land. To qualify as "legally existing," the structure shall have been properly issued a permit prior to the enactment of this ordinance or, alternatively, legally built prior to November 16, 1942, when the requirement to get building permits was enacted and existed in the same form continuously thereafter.

"**Nonconforming Use**" A use of land that legally existed before its current land use

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designation, or consists of a use established as a private summer cottage located in the Recreation-Forestry District 1 as shown on the Utah County Zone Map attached to the Zoning Ordinance passed on November 16, 1942 (R-F 1 District) and such use was commenced prior to January 1, 1950; the use has been maintained continuously since the time the land use ordinance regulation governing the land changed; and, because of one (1) or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land. To qualify as "legally existing," the use shall have been properly issued a permit prior to the enactment of this ordinance or, alternatively, the use shall have been legally commenced prior to the first enactment of zoning in Utah County on November 16, 1942, and thus used continuously thereafter.

"**Nursery, Plant**" Buildings, land, and other structures and facilities for the cultivation of plants for subsequent replanting or harvesting, including hydroponics operations.

"**Nursing Care Facility, Nursing Home, Convalescent Home and Rest Home**" An intermediate care/nursing facility or a skilled nursing facility, other than a general acute or specialty hospital, licensed by the State of Utah, for the care of individuals who due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty-four hour per day basis, operated to provide patient living accommodations, 24-hour staff availability, and at least two of the following patient services:

A. a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services;

B. a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or

C. a supervised living environment that provides support, training, or assistance with individual activities of daily living.

"**Office or Office Structure**" A nonresidential building or portion thereof used as a work area for professional, supervisory, clerical, or accounting personnel in conjunction with a business, manufacturing facility, or resource extraction industry.

"**Parcel**" Any tract of real property not created by and shown on a recorded subdivision plat lying in a solid body, which boundaries constitute a closure or purported closure as the legal description of said tract of land.

A. Parcel of Record: A parcel shown by metes and bounds, duly recorded pursuant to statute in the County Recorder's Office or other official record. A parcel of record may or may not coincide with a zoning parcel.

B. Nonconforming Parcel of Record: A parcel which does not conform to the area

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and/or width requirements of this ordinance for a zoning parcel, but which was shown continuously on the records of the County Clerk or Recorder as an independent parcel since before the effective date of this ordinance and which did qualify for building prior to such date. A nonconforming parcel of record that is diminished in area by the deeding and dedication of a portion of the parcel to the respective governmental entity for a federal highway, a state highway, a county road, or a city street, if the respective governmental entity accepts the dedication, shall continue as a nonconforming parcel of record.

C. Zoning Parcel: A parcel occupied by, or which is qualified to be occupied by, a building or use of land, or a group of buildings or uses, which meets all of the applicable requirements for area, buildable area, frontage, width, yard, setback, subdivision, and all other requirements set forth in this ordinance, for such use. (A parcel which is part of an unapproved and/or illegally recorded division of land shall not qualify as a zoning parcel under the terms of this definition.) A zoning parcel that is diminished in area by the deeding and dedication of a portion of the parcel to the respective governmental entity for a federal highway, a state highway, a county road, or a city street, if the respective governmental entity accepts the dedication, shall continue as a zoning parcel if the frontage, width of parcel, and area of parcel are not reduced below the minimum frontage, width, and area requirements of the zone in which the parcel is located, provided that:

1. if the dedication reduces the area of the parcel below the minimum requirements for area of the zone in which it is located, the parcel shall be considered a legal nonconforming parcel of record if the amount of the reduction in area is less than 15% of the area of the original parcel of record.

"**Parking Space**" A space not less than eighteen (18) feet in length, nor less than nine (9) feet in width; unless a parking space(s) of lesser length and width, is designed and approved as part of a required parking plan.

"**Paved Road**" A road that has a surface covering of asphalt, concrete, or other bound-together, hard-surface paving material (not gravel, dirt or magnesium chloride).

"**Pending Ordinance Change**" A proposed amendment to this land use ordinance for which a notice of public hearing, notice of public meeting, or meeting agenda has been provided, and which notice or agenda identifies the general subject of the proposed amendment.

"**Preponderance of Evidence**" Evidence sufficient to find that a fact is more likely true than not. If evidence regarding a fact is evenly balanced, then the fact has not been proved, and the party asserting that fact has failed to establish that fact.

"**Prison**" A facility for incarceration of persons convicted of crimes, established and operated by the State of Utah or by a private provider pursuant to the provisions of the

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Private Correctional Facilities Act, Utah Code § 64-13d, as amended.

"**Produce Stand**" A farm-based retail food store which sells, exclusively, unprocessed fruit, vegetables, eggs or other farm products raised on the subject lot or farm unit. It does not include the display or sale of manufactured items nor items produced elsewhere and brought to the stand for sale.

"**Protective Housing Facility**" A facility operated, licensed or contracted by a governmental entity, or operated by a charitable, non-profit organization, where, for no compensation, temporary, protective housing is provided to:

A. abused or neglected children awaiting placement in foster care;

B. pregnant or parenting teens;

C. victims of sexual abuse; or

D. victims of domestic abuse.

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

"**Public meeting**" A meeting that is required to be open to the public under Utah Code § 52-4, as amended, "Open and Public Meetings Act".

"**Public Park**" A landscape park which is owned or leased by a federal or state agency, a city or town government, or county government and which is operated under the aegis of such agency or government for public use.

"**Public Park Facility**" A play field, building or other structure or area located in a public park and shown on the park's approved plan. Such facility shall be either recreational in nature, such as a slide, swing set, picnic pavilion, swimming pool, gymnasium, golf course, tennis court, ball field, or game room, or one of the following ancillary, non-recreational facilities: parking lot, landscaping, administrative office, assembly area, cooking and dining area, and retail area for the sale of goods and services consumed on the premise. Such facilities shall not include sleeping or living facilities, nor uses that produce noise, dust or light that will conflict with neighboring residences or retail businesses.

"**Public Utility**" Every common carrier; gas corporation; electrical corporation; wholesale electrical cooperative; telecommunications corporation; water cooperative; sewage corporation; heat corporation; or independent energy producer, as defined in Utah Code § 54, as amended, or successor code, which produces a utility commodity or delivers a utility service to the general public, but is not a governmental utility service provider.

"**Reception Center**" A structure and ancillary facilities used for group social, business or family gatherings, without overnight lodging. A reception center does not include

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sporting events or concerts.

"**Recreational Vehicle**" A travel trailer or motorized vehicle (but not a mobile home) for temporary use as living quarters during travel, recreational, or vacation periods.

"**Recreational Vehicle Court**" An area or tract of land used to accommodate two (2) or more recreational vehicles or camper units for a short period of time (less than 45 days per calendar year).

"**Remote Yurt**" Any membrane-covered frame structure as defined under Utah Code § 15A-1-204, as amended.

"**Residence**" A place where an individual is actually living at a given point in time and not a place of temporary sojourn or transient visit.

"**Residential Accessory Structures**" A detached independent building or structure on the same lot as a dwelling, which structure is used by the occupants of the dwelling for a customarily incidental and subordinate noncommercial use to a residence; and that conforms to the definition of accessory structure as found in the International Residential Code for One- and Two-Family Dwellings, as adopted by Utah County.

"**Retail and Retail Variety Store**" A store that retails a specific product or a diversified offering of goods and products, but does not include an outside sales lot, and does not include the sale of automobiles, trailers or other vehicles.

"**Roads and Travelways**"

A. Private Road: A road in private or public agency ownership over which access is or can be denied to the public; a non-public thoroughfare; a driveway or fire access road.

B. Public Street: A city street, county road, or state road, as defined below, which is open for general use and access by the public:

    1. City Street: A street on the official road system of an incorporated city or town.

    2. County Road: A road on the county system as designated on the Official County Road Map of Utah County adopted by the County Commission.

    3. State Road: A road on the state system identified by the pertinent color and symbols (such as U-147 or US-50) on the Official County Road Map of Utah County, but excluding interstate roads (specifically 1-15), which do not allow access to abutting property).

C. Public Thoroughfare: Any city street, county, state or interstate road; or other road upon which the public has a right to travel.

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D. Road: A travel way passable to four wheeled, front or rear wheel drive automobiles.

E. Street, Major: A public street designated in the general plan as a collector, arterial, or other principal thoroughfare, as distinguished from a minor street.

F. Street, Minor (Local Street): Any public street which provides access to property, which street is not shown in the general plan as a major street.

"**Rockfall**" The gravity-induced drop of a newly detached segment of bedrock or perched rock of any size from a cliff, steep slope, cave or arch.

"**Roping and Riding Arena, Private**" A livestock enclosure within a structure or in an open corral, used by the owner or lessee of the property on which the arena is located, with not more than ten (10) invited guests of the owner or lessee of the property, for horse riding activities, using only horses owned by the owner or lessee of the property on which the arena is located, and horses owned by invited guests, but not to exceed one horse per guest.

"**Roping and Riding Arena, Commercial**" A livestock enclosure within a structure or in an open corral, used for the training and boarding of horses, riding schools, horse grooming, and for teaching and practicing roping, rodeo or other equestrian skills, but not including competitive events, qualifying events for any organization, events providing jackpots, monetary rewards, prizes, or gifts, events which include any participant who is not a student of the arena or any individual not allowed to practice in the arena, public rodeo events, public horse racing events, public horse jumping events, or other equestrian events. A commercial roping and riding arena (enclosed or in the open) shall not have more than a total of 49 persons, participating or nonparticipating, on the property at any time.

"**Runout Zone**" The portion of a known avalanche path where the debris came to rest due to a decrease in slope angle, a natural obstacle, or a loss of momentum.

"**Salvage Yard**" A place where discarded scrap or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored; including auto wrecking yards and yards used to disassemble and store salvaged material; but not including yards incidental to manufacturing operations conducted on the premises.

"**Sanitary Sewer Authority**" The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

"**School**"

A. Preschool: A school directly funded at public expense for children under the age of six (6) for the care and instruction of children that is operated by the state or

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federal agency or a local school district. No overnight or sleeping accommodations, daytime only care and instruction.

B. Private Preschool: A non-public school located within a dwelling which has three (3) or more children who:

1. are under the age of six (6);
2. receive instruction from an individual who has received approval from the State of Utah, Department of Human Services; and
3. attend the school less than four (4) hours per day. No overnight or sleeping accommodations, daytime only care and instruction. This definition shall not apply to the usual activities of a family in its residence.

C. Primary School: A school directly funded at public expense and accredited by the State of Utah as a primary school for grades kindergarten through grade six (6). No overnight or sleeping accommodations, daytime only care and instruction.

D. Secondary School: A school directly funded at public expense and accredited by the State of Utah as a secondary school for grades seven (7) through twelve (12). No overnight or sleeping accommodations, daytime only care and instruction.

"**Seasonal Sales and Services**" The sale of fresh produce sold during the growing season, jerked meat, pine nuts, and seasonal recreational concessionaire services which are related to hiking, equestrian, bicycle, river and lake water activities, and public recreation areas. Seasonal Sales and Services does not include any land use that is identified in the Utah County Land Use Ordinance as a permitted or a permitted conditional use within any zoning district, or any land use or activity listed under temporary uses and structures in chapter 3 of this land use ordinance, except those listed under seasonal sales and services.

"**Setback**" The width of unobstructed yard space between a specific reference point (such as a property line, road right-of-way line, building, or watercourse) and the closest point on the nearest building or structure.

A. Front Setback: The setback from the property line that abuts a road; or where the lot abuts two (2) or more roads or does not abut any road, the front setback shall be the distance to the nearest property line from the wall of the building that has the primary entrance.

B. Rear Setback: The setback on the opposite side of the lot from the front setback. It is measured on a line running parallel to the line used to measure the front setback and constitutes the shortest such parallel between the rear of the building and the nearest property line.

C. Side Setback: A setback measured perpendicularly to the front setback line which determines the shortest distance from the edge of the structure to the

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nearest property line.

"**Sign**" Any medium, including its structure, symbols, and other component parts, which is used or intended to be used to attract attention to the subject thereon.

A. Sign, Accessory: A sign which is located on the premises and which directs attention to a permitted use or permitted conditional use allowed in the zone and which use is currently conducted on the premises.

B. Sign Face: The outer prepared surface of a sign structure which is designed for graphic display of information, with each sign face being considered as one sign, and if two sign faces are attached to one sign structure the sign faces must oppose each other and are considered as two signs. Where a sign consists of individual letters or symbols attached to or painted on a structure, the sign face shall be considered to be that of the smallest rectangle which encompasses all letters or symbols.

C. Sign, Non-accessory (including Billboard): A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises, and only incidentally on the premises, if at all.

D. Sign, Free-standing: A sign which is not attached to or part of a building.

E. Sign, Pennant: A banner of cloth or other supple sheeting which contains advertising words or symbols.

F. Sign, Directional: A sign not greater than nine (9) square feet in area that provides only the name and address of a business, permitted agricultural use, or temporary event, and other directional information to locate such business or uses. 138. Subordinate: Secondary or lesser to a use or structure as it relates to size, height, or distance from approved access point along frontage.

"**Shooting Range**" An area especially managed, designed, and/or intended for competition shooting matches or the practice shooting of firearms at non-living targets.

"**Slope**" The average grade of the surface of land expressed in either percentage or in degrees.

"**Solar Energy System**" A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays, and solar-related equipment that rely on upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation. A solar energy system designed to produce and utilize electrical power for approved uses on a property only shall be considered an accessory use appurtenant to such approved use. This definition shall not preclude surplus electrical power generated by the solar energy system from being sold to an electrical utility provided such solar energy system is designed to only provide required electrical power for uses on the subject property. Any

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other solar energy system shall be classified as an electrical power generation plant.

"**Solid Waste Disposal Site**" A garbage dump, recycling center, or land fill operation utilizing solid wastes which conforms to all required County and State Health Department standards.

"**Starting Zone**" The portion of a known avalanche path where an avalanche released.

"**Stealth Telecommunications Transmission Facility**" A low visual impact transmission facility including the antenna, and electrical equipment used in a wireless telephone system. To be considered low visual impact, the antenna may be co-located on an existing transmission tower, utility pole, or other existing building or structure. The antenna shall not extend greater than ten (10) feet above the highest point of the co-location building or structure. To utilize a Stealth Telecommunications and Transmission Facility, cellular telephone, radio, television or other microwave transmission facilities must be a permitted land use within the zone where it is to be located.

"**Stormwater Pollution Protection Plan(SWPPP)**" A plan that;

A. identifies all potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from a construction or excavation site; and

B. describes practices to be used to reduce pollutants in storm water discharges from the site.

"**Structure**" That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. "Structure" for FEMA flood plain management purposes includes any walled and roofed building, a gas or liquid storage tank, and a manufactured home. "Structure" for FEMA insurance coverage purposes means a walled and roofed building other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation; for the latter purpose, the term structure includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair unless such materials are within an enclosed building on the premises.

"**Subdivision**"

A. A subdivision is any land that is divided, re-subdivided or proposed to be divided into two or more lots, 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:

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1. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

2. except as provided in Subsection (c) of this Section, 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. a bona fide division or partition of agricultural land for agricultural purposes which complies with all of the requirements of chapter 3 of this ordinance.

2. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if;

    a. no new lot or parcel is created; and

    b. the adjustment does not violate any provision of this Land Use Ordinance.

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 lot or parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate any provision of this Land Use Ordinance.

4. a bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels:

    a. a natural gas pipeline or regulation station; or

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

    c. an unmanned in-line hydroelectric generating facility with a generating capacity not exceeding 500 kilowatts; or

    d. an electrical transmission line or a substation.

5. a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:

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a. no new dwelling lot/parcel or housing unit will result from the adjustment; and

b. the adjustment will not violate any provision of this 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 approvals on the parcel or parcels;

7. a parcel boundary adjustment;

8. a lot line adjustment;

9. road, street or highway dedication plat; or

10. a deed or easement for a road, street, or highway purpose.

D. the joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision and does not subject the unsubdivided parcel to the subdivision ordinance.

"**Subordinate**" Secondary or lesser to a use or structure as it relates to size, height, or distance from approved access point along frontage.

"**Substantial Damage**" Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"**Substantial Improvement**" Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

A. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or,

B. any alterations of a historic structure, designated on an official state or federal historic registry, provided that the structure remains on said historic registry following the improvement.
157. Support Staff: Persons employed or residing on the premises of a dwelling or other residential facility to assist residents in performing daily life activities or to provide on-site treatment, rehabilitation, or habilitation services.

"**Unreasonable Hardship**" A general restriction placed upon a lot with respect to

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setback or area where, by reason of exceptional narrowness, shallowness, shape, or topography of such lot, a literal enforcement of the general restrictions would result in an unfairness to the owner compared to the owners of the other lots in the same zone and which literal enforcement would be unnecessary in order to achieve the intent of the zone.

"**Vehicle**" An automobile, trailer, boat or other device in which a person or object is (or has been or may be, according to the context) transported from one place to another along the ground, through the air, and/or over the water.

"**Vehicle, Obsolete**" Any vehicle which lacks a current license and state registration, is not in running order without adding parts or repairs, is dismantled, is wrecked, or is abandoned. Exception to the "current license and state registration" requirement: a vehicle which is not required under Utah State law to be registered and have a license to be operated on public roads.

"**Windmill**" A structure utilizing wind power for the pumping of water for agricultural use or for electrical power generation for a residence and other allowed structures and uses located on the same parcel of property as the residence, and located within a zone where windmills are designated as a permitted use. This definition shall not preclude a windmill which generates its primary electrical power for use on the premise from selling the surplus to an electrical utility provider; provided that the design of the windmill is only to provide required electrical power for use on the subject parcel of property (calculated on an annual usage basis), and not for commercial electrical power generation. Any other wind generated electrical power facility shall be classified as an electrical power generation plant.

"**Yard**" The space on the same lot with a building, structure, or land use, which space is unobstructed from the ground upward except for landscaping.

A. Yard, Front, Rear or Side: The yard corresponding to the front, rear or side setback.

B. Yard, Required: The area surrounding a building structure, or use which is required to be left as unobstructed yard space by the terms of this ordinance.

"**Zone, Agricultural**" Agricultural Zone in application of this land use ordinance shall refer to the RA-5, Residential Agricultural Zone, the A-40, Agricultural Zone, and the G-1, Grazing Zone. This definition does not apply to the general plan land use designations.

"**Zone, Residential**" Residential Zone in application of this land use ordinance shall refer to the RA-5, Residential Agricultural Zone, the RR-5 Rural Residential Zone, the TR-5 Transitional Residential Zone, the CE-2 Critical Environmental Zone, and residential land uses within the PC, Goshen Valley Planned Community Zone; this definition does not apply to the general plan land use designations.

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"**Zoning Administrator**" The Utah County Associate Director of Community Development or any of his/her duly appointed designees.

HISTORY
Amended by Ord. 2020574 Amended definitions on 8/8/2020
Amended by Ord. 2020898 Housekeeping update on 10/30/2020

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4 GENERAL - SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONES

4.04 Intent
4.08 Yards To Be Unobstructed, Exceptions
4.12 Storage Of Junk, Debris And Obsolete Vehicles In Yards Prohibited
4.16 Rendering Plants
4.20 Yard Space For One Building Only
4.24 Transfer Of Required Space Prohibited
4.28 Adjacent Unsubdivided Parcels In The Same Ownership
4.32 Dwelling Site Requirements
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4.04 Intent

The intent of this chapter is to accumulate, under one heading, regulations which apply to land uses which may be allowed in one or more zones, rather than to repeat the regulations several times. Generally, it is not the intent of this section to specify uses allowed within a zone but to set forth supplementary and qualifying conditions which must be complied with in connection with uses which may be allowed in the zone.

4.08 Yards To Be Unobstructed, Exceptions

Every part of a required yard shall be open to the sky and unobstructed by structures from the ground upward for the entire breadth of the required setback distance, except for

A. Fences;

B. Swimming pools, including water heating and filtration equipment;

C. Open decks and patios that do not require guardrails;

D. A footbridge or a vehicle bridge with vehicle guardrails that meet the minimum requirements of adopted codes and ordinances with no overhead structure;

E. Pump houses not greater than 120 square feet in area nor more than nine (9) feet

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in height that do not encroach into the designated road right-of-way as measured from the road centerline and will not create a sight barrier to the driveway access;

F. Stand-by power generators and air conditioning and/or heating equipment appurtenant to an on-site dwelling provided such equipment is no more than four (4) feet in height;

G. Un-walled roof extensions, provided: no roof may extend more than two (2) feet into the required yard area;

H. Canopies over gasoline pumps in the NC-1 and HS-1 Zones, which may extend up to ten (10) feet into the required setback or separation distance.

I. Free-standing solar energy systems appurtenant to an on-site dwelling provided the equipment associated with such systems is not located within the required front setback, is no more than twelve (12) feet in height (measured at its maximum design tilt) and has a total solar panel surface area of the system no greater than 1,000 square feet. However, a free-standing solar energy system appurtenant to an on-site dwelling located in the Critical Environment (CE-1) Zone that shares a common side or rear property line, or portion of property line, with a property owned by a governmental entity may have a free-standing solar energy system located in that common required side or rear setback without limitation to total solar panel surface area provided the governmental entity has provided written consent to the size and location of the proposed system prior to the issuing of any applicable permit required for the system.

J. Liquid petroleum gas (LPG) tanks appurtenant to a permitted, on-site structure which meets all adopted fire code requirements.

4.12 Storage Of Junk, Debris And Obsolete Vehicles In Yards Prohibited

No structure, accessory structure, yard, field, or open space shall be used for the placement or storage of junk, debris, or obsolete vehicles, except for:

A. As part of a properly approved automobile wrecking yard or salvage yard in the I-1 Industrial Zone subject to meeting the applicable provisions of this land use ordinance.

B. No more than four (4) obsolete vehicles which are stored on a lot or parcel within a totally enclosed residential accessory structure, provided the storage of said vehicles is for personal use or as a not-for-profit hobby of the resident of the dwelling on the lot or parcel, is carried out solely by the resident(s) of the dwelling, and all such vehicles are owned by the resident(s).

C. The storage of vehicles which are part of an approved agricultural equipment and agricultural vehicle repair facility subject to meeting the applicable provisions of this land use ordinance.

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4.16 Rendering Plants

Provisions of the land use ordinance that permit the care and keeping of livestock, fowl, or fur bearing animals; fabrication and portion control of domestic livestock and poultry; the sorting of meat of domestic livestock and poultry; the pelting of fur bearing animals; processing, packaging, freezing, thawing, canning or storage of farm products; recycling of useful materials; or other permitted or permitted conditional uses of land not specifically containing the words 'rendering plant' shall not be deemed to permit the rendering, storage or processing of livestock or animal by-products, or the storage or processing of animal waste materials.

Exclusion: This section shall not prevent any customary farm practices of removing or disposing of manure from a barn or pen used for raising livestock, fowl, or fur bearing animals.

4.20 Yard Space For One Building Only

No required area, yard or other open space around an existing building or use which is needed to comply with the provisions of this ordinance shall be considered as providing the area, yard or open space for any other building or use; nor shall any area, yard or other required open space on an adjoining lot or parcel be considered as providing the area, yard or open space on the lot or parcel where a building is to be erected or constructed.

4.24 Transfer Of Required Space Prohibited

In order to commence or continue any use of a lot or parcel of land, such parcel shall contain the space necessary to meet the setback, yard, area, width, frontage, access, open space, and all other requirements of this ordinance for such use. In the event that the setback, yard, area, width, frontage, access, or other space required for an existing building or use is alienated from such building or use due to a lot or parcel split or transfer of part of the land, neither of the lots or parcels resulting from the split shall be used or approved for use until compliance is reestablished by reconsolidating, change in use, or other corrective action.

4.28 Adjacent Unsubdivided Parcels In The Same Ownership

Where two or more adjacent parcels of land are owned by the same person or entity, and are not included within a recorded large-scale development plat, the land included in the parcels may be considered to be one parcel for the purpose of meeting the requirements of this ordinance for a building lot, provided the owner(s) records a deed with the County Recorder which describes the subject parcels as one consolidated parcel with a single perimeter boundary description which meets the requirements for a zoning lot within the subject zone. "Adjacent" shall mean touching along a common side.

4.32 Dwelling Site Requirements

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No lot or parcel of land, nor portion thereof, shall be used as a dwelling site which does not qualify as a "zoning lot" as defined herein and meets the area, frontage, width, use, and all other requirements of the zone in which it is located (all other sections of the land use ordinance which apply to the property in the subject zone), zone), unless such lot or parcel qualifies as a dwelling site as a nonconforming lot or parcel of record subject to the provisions of this land use ordinance.

4.36 Accessory Structure Prohibited As Living Quarters

A dwelling unit shall not be permitted in any accessory structure, structure, except as a qualifying accessory dwelling unit subject to the provisions of this land use ordinance.

4.40 One Dwelling Per Lot Or Parcel

Only one building which contains a dwelling shall be located and maintained on a lot as defined in this ordinance, except for:

A. Dwelling units at a rate of one per approved site in a planned unit development, planned subdivision, mountain home development, or recreational resort platted and recorded according to the provisions of land use ordinance UCLUO 14.

B. As a qualifying accessory dwelling unit subject to the provisions of this land use ordinance.

4.44 Frontage On An Approved Public Street Required, Exceptions

A. For adequate access by emergency vehicles and local occupants, the frontage of each lot or parcel used as a site for a dwelling, manned industrial plant or other facility or structure occupied by humans, shall abut on an official state road, county class "B" road, or city street which has been paved under the direction of the unit of government having jurisdiction, and from which frontage such facility gains vehicular and pedestrian access exclusively and entirely across the subject lot or parcel. The following are exceptions to the above requirement:

1. In commercial campgrounds or recreation vehicle courts access shall be by paved access driveways that have been provided according to the terms of UCLUO 4.

2. In the NC-1 or HS-1 zones where the land use is a listed, permitted use in the zone and abuts a paved parking area which enters onto a paved public street, access shall be from said paved parking area.

3. In large-scale developments that have been recorded with the County Recorder and where the lots or building sites abut on paved roads platted as a part of the development, access shall be from the frontage of said paved platted road across the subject lot or building site.

4. In those specific large-scale developments approved and platted before

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the universal road paving requirements were adopted on August 8, 1984, and wherein the subject road was not required to be paved, the lot or building site shall abut a road that meets the criteria of a suitable "graveled road" as defined in UCLUO 2.08 and the Utah State Code. The gravel surfacing material must cover the full road surface width that was approved for the development and extend the entire distance of the road across the lot frontage and on to the point where the graveled road connects with the paved road system.

5. Building permits for those land uses identified in Paragraph A, may utilize unpaved county class "B" roads for frontage which have been part of the county road system and continuously shown on the official county road map since December 12, 1975, meet the criteria of a suitable "graveled road" under UCLUO 2.08 and the Utah State Code, and which have the required gravel surfacing material covering the entire travel-surface width as designated for the specific type of development in the Utah County Development Standards Ordinance. This gravel road requirement must be met across the entire lot frontage and on to the point where the graveled road connects with the paved road system.

6. In approved, noncommercial campgrounds, access from a paved county class "B" or state road or city street may be by a surfaced access driveway of sufficient design using engineering standards for a minimum of "H-20" loading in accordance with A Policy of Geometric Design of Highways and Streets (1990 edition) American Association of State Highways and Transportation Officials (AASHTO) or its equivalent counterpart in subsequent editions. Minimum driving surface width shall be twelve (12) feet and shall be provided according to the terms of UCLUO 4. A road maintenance agreement must be entered into guaranteeing vehicular access during all periods of occupancy.

7. In the M&G-1, CE-1 and CE-2 Zones, the vehicular and pedestrian access must be gained from the frontage, but need not be exclusively and entirely across the subject lot, if the Zoning Administrator finds that all of the following conditions are met:

    a. because of the topography, the construction of an access from the frontage to the facility, exclusively and entirely across the subject lot, would require excessive cuts and fills; and

    b. because of the topography, the construction of an access from the frontage to the facility, exclusively and entirely across the subject lot, would require an access of excessive length; and

    c. the owner of the property on which the portion of the access which falls outside of the subject lot is located, has granted to the owner of the subject lot, and to the subject lot owner's heirs, successors, and assigns, a written permanent perpetual easement, in a form

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acceptable to the Zoning Administrator, which complies with all requirements for a legal access, which is appurtenant to the subject lot, and which easement has been recorded in the office of the Utah County Recorder, or, if the United States of America is the owner of the property on which the portion of the access which falls outside of the subject lot is located, the United States of America has granted a private road easement, in the official form utilized by the governmental entity, to the owner of the subject lot; and

d. the owner of the subject lot has signed and recorded in the office of the Utah County Recorder a restrictive covenant and acknowledgment, in a form acceptable to the Zoning Administrator, which provides that, if the permanent perpetual easement, or the governmental issued private road easement, is terminated, for any reason, the Occupancy Permit issued by Utah County will immediately and automatically be revoked and become null and void, and the subject lot will not be used for human occupancy, either temporarily or permanently, until such time as the permanent perpetual easement, or the governmental issued private road easement is reinstated and approved by the Zoning Administrator; and

e. the access driveway must be designed and constructed to a grade no greater than 12 percent using engineering standards for a minimum of "H-20" loading in accordance with A Policy of Geometric Design of Highways and Transportation officials (AASHTO) or its equivalent counterpart in subsequent editions. A road maintenance agreement must be entered into between the owner of the subject lot and Utah County guaranteeing that the owner of the subject lot will maintain the access driveway in a condition to allow vehicular access during all periods of occupancy.

8. In the CE-1 and M&G-1 Zones, a nonconforming lot of record that lies within 500 feet of an official county class "B" road or municipal street that is separated from official road frontage by land in State or Federal ownership, may gain vehicular access to the lot by a written permanent perpetual easement or private road easement, in the official form utilized by the governmental entity and approved by the Zoning Administrator, granted to the owner of the subject lot and appurtenant to the subject lot, if said vehicular access driveway conforms to Utah County standards, currently adopted codes and other adopted applicable ordinances. Unless prohibited by the applicable governmental entity providing the access, the granting document shall be recorded in the Office of the Utah County Recorder. The owner of the subject lot shall sign and record in the

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office of the Utah County Recorder a restrictive covenant and acknowledgment, in a form acceptable to the Zoning Administrator, which provides that, if the permanent perpetual easement, or the governmental issued private road easement, is terminated, for any reason, the Occupancy Permit issued by Utah County will immediately and automatically be revoked and become null and void, and the subject lot will not be used for human occupancy, either temporarily or permanently, until such time as the permanent perpetual easement, or the governmental issued private road easement, is reinstated and approved by the Zoning Administrator. The access driveway must be designed and constructed to a grade no greater than 12 percent, unless a more restrictive requirement applies, using engineering standards for a minimum of "H-20" loading in accordance with A Policy of Geometric Design of Highways and Transportation officials (AASHTO) or its equivalent counterpart in subsequent editions. A road maintenance agreement must be entered into between the owner of the subject lot and Utah County guaranteeing that the owner of the subject lot will maintain the access driveway in a condition to allow vehicular access during all periods of occupancy.

9. Access to a permitted mining operation and access to a permitted building and appurtenant grounds and facilities when owned and occupied by a governmental agency (government building), where such use is located within a zone which allows such use as a permitted or permitted conditional use, shall be from a paved city street, paved or unpaved county road, or paved state road or highway, and access must be approved by the agency having jurisdiction of the nearest paved public street. Vehicular access from the public road, highway, or street to the mining operation or to the government building that is not exclusively across land in the same ownership as the parcel upon which the mining operation or the government building is located may be approved if the Zoning Administrator finds that all of the following conditions are met:

    a. the owner of the property on which the portion of the access which falls outside of the land in the same ownership as the parcel on which the mining operation or the government building is located has granted to the owner of the parcel on which the mining operation or the government building is located, a written access easement, in a form acceptable to the Zoning Administrator, which complies with all the requirements for a legal access, which is appurtenant to the parcel upon which the mining operation or the government building is located, and which easement has been recorded in the office of the Utah County Recorder, or, if a governmental entity is the owner of the property on which the portion of the access which falls outside of the parcel on which the mining operation or the government building is located, the

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governmental entity has granted a private road easement or license, in the official form utilized by the governmental entity, to the owner of the parcel on which the mining operation or the government building is located; and

b. the owner of the parcel on which the mining operation or the government building is located has signed and recorded in the office of the Utah County Recorder a restrictive covenant and acknowledgment, in a form acceptable to the Zoning Administrator, which provides that, if the easement, or the governmental issued private road easement or license, is terminated, for any reason, the permits and approvals issued by Utah County related to the mining operation or the government building will immediately and automatically be revoked and become null and void, and the subject parcel will not be used for the mining operation or the government building; and

c. engineering plans showing the proposed access road alignment, road grades, road loading, and road cross-sections have been submitted to and approved by the Utah County Engineer.

B. Notwithstanding the above provisions, no road which is a county class "B" road due to its location within the ownership boundaries of the United States National Forest, the lands of the Bureau of Land Management (BLM), or the lands of another agency of the United States government, and maintained by Utah County under contract with the Forest Service, BLM, or other appropriate federal agency, shall be deemed to give adequate frontage unless:

1. Utah County has actual ownership of the right-of-way in the form of a recorded deed or written perpetual easement.

2. The road surface is paved, in accordance with applicable County standards, to connect the subject site to the rest of the paved part of the county road system.

4.48 Motor Vehicle Access

All zoning lots and parcels of land having frontage on an official county road, city street, or state road or highway, and recorded large-scale development lots having their frontage on a private road, shall have motor vehicle access to the dwelling, commercial establishment, manned industrial plant or other facility occupied by humans, by a driveway that meets all of the following requirements:

A. A minimum driving surface width of 10 feet for the full length of the driveway from the official road access to the dwelling or occupied structure;

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B. A grade that does not exceed 12 percent at any point along the length of the driveway unless the driveway is of such length that it qualifies as a fire access road which shall then meet the requirements for a fire access road as found in the currently adopted fire codes along its entire length from start of official frontage to the dwelling or occupied structure;

C. The driveway serves as vehicular access to only the approved land use on the specified parcel or lot, except for other approved uses not occupied by humans on an adjacent parcel or lot in the same ownership as the dwelling or occupied structure;

D. A second driveway on the same zoning lot or parcel as the dwelling or occupied structure must also meet the criteria stated in Paragraphs A through C and have a minimum separation between driveways on the same zoning lot or parcel as the dwelling or occupied structure of 40 feet;

E. When approved by the Utah County Public Works Department (for access from a County road) or Utah Department of Transportation (for access from a State road), a shared driveway may be approved for not more than two abutting zoning lots or parcels when the driveway is a minimum of twenty (20) feet in width with the common property boundary located in the center of the driveway so that there is a minimum of ten (10) feet of driveway on each side of the common property line from the County or State road frontage to the dwelling, commercial establishment, manned industrial plant or other facility occupied by humans;

F. All gated entries and driveway accesses shall comply with the adopted fire code and any other applicable adopted codes; and

G. Prior to construction of a driveway, gated entry, fire access road or any other motor vehicle access, plans shall be submitted and an approved access permit shall be issued from the Utah County Public Works Department or the Utah Department of Transportation.

4.52 Effect Of Street Plan

Wherever a lot or parcel abuts on an existing or proposed street that is depicted on the adopted general plan of Utah County, the depth of any required side, rear, or front yard for a building on such lot or parcel shall be measured from the street right-of-way lines designated in the plan, even if the street is currently narrower than the width found in the plan.

4.56 Storage Of Trucks In Certain Zones Prohibited

The parking or other outdoor storage of trucks having a rated capacity of over one (1) ton, commercial vehicles over one (1) ton, and commercial construction equipment, are prohibited in all zones except for the following:

A. As allowed in the I-1, Industrial Zone.

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B. Trucks rated greater than one (1) ton capacity and equipment that are used exclusively for agriculture production and farm maintenance may be stored on an agricultural parcel containing the farm dwelling or an agricultural parcel adjacent to the farm dwelling which is in the same ownership as the farm trucks and equipment.

C. Agricultural equipment and agricultural vehicles under repair which have met the requirements of this land use ordinance for an agricultural equipment and agricultural repair facility.

4.60 Off-Street Parking And Loading

A. **Intent and Scope**: The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles. Requirements for parking lots and facilities shall be as follows:

B. **Number of Spaces**: The following shall be the minimum number of off-street parking spaces required for each particular use and shall be in addition to any parking located along a road right-of-way.

1. Each dwelling unit shall have two off-street parking spaces plus one off-street parking space for each domestic or support staff person employed or residing on the premises during the highest employment or residency shift (except in recreational resorts where UCLUO 14 applies). As a means of encouraging the occupants of structures containing more than one dwelling unit to use the required off-street parking space in preference to on street parking spaces, entrances to buildings containing more than one dwelling unit shall be provided in locations that are at least as direct and convenient to the required off-street parking spaces as are the fronting streets.
2. Churches shall have one (1) parking space per three (3) seating spaces in the main assembly room.
3. Retail stores and personal service shops shall have parking space at the rate of five (5) parking spaces per one thousand (1,000) square feet of floor area.
4. Industrial, manufacturing, warehousing, and wholesale establishments shall have one (1) parking space per two (2) employees based on the largest shift.
5. Automobile wrecking yards shall have five (5) parking spaces.
6. Produce stands shall have five (5) parking spaces.

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7. Veterinarian offices and facilities shall have two (2) parking spaces plus four (4) parking spaces times the number of veterinarians on the staff. Additionally, there shall be a designated parking area for trucks with trailers as determined by the Zoning Administrator.

8. Buildings and facilities for the repair of agricultural equipment and agricultural vehicles as an accessory use to a dwelling shall have two (2) parking spaces plus one (1) parking space times the number of outside employees. The parking spaces shall be for the exclusive use of the patrons and employees and not for storage.

9. Uses not listed--for any occupied building or structure, or any recreational or other open land where people will be present, and the parking requirements are not listed above, the number of required parking spaces shall be determined by the Zoning Administrator using comparable parking space needs to those uses listed in this section, other parking data available for the specific use intended, data and recommendations from the Utah County Public Works Department, and/or by a parking plan prepared by an engineer licensed to practice in the State of Utah.

C. **Location and Control of Parking Facilities**: The off-street parking spaces required by this ordinance shall be located on the same lot or parcel of land as the use it is intended to serve.

Exception: The Zoning Administrator may approve a separate lot or parcel for parking use if he finds that the following standards are met:

1. There is a case of practical difficulty in placing all of the parking spaces on the same lot or parcel as the main use to be served.

2. The additional lot or parcel is adjacent, or a lot or parcel lying within two hundred (200) feet of the lot or parcel with the main use served by the parking spaces, and it shall be substantially equivalent in safety and ease of accessibility as parking on the main lot or parcel.

3. The additional lot or parcel is in the same ownership or leasehold as the lot or parcel with the main use to be served and will be maintained for parking as long as the main use exists. A deed restriction or equivalent document executed by the owners, which limits the offsite lot or parcel to parking use, shall be filed with the County Recorder and remain in effect during the life of the main use.

4. Parking and loading facilities may be located any place on the premises except for areas that are required to be landscaped. In a residential zone no more than thirty percent (30%) of the area contained within a required front yard shall be used for the parking of automobiles.

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D. **Access to and Circulation Within Parking Facilities**:

1. Access to a parking facility from a city street, county road, or state route, shall be approved by the County Engineer or the Utah Department of Transportation (UDOT).
2. Circulation within a parking facility shall be approved by the County Engineer and the Utah County Fire Marshal.

E. **Lighting of Parking Areas**: Any lighting used to illuminate off-street parking facilities shall be accomplished by shielded light sources to direct the light down and away from the adjoining premises.

F. **Continuing Obligation**: The required off-street parking and loading facilities shall be a continuing obligation of the property owner as long as the main use served by the facilities continues. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading facilities without providing other vehicle parking or loading facilities which meet the requirements of this ordinance.

G. **Plot Plan Approval Required**: At the time a building permit is requested for any building or structure, or at the time the use of land is changed which requires additional off-street parking, a plot plan shall be submitted showing the location and layout of the required parking spaces along with access aisles and driveways. The Zoning Administrator shall not approve the plot plan and permit if he/she finds that the plan does not comply with the requirements for off-street parking as set forth in this land use ordinance.

4.64 Off-Street Loading Space Required

Every building which receives or distributes goods, materials, merchandise, or supplies by vehicle, shall be provided with at least one (1) off-street loading space. One (1) additional loading space shall also be provided for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater.

4.68 Setbacks From Streets

The required distance from which buildings and structures shall be setback from public and private streets shall be:

A. One hundred (100) feet from the center line of any city street, county road or state road designated as an "arterial" street in the adopted county general plan, or 50 feet from the right-of-way line, whichever is greater;

B. Sixty-three (63) feet from the center line of any city street, county road or state road designated as a "collector" street in the adopted county general plan or 30 feet from the right-of-way line, whichever is greater;

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C. Fifty-eight (58) feet from the center line of all other public streets (or 30 feet from the right-of-way line, whichever is greater); and

D. Twenty-four (24) feet from the center line of a private road (or 15 feet from the property line that provides frontage on the private road, whichever is greater).

Exception: Recorded large-scale development plats that indicate a greater or lesser setback from the street as recorded on such plat, and other setback exceptions found in this land use ordinance.

4.72 Location And Setback Requirements Of Agricultural Buildings And Structures

A. No structure used for farm animals (specifically domestic livestock or mink or other fur bearing animals) shall be constructed closer than fifty (50) feet to an existing dwelling on an adjacent property.

B. No structure used for farm animals, feed yard, corral, pen, or coop shall be constructed or maintained closer than twenty (20) feet to any open waterway that drains into a natural stream. Surface drainage from feed yards, corrals, pens, or coops shall not be permitted to drain into a waterway that drains, either directly or indirectly, into a natural stream or lake.

C. The setback distance from a side or rear property line for agricultural buildings and structures may be as determined by the currently adopted building codes but not less than a minimum of five (5) feet from any side or rear property line.

D. In the Urban Wildland Interface Area, agricultural buildings and structures must be located not less than fifty (50) feet from buildings containing habitable spaces.

4.76 Fences And Walls

A. Notwithstanding the setback, yard, and height requirements for structures otherwise stated in the land use ordinance, fences, gates, walls, hedges, berms, and other unroofed landscaping appurtenances may be located on the property line or in the yard between the building setback line and the property line provided:

1. The maximum height above natural grade for a sight-obscuring fence, gate, wall, hedge, berm, or similar unroofed landscape feature is:

a. Three (3) feet where such fence or other feature is located between a public street and the setback line required for dwellings and other structures, or

b. Eight (8) feet where such fence or other feature is located farther from a public street than the distance of the setback line for dwellings and other structures.

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Exception: On corner lots, or lots or parcels which are bordered by more than one public street, the sight-obscuring fence or other feature located on the non-fronting public street, or the public street which does not provide the required frontage for the dwelling or structure on the lot, may be eight (8) feet on the property line or public street right-of-way line to within thirty (30) feet of the front property line or the frontage of the public street right-of-way line.

2. The maximum height above natural grade for a fence which is not sight-obscuring is eight (8) feet. Otherwise, all such fences, walls, hedges, berms, and other landscape features shall meet the setback, yard, and height requirements for structures in the zone in which they are located.
3. Gated access entries require design approval from the Utah County Engineer and the Utah County Fire Marshal for minimum gate width, minimum height for gates with overhead cross-members, and additional gate setbacks for vehicles to be completely clear of the county or state road while parked and waiting for the gate to open.

B. In all zones, fences, gates and/or walls adjacent to county roads shall be set back at least a minimum of half the required right-of-way width from the centerline of the road.

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6 ENVIRONMENTAL PROVISIONS - SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONES

6.04 Health Department Approval, Water And Sewer
6.08 Drainage
6.12 Flood Protection
6.16 Flood Protection In Special Flood Hazard Areas
6.20 Avalanche Hazard Mitigation
6.24 Exposed Slopes To Be Less Than The Critical Angle Of Repose
6.28 Open Pit Extraction Of Earth Products

6.04 Health Department Approval, Water And Sewer

No residence, commercial or major noncommercial campground, commercial establishment with occupied structure(s), or manned industrial plant shall be used or occupied, nor a permit issued therefor, until a potable water supply facility and sanitary sewage disposal facility have been installed and approved by the Utah County Health Department; further, before a building permit shall be issued, the proposed water and sewage facilities shall first be approved by the Utah County Health Department.

HISTORY
Amended by Ord. 2020897 Housekeeping update on 10/30/2020

6.08 Drainage

Surface water shall not be allowed to drain onto adjacent lots or parcels except for natural conditions where the activities of man have not altered the flow and percolation of water.

HISTORY
Amended by Ord. 2020897 Housekeeping update on 10/30/2020

6.12 Flood Protection

In all zones other than the Flood Plain Overlay Zone, the following regulations shall apply.

A. No dwelling or other building used for human habitation shall be constructed within one hundred (100) feet from the banks of a stream, gully, or other flood channel.
   Exception: A permit may be issued by the Zoning Administrator within the 100-foot limit, upon a favorable review of the County Engineer based on existing engineering reports or his own on-site investigations, when it is determined:

   1. That the structure will be above water during normal spring runoff and the water levels of a base flood; and

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2. The design of the building and any appurtenant residential accessory structures, grading work, driveways, and landscaping features will be sufficient to protect both the building and other property from damage due to flooding. However, if the Zoning Administrator, with the assistance of the County Engineer, cannot determine that the above criteria are met based on the available information, an engineering study and report by a Professional Engineer licensed to practice in the State of Utah may be obtained by the applicant and submitted for approval by the Zoning Administrator, after favorable review of the County Engineer.

B. No use or structure (except flood control works or irrigation diversion dams) shall be permitted in any flood channel if such use or structure will adversely affect normal flow, will increase flooding of land above or below the property, will increase erosion within or adjoining the flood channel, will cause diversion of flood waters in a manner more likely to create damage than does flow in a normal course, will increase peak flows or velocities in a manner likely to add to property damage or hazards to life, or will increase amounts of damaging materials (including those likely to be injurious to health) which might be carried downstream in floods.

HISTORY
Amended by Ord. 2020897 Housekeeping update on 10/30/2020

6.16 Flood Protection In Special Flood Hazard Areas

A. **Declaration of Legislative Intent**: The requirements of this section apply to those flood hazard areas of the unincorporated portion of Utah County which have been identified by the most current Federal Insurance Administration report entitled "Flood Insurance Study, Utah County, Utah, Unincorporated Areas" and its accompanying "FIRM Flood Insurance Rate Map, Utah County, Utah" as having a one percent chance of flooding.

It is hereby declared that the specific purposes and intent of the County Commission in establishing these requirements are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code, as amended.
2. To make the unincorporated portion of Utah County eligible for the federal flood insurance program by enacting these flood protection regulations according to federal guidelines.
3. To protect human life and health.

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4. To minimize the expenditure of public money for costly flood control projects.
5. To minimize the need for rescue and relief efforts associated with flooding which occur at public expense.
6. To minimize prolonged business interruptions.
7. To minimize damage to essential public facilities telephone and sewer lines, roads, and bridges located in areas of special flood hazard.
8. To provide notification of areas of special flood hazard to the public.
9. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions regarding land use, construction, and grading.

   In order to accomplish the stated purposes and intent, the following provisions shall apply:

B. **Scope**:

1. **Extent**: The provisions of this section shall apply to all areas of special flood hazard within the unincorporated area of Utah County, which are depicted as having a one percent chance of flooding as identified by the most current effective Utah County Flood Insurance Study and FIRM Flood Insurance Rate Map published by the Federal Emergency Management Agency. Such provisions shall not abrogate but shall be in addition to the requirements of the zoning districts pertaining to the property; where the provisions of this section conflict with any other requirement, the more stringent restriction shall apply.
2. **Interpretation**: Those properties having a one percent chance of flooding as identified by the Utah County Flood Insurance Study and FIRM map are subject to the requirements of this section.

   Any person contesting the inclusion of their property in an area identified as having a one percent chance of flooding shall follow all applicable federal guidelines for FIRM maps revisions.
3. **Compliance**:

   a. No structure or land use shall hereafter be constructed, located, extended, converted, altered or otherwise developed without full compliance with the terms of this section. In this regard, "new construction" shall mean structural work commenced after October 29, 1982, and "new subdivision or mobile home park" shall refer to divisions making new lots or mobile home sites after October 29, 1982.

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b. The minimum requirements and standards of the National Flood Insurance Program (NFIP) and the Flood Plain Management Criteria for Flood Prone Areas found in Title 44 Code of Federal Regulations Section 60.3(d) shall apply. In addition, all applicable requirements of the currently adopted building construction codes of Utah County or by any future addition of these codes that may be adopted shall be met.

C. **Permitted Uses**:

1. **Uses**: All uses and structures which are listed as permitted uses and permitted conditional uses in the applicable zoning districts shall also be permitted or approved as a conditional use in the territory subject to these requirements if they meet the standards of this section as well as the standards of the applicable zoning district.

2. **Clearance**: Before any permit to develop, grade, or construct is issued, the Zoning Administrator must first find that such development, grading, or construction complies with the requirements of this section and the applicable zone and issue a written clearance attesting to such finding. The Zoning Administrator may be assisted in this determination by the Utah County Building Official and/or the Utah County Engineer. No development, grading or construction shall be commenced until the clearance and a permit based on such clearance are issued.

D. **General Development Standards**: In addition to the above referenced NFIP requirements, the following standards may apply:

1. **Anchoring**:

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All new manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(1) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations (except mobile homes less than 50 feet long require only one additional tie per side);

(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points (except mobile homes less than 50 feet long require only four additional ties per side);

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(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(4) Any additions to the mobile home be similarly anchored.

2. **Construction Materials and Methods**:

a. All applicable new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All applicable new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. **Utilities**:

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Electrical, heating, ventilation, plumbing, air conditioning and similar service facilities shall be designed and/or located so as to prevent water from entering the facilities during conditions of flooding.

4. **Fill**:

a. No fill shall be placed and accomplished in a manner that will increase the flood hazard in any area of special flood hazard.

b. When any area is proposed to receive fill, the applicant shall submit a plan which shows the horizontal extent of the fill and a typical cross section.

5. **Large-Scale Development Proposals**:

a. All large-scale development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

b. All large-scale development proposals shall have adequate drainage provided to reduce exposure to flood damage.

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c. Base flood elevation data shall be provided for any large-scale development proposal which contains at least 50 lots or 5 acres (whichever is less).

E. **Standards Where the Base Flood Elevation is Known**: In all areas where the base flood elevation data has been determined in the Flood Insurance Study, the FIRM map, or a federal, state, or other accurate scientific engineering flood plain study maintained under Paragraph H, the following provisions shall be required.

1. **Residential Construction**:

a. Any new construction or substantial improvement to any structure used as a dwelling shall have the lowest floor (including basement) raised one (1) foot above the elevation of the base flood.

b. Within areas designated AO and AH on the FIRM map, all new construction and substantial improvements to structures used as a dwelling shall have the lowest floor (including basement) raised above the highest adjacent grade one (1) foot above the depth number specified in feet on the FIRM map (at least two feet if no depth number is specified.)

c. Within areas designated AO and AH on the FIRM map, there shall be drainage paths around existing and proposed structures built on slopes which are adequate to guide flood waters around and away from any proposed dwelling structure.

d. All new construction and substantial improvements that fully enclose areas below the lowest floor that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of flood water. Designs for meeting this requirement must either be certified by a professional engineer or architect licensed to practice in the State of Utah or meet or exceed the following criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(2) The bottom of all openings shall be no higher than one foot above grade;

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood water.

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2. **Nonresidential Construction**:

   a. Any new construction or substantial improvement to any commercial, industrial, or other nonresidential building shall have the lowest floor, including basement, raised one (1) foot above the level of the base flood elevation.

      Exception: The building, together with any attendant utility and sanitary facilities, may be placed below such elevation if it:

      (1) Is flood proofed so that below the base flood level, the building is watertight with walls substantially impermeable to the passage of water;

      (2) Has structural components capable of resisting hydrodynamic loads and the effects of buoyancy; and

      (3) Is certified by a professional engineer or architect licensed to practice in the State of Utah that the standards of this land use section are satisfied. (Such certifications shall be provided to the Zoning Administrator as set forth in Paragraph H).

   b. Within areas designated AO and AH on the FIRM map, any new construction or substantial improvement to a commercial, industrial, or other nonresidential building shall have the lowest floor (including basement) raised above the highest adjacent grade to a point at least one (1) foot above the flood depth number specified in feet on the FIRM map (at least two feet if no depth number is specified).

      Exception: The building, together with attendant utility and sanitary facilities, may be placed below such flood depth number if it is completely flood proofed up to or above the specified flood level according to the flood proofing standard required in Paragraph E.

   c. Within areas designated AH and AO on the FIRM map, there shall be drainage paths around existing and proposed structures built on slopes which are adequate to guide flood waters around and away from the proposed buildings.

   d. All new construction and substantial improvements that fully enclose areas below the lowest floor that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on

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exterior walls by allowing the entry and exit of flood water. Designs for meeting this requirement must either be certified by a professional engineer or architect licensed to practice in the State of Utah or meet or exceed the following criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(2) The bottom of all openings shall be no higher than one foot above grade;

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood water.

3. **Manufactured Homes**:

a. For any new manufactured home park or manufactured home subdivision; for any expansions to an existing manufactured home park or manufactured home subdivision; for any existing manufactured home park or manufactured home subdivision where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the assessed value of the streets, utilities, and pads before the work commenced; or for any manufactured home placed elsewhere than in a manufactured home park or manufactured home subdivision, it is required that:

(1) Stands or lots be elevated on compacted fill or manufactured homes placed on pilings so that the lowest floor of the manufactured home is one (1) foot above the base flood level;

(2) Adequate surface drainage and access for a manufactured home transporter are provided; and

(3) In the instance of elevation on pilings, lots are large enough to permit steps; piling foundations are placed in stable soil not more than ten feet apart, and reinforcement is provided for pilings more than six feet above the ground level.

b. No manufactured home shall be placed in a floodway, except in an existing manufactured home park or existing manufactured home subdivision.

c. All manufactured homes that are placed or substantially improved

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within zones A1-30, AH, or AE on the FIRM for Utah County on sites, outside of a manufactured home park or subdivision, within a new manufactured home park or subdivision, in an expansion to an existing manufactured home or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

d. All manufactured homes to be placed or substantially improved on sites in a manufactured home park or subdivision within flood zones Al-30, AH, or AE on the FIRM for Utah County that are not subject to the provisions of Paragraph E, shall be elevated so that either:

(1) The lowest floor level of the manufactured home is one (1) foot above the base flood elevation, or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and that are securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

e. Any basement on which a manufactured home is placed shall meet the standards of Paragraph E, for "residential construction".

4. **Recreational Vehicles**: All recreational vehicles placed on sites within flood zones Al-30, AH, or AE on the FIRM for Utah County shall either:

a. Be on the site for fewer than 180 consecutive days, or

b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security (hold-down) devices, and has no permanently attached additions.

F. **Standards Within Floodways**: Floodways shall be identified by the most current Flood Insurance Study, the "Flood Boundary and Floodway Map, Utah County, Utah" or Floodway Map, and engineering studies maintained according to this section. Because a floodway is an especially hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the

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following requirements shall apply in a floodway in addition to the other applicable requirements of this section.

1. **Encroachments**: Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless a written report is provided of a study conducted by a professional engineer licensed to practice in the State of Utah which certifies that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Paragraph F,1 immediately above is satisfied, all new construction and substantial improvements must comply with all applicable flood hazard reduction provisions of this section.
3. No manufactured home shall be placed in a floodway except in an existing manufactured home park or existing manufactured home subdivision.

G. **Variances**: The Board of Adjustment may grant a variance in the size, distance or elevation requirements of this section, according to the standards of UCLUO 16 and the standards stated below.

1. **Items to Consider**: In deciding whether to grant a variance and what conditions to attach to its approval, the Board shall consider:
    a. The danger that materials may be swept onto other lands causing injury to others.
    b. The danger to life and property caused by flooding and erosion.
    c. The degree of susceptibility to flood damage of the proposed use or building (including its contents), and the effect of such damage to the owners.
    d. The importance of services provided by the facility to the community.
    e. The necessity of the facility to be on a waterfront, if applicable.
    f. The availability of alternate locations for the proposed use or building, which are not subject to flooding or erosion damage.
    g. The compatibility of the proposed use with the existing and anticipated development.
    h. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
    i. The safety of access to the property during flooding for ordinary and emergency vehicles.

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j. The expected flood water height, velocity, duration, rate of rise, sediment transport, and wave action effects at the site.

k. The cost of providing governmental and public utility services during and after flood conditions, including the maintenance and repair of roads, bridges, electric lines, gas lines, and water and sewer services.

l. Whether the lot to be built on has any area outside of the area having a one percent chance of flooding where the structure might be constructed.

2. **Presumptions Relative to Approval**:

a. With alternate programs to protect life and provide reasonable safety, a variance may be granted to permit the restoration or rehabilitation of structures on the National Register of Historic Places without regard to the standards contained in Paragraphs D and E.

b. No variance shall be granted within a floodway if such will increase the flood level during the base flood discharge.

c. A variance shall be granted only upon the determination that the variance is the minimum amount necessary, in view of the flood hazard, to afford relief.

d. A variance shall be granted only if such will not result in a threat to public safety, extraordinary public expense, create a nuisance, or cause fraud or victimization of the public.

a. **Disclosure**: The Zoning Administrator shall give to any applicant receiving a variance a written disclosure statement stating that because the structure will be built below the base flood elevation the cost of flood insurance will be commensurate with the increased risk. All variances shall be reported to the Federal Emergency Management Agency.

H. **Special Requirements**:

1. **Plans**: In addition to the plans required by UCLUO 16, any application for a permit and certification shall include:

a. Elevation documentation identifying the elevation in relation to mean sea level of the lowest floor, including basement floor elevation, of all structures to be permitted.

b. Elevation documentation identifying the elevation in relation to

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mean sea level to which any applicable has been flood proofed.

c. A statement of the nature of any applicable flood proofing methods used and a certification by a professional engineer or architect who is licensed to practice in the State of Utah that the flood proofing methods used meet the flood proofing criteria as found in this section.

d. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

e. A descriptive scale drawing showing the nature, location, dimensions, and elevations of the area to be developed or built on, and the nature and locations of existing and proposed structures on the site, fill, storage of materials, and drainage facilities.

f. The location, in relation to the proposed development, of the floodway expanse needed to discharge a base flood, and a statement of the vertical increase in elevation during a base flood caused by the proposed development.

g. A copy of any Federal Water Pollution Control Act permits, and copies of any other permits that may be required under Federal or Utah State law, or a statement certifying that no permit is required.

2. **Certification by Engineer**: A plan received according to Paragraph H,1 immediately above shall bear on it the certification of an engineer licensed to practice in the State of Utah that the requirements and standards of this section have been met.

   Notwithstanding such certification, the plans and certification shall be reviewed by the Utah County Engineer to determine compliance with this section before any clearance to commence construction is issued by the Zoning Administrator.

   Exception: The Zoning Administrator shall waive such for a structure to house livestock or agricultural products or machinery, and may waive such for a residential accessory structure if he/she finds the plans are sufficient to determine the structure meets the standards of this section.

3. **Records**: The Zoning Administrator shall maintain any base flood elevation data for the unincorporated area of Utah County he/she obtains from a federal, state or other reliable source, in addition to the Flood Insurance Study, the FIRM map, and the Floodway Map, and shall consider such information when processing applications for any portion of the unincorporated area of Utah County for which base flood information

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has not been provided by the Federal Emergency Management Agency in its flood insurance program.

a. Obtain and record the actual elevation in relation to mean sea level of the lowest floor including basements of all new or substantially improved structures and identify which stories are in basements.

b. Maintain the engineer's flood proofing certifications required in Paragraph H, and verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed.

c. Maintain all records collected in the issuing of permits and administering this section.

4. **Maps and studies adopted by reference**: The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Utah County and Incorporated Communities" dated June 19, 2020, with accompanying FIRMs. The following three publications of the Federal Emergency Management Agency are hereby adopted by reference in book and applicable digital form: the "Flood Insurance Study, Utah County, Utah", with an effective date of June 19, 2020, the "FIRM Flood Insurance Rate Map, Utah County, Utah", and the "Floodway Flood Boundary and Floodway Map, Utah County, Utah". A copy of each publication is hereby ordered to be placed in the office of the Utah County Clerk/Auditor, as required by law. These publications shall be used in the administration of this section as required therein and shall be the most current effective study published by the Federal Emergency Management Agency, which publications, and any revisions thereto, are automatically adopted by reference and declared to be part of this ordinance.

5. **Altered watercourses**: The Zoning Administrator shall give notification to adjacent municipalities and the Utah State Division of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

   Further, such altered or relocated watercourse shall be required to be maintained by the applicant so the flood carrying capacity is not diminished.

I. **Warning and Disclaimer**: The degree of protection from flooding provided by this section is considered reasonable for regulatory purposes and is based on a scientific and regulatory study made by the Federal Emergency Management Agency and offered to Utah County. By adopting this section, it is anticipated that the danger, cost and impact from floods will be minimized. However, because of

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natural processes that change flood channels and watersheds, unforeseen or unknown conditions not identified in the Federal study, extreme flood conditions beyond the limits considered in the study, the activities of man occurring after the study was completed, or other causes, damage due to flooding may occur even to persons or properties which are in full compliance with this ordinance, both those within and without the areas determined to have a one percent chance of flooding. Therefore, no reliance on this section shall create a liability on the part of, or be a cause of action against, the county or any officer or employee thereof for any flood-related damage.

6.20 Avalanche Hazard Mitigation

No permit for an occupied structure nor critical facility shall be issued therefor, in a known avalanche path, unless the following requirements are met:

A. A detailed avalanche hazard analysis and mitigation report shall be submitted for the proposed structure or critical facility, and the land which such structure or critical facility impacts. The avalanche hazards analysis and mitigation report shall bear the signed certification of the licensed engineer, or other qualified avalanche expert, who has at least four (4) years of experience in a responsible position in the field of avalanche hazard mitigation. This report shall identify the hazards and describe the mitigation measures required to address hazards. The mitigation measures shall address all potential hazards to the proposed structure or critical facility, occupants of the structure or critical facility, visitors to the structure or critical facility, adjacent properties, structures, critical facilities, persons located, or that may be located, on, or in, adjacent properties, structures and critical facilities. The County Engineer shall review the submitted report and determine whether the report meets the standards of this section. The County Engineer may reject the report if the County Engineer finds that the licensed engineer, or other avalanche expert, has insufficient training or experience, or if the County Engineer finds that the report is insufficient in depth, scope, or detail. The County Engineer may require that a supplemental or revised report be submitted.

B. All recommended mitigation measures identified in the avalanche hazard analysis and mitigation report shall be incorporated into the design of the proposed structure or critical facility, including measures to mitigate any impacts to adjacent properties. In the event that the report recommends alternative mitigation measures, the applicant shall elect which alternative mitigation measures to implement, and the applicant shall submit a supplemental report confirming that the elected mitigation measures are sufficient. The applicant shall submit engineered plans for the structure or critical facility, which incorporate the proposed mitigation measures. These plans shall be prepared, dated, signed and stamped by a professional engineer who is licensed to practice in the State of Utah and is qualified to develop such plans. The County Engineer shall

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determine if the submitted plans sufficiently describe the proposed mitigation measures, including measures to mitigate any impacts to adjacent properties. The County Engineer may reject the plans if the County Engineer finds that the professional engineer has insufficient training or experience, or if the County Engineer finds that the plans are insufficient. The County Engineer may require that supplemental or revised plans be submitted.

C. The owner of the lot or parcel has signed and recorded in the office of the Utah County Recorder a restrictive covenant, acknowledgment and disclaimer, in a form acceptable to the Utah County Attorney's Office, which acknowledges and gives notice of the avalanche hazard on the subject lot or parcel, and waives, disclaims, and releases Utah County for any damage, liability, obligation, or loss that might hereinafter occur or arise as a result of an avalanche coming onto the lot or parcel and any destruction or loss of property or personal injury or loss of life resulting therefrom. This document shall establish occupancy and use restrictions during terms of extreme or high avalanche hazard. Further, this document shall establish that improvements and construction on the parcel shall be carried out in a manner so as to provide adequate protection to persons and property, including adjacent occupants, properties and structures.

D. Upon the determination by the County Engineer that the avalanche hazard analysis and mitigation report and the required plans of the structure or critical facility meet the standards of this section, and the applicant has recorded the required restrictive covenant, acknowledgment and disclaimer, the Zoning Administrator shall issue a clearance which incorporates the uses, structures, and mitigation measures approved by the County Engineer. The Zoning Administrator's clearance shall also consider and incorporate the covenants, conditions and restrictions set forth in the required restrictive covenant, acknowledgment, and disclaimer.

HISTORY
Amended by Ord. 2020897 Housekeeping update on 10/30/2020

6.24 Exposed Slopes To Be Less Than The Critical Angle Of Repose

No cut or fill shall result in a final slope that exceeds the critical angle of repose.

6.28 Open Pit Extraction Of Earth Products

A. **Intent**: The intent and purpose of this section is to provide for the extraction of earth products using surface mining methods, for stockpiling mined materials, and for the placement of overburden and leftover earth materials in mining waste dumps, while protecting the environment, the rights of neighboring property owners, and roads and other public facilities from unusual wear or damage.

B. **Scope**: The provisions of this section shall apply to all sites where sand, gravel, clay, topsoil, rocks or minerals will be extracted by an open pit method; to all sites

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where such extracted earth products are stockpiled; and to sites where overburden and leftover earth materials are placed in waste dumps.

Exception: Sites having a valid, current permit at the time of passage of this ordinance shall be completed according to the terms of such permit and any bonding agreements appurtenant thereto. The exception applies only to the portion of the site under permit. Any expansion of pits, dumps, storage pits or operation areas beyond the existing permit is subject to all provisions of this section.

C. **Conditions**: Conditions Paragraphs C,2 through C,7, as listed below, shall be deemed satisfied by submission of an approved operation and reclamation plan for mining operations as specified in the Utah State Code, otherwise, the Zoning Administrator shall issue a permit for an open pit, a stockpile, or a waste dump only when all of the following are met, and all operations and rehabilitation shall comply with all of the following requirements:

1. The site lies in a zone where such use is a permitted use or where it may be approved as a conditional use by the Board of Adjustment and has received such approval.
2. The applicant has submitted an accurate site plan that shows the current topography, utilities, roads, and structures on the site, and an accurate site plan that shows the proposed utilities, roads, and structures during operations.
3. The applicant has presented an accurate final post-reclamation site plan that shows the topography, utilities, roads and structures on the site after completing the excavation and rehabilitation of the pit.
4. Only the portion of the parcel covered by the required rehabilitation bond may be disturbed or involved in the extraction process.
5. The standards for rehabilitating the site shall be:
    a. The side walls of a pit or mound shall be smoothed and evenly contoured, and the floor of a pit or top of a mound shall be flattened and leveled.
    b. Mounds of fill shall not remain after rehabilitation of an extraction operation, except for mounds around utility poles. Mounds may be permitted in conjunction with a mine waste dump.
    c. Impoundments, pits, and ponds, must be approved as part of a post mining land use and reclamation plan by the Utah County Engineer. Natural drainage patterns should be restored or realigned whenever possible.
    d. No slope shall be steeper than the critical angle of repose (e.g. 33 degrees for gravel deposits).

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e. All disturbed areas shall be covered with not less than a one-inch thick layer of topsoil, re-seeded with a hardy plant species, and the hardy plant species shall be established with sufficient concentration of vegetation to screen at least 25% of the exposed surface from view.

   Exception: Disturbed areas located in desert or sloped areas which naturally lack soil or vegetation shall be restored to a vegetation and soil surface that corresponds with the adjacent native conditions.

6. The operator shall place clearly identifiable survey markers on the outer boundaries of the bonded area and shall maintain such until the bond is released by Utah County. The County Commission may request an annual on-site investigation and report of the County Engineer to determine whether the terms of the grading plan, rehabilitation plan and bond agreement are being met.
7. Dust generated in the extraction and processing of the earth products shall be kept under control by the operator by keeping the extraction area, main roads in the pit, and loaded trucks, watered down. Placing berms or landscape screening for protection from the prevailing winds, and other suitable measures, may also be used. Any un-paved access road to the pit from the paved road system shall be maintained by the pit operator for dust control by watering down the access road surface or placing dust inhibiting material on the surface of the access road.
8. All cuts and fills shall be set back from the property boundary and from the boundary of the approved bonded extraction site a distance of at least fifteen (15) feet; except that when a bonded extraction boundary crosses a property line, extraction may take place through the property line.
9. The pit and/or extraction operation shall not constitute a nuisance according to the Utah County Code or Utah State Code.
10. The Zoning Administrator has received an approval letter from the County Engineer stating that the applicant has complied with the following items and stating that the following items have been reviewed and approved by the County Engineer:

    a. The applicant shall submit an accurate travel route site plan for the operation that includes designated travel routes to and from the extraction site in relation to the surrounding communities. Verification of the status of all public roads utilized for the haul routes shall be required from all agencies with jurisdiction over the roads. The applicant shall require that all material haul vehicles coming to and leaving the extraction site use the designated travel

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routes, and shall submit a travel route enforcement plan.

b. The applicant shall submit a traffic analysis which includes the estimated trips per day coming to and leaving the extraction point on the various travel routes. This analysis shall include the vehicle type and average weight per vehicle both to and from the extraction point.

c. The applicant shall submit a travel route roads analysis, prepared and signed by a Utah licensed engineer, detailing the integrity, vehicle volume capacity, weight capacity, pavement thickness and quality, sub-base thickness and quality, and other features of the travel route roads and appurtenant facilities, and the anticipated effects on such roads and facilities resulting from the use of the travel routes both during the operation as well as upon completion of the extraction process, including a comparison of the current vehicular traffic at the current rate of growth with the proposed increased vehicular traffic generated by the extraction operation at the proposed rate of growth and its effects on the current and expected life of the road structures before failure is eminent. The analysis shall establish that the designated travel routes have the durability and capacity sufficient to accommodate the additional vehicular traffic generated by the extraction site, both during the operation as well as upon completion of the extraction process, or, if the analysis shows that the designated travel routes are not sufficient, the analysis shall specify the road improvements which are required to make the roads sufficient. The travel route roads analysis may be waived, in writing, by the County Engineer, if the County Engineer determines that sufficient data exists to confirm that the designated travel route roads have the durability and capacity sufficient to accommodate the additional vehicular traffic generated by the extraction site, both during the operation as well as upon completion of the extraction process.

d. If the travel route roads analysis shows, or the County Engineer determines, that the designated travel route roads are insufficient, the application shall not be approved until the deficient roads are improved to the required durability and capacity standards, at Applicant's expense, or the Applicant has entered into an agreement with the entity having jurisdiction of the deficient roads to address the deficient roads, which may include the posting of cash or bond based on an engineered estimated cost for the construction and restoration of the roads and appurtenant facilities.

11. The applicant has submitted and received approval from the County

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Engineer of a Stormwater Pollution Protection Plan (SWPPP).

12. Operations shall comply with all applicable requirements of the Utah County Health Department and the Utah Department of Environmental Quality for air quality. The applicant shall obtain approval of a plan for the control of fugitive dust from the Utah Department of Environmental Quality.
13. Operations shall comply with all applicable requirements of the Utah County Health Department and the Utah Department of Environmental Quality for water quality, including the prevention of groundwater contamination.
14. In addition to the requirements listed above, any operation, or portion of operation, located within one-half (1/2) mile of an existing dwelling in Utah County or existing area of active agricultural production in Utah County shall meet the requirements listed below. For purposes of determining the one-half (1/2) mile distance, measurement shall be from any portion of the bonded boundary of the mine or pit to the nearest outside perimeter of any dwelling or area of active agricultural production. Some of the requirements listed below may be addressed through an approved SWPPP. The applicant shall submit an operation plan which shall be approved by the County Commission which addresses the following:
    a. Hours of operation;
    b. Noise mitigation;
    c. Landscaping;
    d. Dust containment;
    e. Lighting.

D. **Extraction Site Reclamation Bond**: The bond and bond agreement requirements under this section may be satisfied by submission of a properly executed Reclamation Contract for Surety under the Mining Operations requirements as found in the Utah State Code, otherwise, the applicant and the property owner shall provide a bond and shall execute a bond agreement meeting the following requirements:

1. Cash or bond in the amount $5000.00 per acre or alternatively; cash or bond in the amount established by the most recent Reclamation Surety Costs for Small Mining Operations issued by the State of Utah Board of Oil, Gas and Mining for the applicable size of operation, or cash or bond in the amount as determined by a detailed rehabilitation cost analysis supplied and paid for by the applicant and reviewed and approved by the Utah County Engineer, shall be posted by the applicant and property

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owner to guarantee compliance with the provisions of this section. A violation of this section, or of the rehabilitation bond agreement, shall be sufficient grounds for forfeiture of the bond to Utah County. If the bond is over the minimum bond amount per acre and the owner disputes the cost of reclamation set by the County Engineer, the County Commission may determine the cost and set the bond amount, upon appeal by the owner or applicant.

2. The maximum term of the bond shall be seven (7) years, after which time the bond amount shall be reevaluated based on inflation, the current costs of rehabilitation, and the amount of rehabilitation or excavation that has occurred during the elapsed time.

3. Any bond shall be accompanied by an agreement among Utah County, the applicant, and the property owner wherein the county agrees to return the bond at the completion of work if the standards of this section have been met, and the applicant and property owner agree that the bond shall be forfeited in the event of noncompliance and to permit the county to enter upon the land to close operations and rehabilitate the excavated or filled areas.

   Exception: The agreement does not need to include the property owner for lands owned by the federal government.

4. Rehabilitation of the site shall be completed on or before the earliest to occur of the following dates:

   a. six months prior to the date of termination or expiration of the rehabilitation bond,

   b. one year after the date of cessation of operations,

   c. one year after the last date that any earth product materials are extracted from the site,

   d. June 30th of any fiscal year in which a business license has not been issued by Utah County for such operations, and

   e. December 31st of any year in which a valid Utah County zoning compliance permit is not in effect for the operation.

5. Notwithstanding the forfeiture of the bond, the applicant and the property owner shall retain individual responsibility to fully comply with this ordinance, the terms of the permits issued thereunder, and the balance of any expense not covered by the bond to rehabilitate the property.

E. **Permits**: Prior to the issuance of business licenses and building (or grading) permits required elsewhere in county ordinances, any open pit operation shall be required to have a zoning compliance permit.

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8 USES WITH SPECIAL REVIEW PROVISIONS - SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONES

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8.04 Notification Requirements

Notification shall be provided by actual notice, or notice as follows:

A. Applicant notice -- Waiver of requirements.

1. For each land use application, the county shall provide notice to the applicant, and a copy of the staff report, as required by Utah Code § 17-27A.

2. If the county fails to provide the notice, or the copy of the staff report, to the

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applicant, the applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

B. Notice of intent to prepare a general plan or comprehensive general plan amendments. Before preparing a proposed general plan or a comprehensive general plan amendment, the county shall provide the notice required by Utah Code § 17-27A.

C. Notice of public hearings and public meetings to consider general plan or modifications. Before considering the original adoption or any modification of all or any portion of a general plan, the county shall provide the notice required by Utah Code § 17-27A.

D. Notice of public hearings and public meetings on adoption or modification of land use ordinance. Before considering the adoption or modification of the land use ordinance, the county shall provide the notice required by Utah Code § 17-27A.

E. Third party notice. When the county requires notice to adjacent property owners, the county shall provide the notice required by Utah Code § 17-27A.

F. Notice for conditional use applications, large-scale development applications, subdivision applications, minor subdivision applications, and variance requests. Notice of the date, time, and place of a public meeting for a proposed conditional use, large-scale development, subdivision, minor subdivision, or variance, shall be provided by actual notice, or by notice as follows:

1. Mailed not less than ten calendar days before the public meeting and addressed to the owner (as found on the most recent county assessment roll) of each adjacent parcel (touching along a common side or so close in proximity as to be separated only by the width of a road, canal, railroad track, or similar right-of-way); or

2. Posted not less than ten calendar days before the public meeting on the property proposed for a conditional use, large-scale development, subdivision, minor subdivision, or variance, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to those who pass by.

G. Notice for amendment or vacation of large-scale developments, subdivisions, and minor subdivisions -- Notice for vacation of or change to street. Notice of the date, time, and place of a public meeting for a proposed amendment or vacation of a large-scale development, subdivision, or minor subdivision, and a public hearing for amendment of a large-scale development, subdivision, or minor subdivision, which involves a vacation, alteration, or amendment of a street, shall be provided by actual notice, or by notice as follows:

1. Mailed not less than ten calendar days before the public meeting and

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addressed to the owner (as found on the most recent county assessment roll) of each parcel located within the large-scale development, subdivision, or minor subdivision; or

2. Posted not less than ten calendar days before the public meeting, on the large-scale development property, subdivision property, or minor subdivision property, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to those who pass by.

3. For a large-scale development amendment or vacation, subdivision amendment or vacation, or minor subdivision amendment or vacation, which involves a vacation, alteration, or amendment of a street, the county shall provide the notice required by Utah Code § 17-27A.

H. Notice for proposal to vacate a public street, right-of-way, or easement. For any proposal to vacate some or all of a public street, right-of-way, or easement, the county shall provide the notice required by Utah Code § 17-27A.

I. Notice to canal company or canal operator. Notice shall be provided to a canal company or canal operator as required by Utah Code § 17-27A.

J. Notice challenge. If notice given under authority of this Land Use Ordinance is not challenged under Utah Code § 17-27a-801, as amended, within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

8.08 Manufactured Homes

In order to meet the needs of those county residents desiring the portability and economy of manufactured homes as a form of housing, as opposed to conventional fixed structures, and to provide adequate public facilities, transportation, health, and safety features for those occupying manufactured homes, as well as neighboring property owners, only manufactured homes which comply with the current HUD Federal construction and safety standards, and bear a Federal seal certifying to that effect, shall be permitted in Utah County, and only according to one of the following four circumstances:

A. When placed in an approved large-scale development.

B. As a temporary caretaker dwelling on a lot on which a permitted conventional dwelling is being constructed in order to protect the site, provided:

1. A bond in lawful money equal to the cost of removing the manufactured home but not less than $5,000.00, is first posted with the County Building Official to guarantee the timely removal of the manufactured home.

2. The owner(s) of the lot and manufactured home agree to remove the

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manufactured home within the time of the bond to obtain a full refund of the bond.

3. The manufactured home shall remain on the lot no longer than the current term of the building permit for the subject conventional dwelling; the completion date of the conventional dwelling; or 365 days, whichever is less.

   Exception: The Zoning Administrator may grant one extension period of not more than an additional 365 days upon finding that the construction of the permanent dwelling is being carried out diligently toward completion.

C. As a caretaker dwelling in the NC-1 or HS-1 Zones when incidental to, and located on, the same parcel of land as a principal use permitted in the zone, subject to the requirements set forth in said zone.

D. As a single family dwelling in the RA-5 Residential Agricultural Zone, the RR-5 Rural Residential Zone, the TR-5 Transitional Residential Zone, the CE-1 Critical Environmental Zone, the CE-2 Critical Environmental Zone, the M&G-1 Mining and Grazing Zone, and the A-40 Agricultural Zone, when meeting the requirements for placement in such zones, and when all of the following requirements have been met:

   1. The manufactured home shall be affixed, as per the manufactured home specifications or the specifications of an engineer licensed in the State of Utah, to a permanent footing that is frost protected and supports the structure after the running gear and hitch have been removed. There must also be a permanent perimeter wall, constructed of concrete block or other substantial material approved by the Zoning Administrator, that is continuous around the manufactured home eliminating the need for skirting. The owner must obtain a building permit to ensure that the manufactured home is set up and installed on the site as per approved specifications and plans.

   2. Garages, carports, rooms and other structural additions or attachments to the manufactured home must also meet current H.U.D. manufactured home standards for safety and construction and have a certificate to that effect or meet the requirements of the adopted building code.

   3. The manufactured home shall comply with all other applicable requirements of the zoning district in which it is located including any additional requirements imposed by the FPO Zone requirements of this ordinance.

   4. A H.U.D. approved manufactured home cannot be utilized as an addition to a conventional dwelling constructed under currently adopted building and fire codes.

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8.12 Moved Buildings

It is the purpose of this ordinance to prevent the degradation of neighborhoods by moved on, unsightly, or unsafe buildings. Upon receipt of a complete application, the Zoning Administrator shall authorize a building permit to be issued to move a building onto a lot if the Zoning Administrator finds that all of the following conditions and requirements are met:

A. **Land Use Compliance**: Before authorization is given to move a building onto a lot or parcel, the lot or parcel on which the moved building is to be located will conform to all requirements of the land use ordinance. The applicant shall obtain zoning compliance (Building Permit Zone Clearance) stating that the intended building lot or parcel is eligible for the proposed moved building and land use.

B. **Pre-Inspection**: No permit shall be issued, nor approval given, for the moving of any building from one site within the county to another site within the county, or from a site outside of the county to a site within the county, without a prior building inspection being made to determine whether or not the building complies with the standards of the building codes adopted by Utah County. The applicant shall submit, along with his or her application, a report from an independent building inspector who is licensed by the State of Utah for inspecting the type of building to be moved, and a report from an independent structural engineer who is licensed by the State of Utah as a Professional Engineer, which reports state whether the building complies with the current codes, and, if not, a list of those things which need to be done to meet the current standards of the codes.

C. **Application**: The following information shall be filed with the Zoning Administrator at the time the application is made:

    1. Location and address of the old and new site.
    2. Plot plan of the new location, also showing adjacent lots on all sides of the property and indicating all structures and improvements on said lots.
    3. Plans and specifications for the proposed improvements of the new location, including plans for landscape treatment.
    4. Written approval from the Utah County Health Department for proposed culinary water and septic systems.

D. **Bond Required**: Before a permit to move a building is granted, the applicant and the property owner shall sign an agreement and shall post a bond in an amount equal to twice the estimated cost of bringing the buildings and grounds up to current codes and to restore the vacated site in such amount as approved by the Utah County Engineer. In the event of failure to bring the building or grounds up to current codes the bond shall be forfeited. Notwithstanding the forfeiture of the bond, the applicant and the property owner shall be responsible for all costs and

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expenses to bring the building and grounds up to current codes and to restore the vacated site.

E. **Old Site to be Restored**: The bond shall also cover the costs involved in cleaning up the vacated site, if said site is within the unincorporated area of Utah County, and restoring it to a safe and sightly condition.

F. **Standards Required Before Occupancy**: The building and grounds of the new site shall be brought up to the required current codes before the moved building is occupied or used.

8.16 Temporary Uses And Structures

The following regulations govern the operation of certain transitory or seasonal uses.

A. **Permits**: Applications for a temporary use permit shall be made to the Zoning Administrator, and shall contain the following information:

1. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property.
2. A description of the proposed use.
3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.

B. **Uses:** The following are temporary uses and are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which the use is located.

1. **Small Temporary Event**: Upon the receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for a small temporary event, maximum of 250 individuals on site at any time, in the RA-5, Residential Agricultural Zone, for a period of time not to exceed ten (10) consecutive calendar days, for not more than two such events per calendar year, and with at least two months between events, if the Zoning Administrator finds that all of the following conditions and requirements are met:

a. The location of the small temporary event is on a parcel that is not less than five (5) acres in area and is not part of a recorded subdivision plat.

b. b. No sale of alcoholic beverages or sexually oriented products or materials.

c. Hours of operation exclusively between 10:00 A.M. and 10:00 P.M.

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d. No paid admission.

e. The applicant has submitted a completed Utah County Temporary Use Permit Application with a site plan that details and identifies specific areas of the small temporary event including, but not limited to; designated off-road parking designed to eliminate the need for an individual to cross a state, city or county road to visit the event; location of booths or individual use areas; restrooms; the total event area boundaries; and any required fire apparatus. A minimum of five (5) parking spaces per 1000 square feet of event area must be provided and shown on the site plan.

f. Signs must comply with UCLUO 8.24.

g. The applicant is responsible for all set up and clean up of the site within the ten (10) day period.

h. No portion of the small temporary event may be located closer 200 feet from any dwelling except the dwelling that exists on the parcel of the small temporary event.

i. A Business License Zone Clearance is approved by the Zoning Administrator, and all approving County Departments. The Temporary Use Permit, when issued, constitutes the Utah County Business License for the event.

   Exception: If there are to be additional vendors or participants other than the applicant, each will individually need to pay a fee and obtain a vendor's permit as part of the temporary use.

j. Small temporary events shall not include concerts, dances, vehicle sales, or any use which is listed as a permitted conditional use in the zone.

2. **Christmas Tree Sales**: Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit to be issued in any zone for display and open-lot sales of Christmas trees for a period not longer than forty-five (45) days.

3. **Temporary Construction Yards**: Upon receipt of a complete application, the Zoning Administrator, in any zone, shall authorize a temporary use permit for a temporary construction yard, if the Zoning Administrator finds that all of the following conditions and requirements are met:

   a. For private construction projects, the temporary construction yard is incidental to a construction project that is located on the same parcel as the proposed temporary construction yard, and the proposed temporary construction yard is limited to one or more of the following: a temporary construction yard office, and temporary

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buildings and yards for storing vehicles, materials and equipment, for the construction project.

b. For public construction projects in conjunction with county, state or federal transportation or public facilities projects, the temporary construction yard is incidental to a construction project that is located on the same parcel as the construction project, located on an adjacent parcel to the construction project, or located on a parcel whose closest boundary lies within one-half mile of the closest boundary of the parcel on which the construction project is located, and the proposed temporary construction yard is limited to one or more of the following: those uses listed in Paragraph A, concrete mixing plants, asphalt mixing plants, and rock crushers, for the construction project.

c. The permit shall be valid for a period of not more than one (1) year, but is renewable for up to two additional periods of one year each as long as the construction project maintains a valid Utah County building permit.

d. All structures, vehicles, materials, construction equipment, mixing plants, crushers, and related items and equipment shall be removed and the yard restored upon the earlier to occur of the completion of the project or expiration of the permit.

e. A bond in the amount of $20,000 shall be posted for temporary construction yards that contain a concrete mixing plant or an asphalt mixing plant, and a bond in the amount of $40,000 shall be posted for a temporary construction yard that contains both a concrete mixing plant and an asphalt mixing plant, to ensure their removal.

f. A temporary construction yard containing a rock crusher, a concrete mixing plant or an asphalt mixing plant, shall not be located closer than 500 feet from any dwelling.

Exception: A temporary use permit is not required for single-family residential or agricultural construction unless requested by owner.

4. **Short-term Migrant Camps**: Upon receipt of a complete application, in any zone except the 1-1 Industrial, NC-1 Neighborhood Commercial, and HS-1 Highway Service Zone, the Zoning Administrator shall issue a temporary use permit for temporary camps for accommodating migrant farm workers if the Zoning Administrator finds that all of the following conditions and requirements are met:

   a. Occupancy shall be limited to persons employed on the same zoning lot as the camp in harvesting agricultural crops, plus

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dependents.

b. The period of use shall not exceed forty-five (45) days per calendar year.

c. The camp may consist of parking areas, access driveways, utilities, bathrooms, group quarters, camping pads or sites, and the tents or recreational vehicles using the pads.

d. Culinary water, sanitary sewage disposal, and electricity must be available in the area of the camping pads.

e. Setback distances for the camping pads shall be the same as for buildings in the zone.

5. **Temporary Existing Dwellings**: Upon receipt of a complete application, in any zone, the Zoning Administrator shall issue a temporary use permit for an existing dwelling if the Zoning Administrator finds that all the following conditions and requirements are met:

   a. A building permit is issued concurrently for a one-family dwelling to replace the existing dwelling on the same parcel of land.

   b. A bond in the amount of $20,000.00 is posted with the Zoning Administrator to insure that the property owner removes the existing residential structure and demolition debris and brings the demolition site to a finished grade equivalent to the surrounding grade.

      Exception: The Zoning Administrator may refund the bond when the subject former dwelling structure is not demolished upon finding the building: (i) meets all current setback standards; (ii) will not be used for human occupancy; (iii) will have a use, such as an agricultural shed, which is a permitted use in the zone; (iv) meets the currently adopted state building code standards for an unoccupied building; (v) has had all residential occupancy facilities removed including plumbing and fixtures for sinks, toilets, tubs, and showers; wiring, plumbing and fixtures for stoves, refrigerators, and food preparation counters; and wiring, plumbing and fixtures for water heaters and furnaces.

   c. The existing dwelling must be demolished within thirty (30) days from the date of the issuance of the Certificate of Occupancy - Zoning Compliance Permit, unless an exception has been approved as per Paragraph B. An extension of the thirty-day period may be made by the Zoning Administrator when unusual weather or other conditions exist.

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6. **Tents, Canopies and Temporary Membrane Structures**: Upon receipt of a complete application, in any zone the Zoning Administrator shall issue a temporary use permit for a membrane structure if the Zoning Administrator finds that all of the following conditions and requirements are met:

    a. The tent, membrane, canopy or temporary membrane structure complies with the adopted Fire Code of Utah County.

    b. The tent, canopy or temporary membrane structure is not used for a period to exceed a use period of 180 consecutive days within a 12-month period on a single premise.

    c. Adequate parking is provided based on the requirements of the Utah County Zoning Ordinance.

    d. The structure will be removed at the end of 180 days or when the need for the structure has ended, whichever comes first.

    e. The tent, canopy, or temporary membrane structure shall be in good repair.

    f. The tent, canopy or temporary membrane structure shall be used only for those land uses permitted in the underlying zoning district, or as approved temporary uses in this section.

    g. No tent, canopy or temporary membrane structure may be used as a residential dwelling.

    h. Any electrical, mechanical, ADA access, or other requirements of the Utah County Building Codes that are part of the temporary structure, must be permitted, approved, and inspected by Utah County.

7. **Corn Maze, Haunted House or Outside Haunted Event**: Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for a corn maze, haunted house, or outside haunted event, in any zone except the RR-5, TR-5 and CE-2 zones for a maximum of sixty-five (65) days annually, if the Zoning Administrator finds that all of the following conditions and requirements are met:

    a. A state road or county road access permit has been issued.

    b. Approval from the Utah County Fire Marshal; approval from the Utah County Health Department; approval from the Utah County Building Official; and approval from the Utah County Sheriff; have been obtained.

    c. No portion of the corn maze, haunted house, outside haunted event, or its related activities may be located closer than five

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hundred (500) feet from any dwelling except dwellings on the site of the application or dwellings adjacent to the site of the application and in the same ownership as the property owner.

d. A manned observation tower is provided or sufficient attendants within the maze for help and assistance, and sufficient attendants within a hunted house or for an outside haunted event are provided.

e. Adequate lighting for assembly and parking areas, and within the maze, haunted house or outside haunted event, during evening hours, is provided.

f. The applicant has submitted a completed Utah County Temporary Use Permit application with a site plan that details and identifies specific areas of the corn maze, haunted house, or outside haunted event including, but not limited to, designated off-road parking designed to eliminate the need for an individual to cross a state, city or county road to access the site; restroom location; boundary of the entire site area to be utilized; concession locations (an independent concessionaire must obtain a Utah County Temporary Vendor Permit); and any required fire apparatus.

g. Parking is provided as per the current Utah County Land Use Ordinance.

h. Hours of operation are limited to10:00 a.m. to 12:00 midnight.

i. A dust mitigation plan has been submitted and approved by the zoning administrator.

j. An adequate number of trash receptacles shall be provided on-site and shall be emptied or removed when necessary at the applicant's expense; and the site shall be cleaned and restored to its original condition or better at the conclusion of the event.

k. No sale of alcoholic beverages or sexually oriented products or materials.

l. Must conform to adopted Utah County Noise Ordinance.

m. The application may include a travel trailer, recreational vehicle, or camper, for a security attendant during the approved length of the corn maze, haunted house, or outside haunted event; otherwise, the site must be secured from the public during the hours it is not in operation.

n. All structures (including set props or facades) and other facilities associated with the event must be removed entirely from the

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property upon completion of the event unless such structures receive a building or land use permit for a qualifying use of the underlying zoning designation of the subject property.

Exception: A structure or other facility associated with the event may remain on the property outside of the temporary event time period if the following are met:

(1) A building or land use permit is obtained for each structure or facility that meets all applicable zoning, building, health, and fire-safety requirements.

(2) A site plan is provided and approved that has been drawn by an engineer, architect, or land surveyor licensed by the State of Utah, drawn to a readable scale which shows all existing and proposed buildings, structures, facilities, and other activity areas, and the proposed parking areas, including patron and emergency personnel access routes to/from the nearest public road(s), for the event. Such access routes must be designed to provide emergency personnel vehicles unobstructed access at all times.

(3) An approved haunted event must occur on the subject property within 365 days of any previously completed approved haunted event on the subject property. If an approved haunted event fails to occur within this time period annually, the structures and facilities need to be completely removed from the property.

(4) For the purpose of encouraging the future annexation into a municipality, the parcel(s) the structures and facilities are located upon must lie adjacent to an existing municipality.

(5) (The property the structures and facilities are located upon shall not contain land designated as prime agricultural land as depicted on the most recent version of a farmland map from the U.S. Department of Agricultural Soil Conservation Service.

(6) The structures and facilities must be setback a minimum of 300 feet from any adjacent public street, road, or highway. Exception: An accessory storage structure used exclusively for storage may be located closer to any adjacent public street, road, or highway with the intent to meet location requirements from an approved central water system.

(7) Occupied structures shall be limited to one (1)-story with a

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maximum floor area of 245 square feet as determined by the currently adopted building construction codes of Utah County, unless the structures are supplied by an approved central water system which can supply water which meets the supply and flow requirements for fire protection.

(8) Accessory storage structures shall be limited to one (1)-story of habitable area with a maximum floor area of 120 square feet as determined by the currently adopted building construction codes of Utah County, unless the structures are supplied by an approved central water system which can supply water which meets the supply and flow requirements for fire protection.

(9) Any props or facades that are part of a restricted or enclosed passage-way or trail associated with a haunted event scene shall be located within a designated scene area on the approved site plan, which scene area is limited to 100 linear feet. Each scene area must meet all adopted building and fire-safety codes for exiting.

(10) Unoccupied structures used as a prop, including for an approved scene area, shall be limited to a maximum floor area of 300 square feet as determined by the currently adopted building construction codes of Utah County.

(11) Any obsolete vehicle used as a prop or part of a scene area must be removed from the property upon completion of the event.

Exception: No more than four (4) obsolete vehicles may be stored on the property within a totally enclosed accessory storage structure.

8. **Large Public Assemblies**: In the RA-5, Residential Agricultural Zone; M&G-1, Mining and Grazing Zone; I-1, Industrial Zone; HS-1, Highway Service Zone, and A-40, Agricultural Zone; Large Public Assemblies shall be allowed when approved as per all requirements for Large Public Assemblies, found in the Utah County Code.

9. **Temporary Commercial Filming**: Upon receipt of a complete application, in any zone, a temporary use permit shall be issued by the Zoning Administrator for temporary commercial filming in a natural setting or a temporary film set if the Zoning Administrator finds that all of the following conditions and requirements are met:

    a. An application to film on private property requires written approval

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by the property owner.

b. The permit shall be valid for a period of not more than six (6) weeks, but is renewable up to a maximum of three permits per calendar year per location.

c. Any film set structure, prop or other material shall be removed and any land disturbance restored upon completion of the filming in that location.

d. The temporary use permit is for zoning compliance only; approval from other county departments or agencies may also be required.

e. A separate temporary use permit is required for each filming location. Adequate parking must be provided.

Exception: An approval letter from the applicable governmental agency may be substituted for a permit application form for temporary commercial filming when the proposed temporary commercial filming lies upon property owned by a governmental agency, including public right-of-ways. Such approval letter shall include a statement the proposed temporary commercial filming is approved on the subject property, the duration of the approved temporary commercial filming, and any conditions associated with the approval. The temporary commercial filming shall meet all applicable requirements of this Land Use Ordinance.

10. **Temporary Recycling Equipment During Demolition**: Upon the receipt of a complete application, in any zone, a temporary use permit shall be issued by the Zoning Administrator for the crushing, shredding or mulching of materials generated by the demolition of a structure located on the parcel if the Zoning Administrator finds that all of the following conditions and requirements are met:

    a. The equipment shall be on the same parcel as the structure that is being demolished and the temporary use permit can only be issued after a Utah County permit for demolition has been obtained.

    b. The temporary use permit is valid only during the demolition and must be removed within thirty (30) days of the completion of the demolition of the structure.

    c. The temporary use permit shall only be issued for a maximum of six (6) months for an individual parcel during a calendar year.

11. **Seasonal Sales and Services**: Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for seasonal sales and services, in the HS-1 or NC-1 zones for a maximum of six (6) months annually, if the Zoning Administrator finds that all of the

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following conditions and requirements are met:

a. The applicant has submitted a completed Utah County Temporary Use Permit application with a site plan that details and identifies specific areas of the seasonal use and services including, but not limited to, all stands, booths or structures associated with the use; all vehicles to be used for the use; designated off-road parking designed to eliminate the need for an individual to cross a state, city or county road to access the site; restroom location; boundary of the entire site area to be utilized; and any required fire apparatus.

b. Provide off-road parking as determined by the Zoning Administrator, but not less than three (3) spaces per seasonal use.

c. A state road or county road access permit has been issued.

d. Approval from the Utah County Fire Marshal; approval from the Utah County Health Department; approval from the Utah County Building Official; and approval from the Utah County Sheriff; have been obtained.

e. All stands, booths, and structures associated with the seasonal sales and services use shall be temporary and removable, not for public occupancy, and must be removed from the property at the completion of each year's seasonal use.

f. All signs shall conform to the provisions of UCLUO 8.24.

g. Prohibited activities and land uses: The sale of alcoholic beverages, the sale of sexually oriented products or materials, dances, concerts, outdoor movies or movie theaters, the sale of vehicles, and group gatherings.

h. At the site of an approved seasonal sales and services, temporary use permit, the sale of food, equipment, clothing, and craft items, appurtenant to the approved temporary use is permitted during its time of operation when specified and approved on the temporary use permit application.

i. Not more than two (2) seasonal sales and services, temporary use permits, shall be allowed within each separate Highway Service Zone (HS-1) and each separate Neighborhood Commercial Zone (NC-1).

12. **Auxiliary Parking**: Upon the receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for auxiliary parking in conjunction with a land use which is approved or permitted by Utah County for a period of time not to exceed five (5) consecutive calendar

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days, for not more than two such events per calendar year, and with at least two months between events, if the Zoning Administrator finds that all of the following conditions and requirements are met:

a. The parcel of land on which the auxiliary parking will be located is adjacent to the parcel of land on which the approved or permitted land use is located; or, the location of the vehicular access from the public road to the parcel of land on which the auxiliary parking will be located is within one quarter mile (1320 feet) from the location of the patron access to the parcel of land on which the approved or permitted land use is located.

b. The layout of the auxiliary parking has been approved by the Utah County Fire Marshal for fire safety.

c. Hours of operation of the auxiliary parking shall be exclusively for the period of time commencing one hour before the event and terminating one hour after the approved time of the event.

d. Access to the auxiliary parking shall require advance written approval from the Utah County Engineer, if from a county road, or from the State of Utah, Department of Transportation (UDOT) if from a state road or highway.

e. The applicant has submitted a completed Utah County Temporary Use Permit Application with a site plan that details and identifies specific areas of the auxiliary parking, including spaces, internal circulation and vehicular access points, and the Zoning Administrator has approved the site plan.

f. Signs shall comply with UCLUO 8.24.

g. The applicant shall be responsible for cleanup of the auxiliary parking site, including the removal of all signage, with the clean up and removal of signage to be completed within twenty-four (24) hours from the end of the event for which the auxiliary parking was approved.

h. The Temporary Use Permit, when issued, constitutes the Utah County Business License for the auxiliary parking.

i. A parking attendant shall be present at the auxiliary parking lot at all times during its operation.

13. **Agritourism**: Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for an agritourism operation in the RA-5 zone for a maximum of sixty-five (65) days annually which complies with the following conditions and requirements:

a. The agritourism operation is located on a parcel or adjacent

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parcels with a combined minimum total of 20 acres. The 20-acre area must be included in the Farmland Assessment Act as documented with a recorded Application for Assessment and Taxation of Agricultural Land, as updated in form by the Utah State Tax Commission.

b. Agritourism activities include:

(1) Guided tours of the farm;

(2) Petting zoo with farm animals, including pony rides;

(3) Pumpkin patch or pumpkin walk;

(4) Corn maze;

(5) Farm related educational games and activities;

(6) Farm day camps;

(7) Concessions.

c. The applicant has submitted a detailed site plan, drawn to a readable scale, that identifies all areas of the event including, but not limited to, the following:

(1) All existing and proposed structures, along with all proposed activity areas;

(2) Designated off-road parking area(s) designed to eliminate the need for an individual to cross a public road to access the site;

(3) Restroom locations;

(4) Boundary of the entire area to be utilized;

(5) Concession locations;

(6) Lighting locations with illumination direction;

(7) Location of all required fire apparatus;

(8) Location of all signs which comply with UCLUO 8.24.

d. No portion of the agritourism, or its related activities, may be located closer than five hundred (500) feet from an existing dwelling unless:

(1) the dwelling is located on the subject parcel(s);

(2) the dwelling is in the same ownership as the property on which the agritourism is located; or

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(3) the applicant can submit written approval from the property owner of the dwelling.

e. Approval for access from a state or county road, if required.

f. Approval from the following, if required: Utah County Fire Marshal; Utah County Health Department; Utah County Building Official; Utah County Sheriff.

g. Hours of operation are limited to the following:

(1) 10:00 a.m. to 10:00 p.m. Sunday through Thursday

(2) 10:00 a.m. to 11:00 p.m. Friday and Saturday

h. No sale of alcoholic beverages.

i. Must comply with adopted Utah County Noise Ordinance.

j. All structures and other facilities associated with the event must be removed entirely from the property upon completion of the event unless such structures receive a building or land use permit for a qualifying use of the underlying zoning designation of the subject property.

k. Any approved agritourism operation that has received five (5) or more written complaints submitted to the Zoning Administrator from aggrieved property owners during the time of operation shall be required to have a subsequent application for temporary use for an agritourism operation reviewed and approved by the County Commission.

C. **Issuance of Permit**: The Zoning Administrator shall issue a temporary use permit upon receipt of a properly completed application provided all of the requirements of this section and the zoning district have been met.

8.20 Home Occupation

Upon receipt of a complete application, the Zoning Administrator shall grant a permit for a home occupation if the Zoning Administrator finds that all of the following conditions and requirements are met:

A. The Business use is compatible with, and incidental and secondary to, the residential use of the property.

B. No retail sales are permitted, except the sale of limited items which are incidental to the service provided.

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C. The area of business use of the dwelling shall not exceed the smaller of 500 square feet or 20% of the floor area of the dwelling (excluding any attached garages or carports) and the business (including storage) does not include any use of areas outside the dwelling.

D. Adequate off-street parking for all business vehicles and trailers and vehicles of any visiting clientele shall be provided. The vehicles and trailers used for the home occupation business shall meet the following:

1. Home Occupation: One (1) motorized vehicle not to exceed a one (1)-ton rated capacity, and one (1) trailer not to exceed 20 feet in length.

2. Home Occupation for a mobile agricultural equipment and agricultural vehicle repair: One (1) motorized vehicle with a Federal Highway Administration classification not to exceed a Class 7 rating, and one (1) trailer.

E. The home occupation is conducted entirely by family members residing on a full-time basis (not less than ten months per year) in the same dwelling as the home occupation and does not include employees coming to the dwelling.

F. Storage in or use of a garage or carport is not permitted.

G. The dwelling retains its architecture and outside appearance as a residence.

H. Signs are permitted subject to the provisions of UCLUO 4, UCLUO 6 and UCLUO 8. Permitted trailers with advertising on them may not be stored in the open.

I. The business use does not create any odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations, radio interference or television interference which are not commonly created by residential use.

J. Home occupations with visiting clientele shall have business activity only between the hours of 7:00 a.m. and 7:00 p.m.

K. The home occupation does not include the storage or sale of flammable, explosive, or hazardous materials, junkyards, salvage yards, sexually oriented businesses, small engine repair, major household appliance repair, automotive repair or body work or painting, towing operations, vehicle sales or rentals, welding or iron work, or cabinet shops.

8.24 Signs

A. **Legislative Intent**: The purpose of this Section is to promote and protect the public health, safety and welfare. It is intended to:

1. Stabilize and reinforce property values to protect private and public investment;

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2. Preserve and reinforce the natural, historic, and architectural qualities of neighborhoods;
3. Establish and enhance aesthetic and architectural compatibility within neighborhoods and commercial areas;
4. Create a regular and impartial process for businesses and/or persons seeking to erect signs;
5. Reduce sign obstructions and advertising distractions that may contribute to traffic accidents, and reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way;
6. Provide approved locations for sign structures within zones;
7. Provide the property owner or business owner with the ability to advertise goods and services; and
8. Allow the expression of noncommercial copy.

B. **Signs Permitted in All Zones**: In addition to other signs which may be permitted, the following signs shall be permitted in any zone:

1. Temporary real estate signs that advertise the sale or rental of the property on which such signs are located, provided no sign is larger than thirty-two (32) square feet in area and no sign structure is closer than six hundred sixty (660) feet to another such sign on the same parcel of property.
2. Traffic, street name, and information signs placed by a governmental agency on public property.
3. Political signs.
4. Temporary directional signs for time limited events, limited to two (2) signs per specific event or site(s) related to the event that do not exceed nine (9) square feet of sign face per sign, that may be placed ten (10) days prior to the event and must be removed within ten (10) days from the closing day of the event. Directional signs shall only contain the name and address of the event or site and directional information to locate the event or site.

C. **Signs in the RR-5, TR-5, RA-5, M&G-1, A-40, CE-1 and CE-2 Zones**: In addition to the signs permitted by Paragraph B, accessory signs (a sign which is located on the parcel and which advertises legal uses located on the parcel) are permitted in the RR-5, TR-5, RA-5, M&G-1, A-40, CE-1 and CE-2 Zones subject to the following limitations:

1. Such signs, in aggregate, shall be limited to two (2) per lot; and signs with separation of not less than fifty (50) feet.

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2. Any such sign in the RR-5, TR-5, and CE-2 Zones shall not exceed a sign face of sixteen (16) square feet in area, except that signs located in an approved, recorded, recreational resort plat, shall not exceed the size limitation as shown on said plat.
3. Any such sign in the RA-5, M&G-1, A-40, and CE-1 Zones shall not exceed a sign face of thirty-two (32) square feet in area.
4. No sign may exceed the height of eight (8) feet, except for a sign attached to a structure, in which case the sign shall not exceed the height of the structure to which it is attached, except that signs located in an approved, recorded, recreational resort plat, shall not exceed the height limitation as shown on said plat.

D. **Signs in the RA-5, M&G-1, A-40 and CE-1 Zones**: Directional signs that provide only directional information to locate a business at the site address indicated on the approved Utah County business license or the property of an approved agricultural use when such business or agricultural use is located within unincorporated Utah County, and which meets all of the following criteria:

1. Maximum of two sign faces per business or two sign faces per agricultural use, and signs with only one sign face shall have a required separation of not less than fifty (50) feet;
2. Each sign shall not exceed nine (9) square feet in area;
3. Each sign shall only contain the name and address of the business or agriculture use and directional information to locate the business or agricultural use;
4. A directional sign shall be located not more than one (1) mile from the business site or agricultural use;
5. If two (2) directional signs per business license or agricultural use are utilized they shall not be at the same location and shall be separated by a minimum distance of 1,320 feet; and
6. If two or more directional signs are placed at the same location on the same or adjacent sign structure due to two or more licensed businesses or agricultural uses, each directional sign face shall be separated from another directional sign face by not less than one (1) foot in any direction.
7. The applicant for a directional sign shall submit to the Community Development Department a site plan showing the location of the directional sign or signs, the content that will be placed on each sign, and written approval from the property owner on whose land the sign or signs will be located if the land is not owned by the applicant.
8. A Zoning Compliance Permit shall be issued by the Community Development Department only after it is determined that the directional

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sign or signs have met all of the above criteria.

E. **Signs in the HS-1 and NC-1 Zones**: Signs in the HS-1 and NC-1 Zones shall be limited to those permitted by Paragraph B, plus attached and freestanding accessory signs which advertise legal uses located within the HS-1 or NC-1 zoning district boundaries within which the sign is located as per the approved site plan.

F. **Signs in the I-1 Zone**: Signs in the I-1 Zone shall be limited to those permitted by Paragraph B, plus attached and freestanding accessory signs and non-accessory signs (billboards), subject to the following:

1. Freestanding non-accessory sign structures shall be separated by a distance of not less than 500 feet from another such non-accessory sign structure.

2. Freestanding non-accessory sign structures may have a maximum of two sign faces which must oppose each other.

G. **Location and Setback**: In any zone, except for traffic, street name, and information signs placed by a governmental agency on public property, signs shall be set back from a public street or property line so that no portion of the sign face or sign structure shall protrude into the right-of-way of a public street or into an adjacent property. Prior to receiving a building permit for a sign structure, the County Engineer must find that vehicle safety and driver sight distances will not be reduced below adopted standards by the location, design, and lighting of the sign.

H. **Lighting**:

1. Non-accessory Signs (Billboards) may be illuminated as per the current state code or as per accessory signs in Paragraph H-2.

2. Accessory Signs in the HS-1 and NC-1 Zones, illumination of signs shall be accomplished by means of back-lighting or shielded light sources in such a manner that no glare shall extend beyond the property lines of the property upon which such sign structures are located, and no glare shall disturb the vision of passing motorists or constitute a hazard to traffic. No flashing, non-constant, or moving light sources shall be permitted or constitute a part of any sign, with the exception of public service information signs owned by a governmental entity.

I. **Licenses For Non-Accessory Signs**: An annual business license fee shall be paid to Utah County for each non-accessory sign structure (Billboard).

J. **Substitution Clause**: Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

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8.28 Produce Stands And Farmers' Markets

A. **Intent**: The intent and purpose of this section is to allow the operation of incidental produce stands and farmers' markets which supply the local market with needed food and farm products without causing a deleterious effect upon the agricultural industry fostered in the zone.

B. **Conditions**: Upon receipt of a complete application, the Zoning Administrator shall grant a permit for a produce stand or farmers' market if the Zoning Administrator finds that all of the following conditions and requirements are met:

1. Only plants, animals or parts thereof which are products of the subject lot or farm unit shall be offered for sale at a produce stand; farmers' markets may sell plants, animals or parts thereof from any lot or farm unit produced within the boundaries of Utah County.
2. In accord with UCLUO 4.60 at least five (5) off-street parking spaces shall be provided for a produce stand; five (5) off-street parking spaces per 1000 square feet of retail floor area shall be provided for a farmers' market, but never less than five (5) off-street parking spaces.
3. Only one sign, a maximum of thirty-two (32) square feet in area, except in the TR-5 Zone the maximum area of the sign is sixteen (16) square feet, which advertises only products of the produce stand or farmers' market shall be permitted and shall not extend into the road right-of-way.

8.32 Marinas

A. **Intent**: The intent and purpose of this section is to utilize suitable locations along the shores of Utah Lake and other bodies of water in Utah County for boating and water-related recreation where it can be determined that such use will not cause a deleterious effect upon the agricultural industry or other land uses in the area.

B. **Site Plan**: Any application for a marina shall be accompanied by a site plan having a scale of one (1) inch equals one hundred (100) feet or larger, which shall contain:

1. The perimeter metes and bounds description of the boundary of the marina.
2. The access points for ingress and egress.
3. The layout of roads, driveways, parking areas, and launching sites.
4. The location of all buildings and structures.
5. All landscaped areas.

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C. **Conditions**: Upon receipt of a complete application, the Zoning Administrator shall grant a permit for a marina if the Zoning Administrator finds that all of the following conditions and requirements are met:

1. Approval from the Utah County Health Department for water, restroom facilities and any food concessions.
2. The marina shall have twenty (20) double-length parking spaces per each twenty-foot-width of the launching ramp in addition to the parking spaces required by UCLUO 4.60.
3. The lot shall abut on a state or county road and shall have a valid access permit.
4. No overnight camping shall be allowed.
5. An annual Utah County business license is obtained to operate the marina.

8.36 Standards For Approving An Automobile Wrecking Yard Or A Salvage Yard

A. **Intent**: The intent and purpose of this section is to protect the community and neighboring properties from litter, vermin, loss of property value, or other ill effects of a poorly maintained salvage yard or automobile wrecking yard.

B. **Scope**: The provisions of this section shall apply to salvage yards and automobile wrecking yards authorized within the I-1, Industrial Zone.

C. **Conditions**: Upon receipt of a complete application, the Zoning Administrator shall grant a permit for an automobile wrecking yard or a salvage yard if the Zoning Administrator finds that all the following conditions and requirements are met:

1. Such use is located in the I-1 Zone.
2. All parts and other items, whether functional or not, which are stored outside of a building, shall be surrounded by a sight-obscuring fence.
3. The sight-obscuring fence shall have a Utah County Building Permit, shall be constructed to a height of at least eight (8) feet and must be engineered for wind load.
4. Any parts or materials which are light enough to blow in the wind shall be kept in an enclosed building.
5. Off-street parking shall be provided according to the standards found in UCLUO 4.60.
6. Vehicle drop-off areas must be contained within a sight-obscuring fenced enclosure and not in the open or in the designated public parking area.

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8.40 Requests For Reasonable Accommodation

A. **Purpose and Intent**: It is the policy of Utah County to provide individuals with handicaps or disabilities reasonable accommodation in rules, policies, practices and procedures to achieve equal access to housing and facilitate the development of equal housing opportunities for individuals with disabilities. The purpose of this Section is to implement part of the County's Housing Element in its General Plan and to provide a procedure for individuals with disabilities to request reasonable accommodations, consistent with the federal Fair Housing Amendments Act of 1988, the Utah Fair Housing Act, the Americans with Disabilities Act and the Rehabilitation Act, as those Acts are amended from time to time (herein collectively the "Acts"). The sole intent of this Section is to ensure that individuals with disabilities have an equal opportunity to use and enjoy housing by allowing an accommodation or accommodations with respect to certain County regulations, policies, procedures, and standards if said accommodation or accommodations are both reasonable and necessary to provide such equal opportunity without compromising the County's commitment to protecting community character.

B. **Findings**: The Board of County Commissioners of Utah County finds as follows:

1. The Acts impose an affirmative duty on local governments to make reasonable accommodations in their land use and zoning regulations and practices when such accommodations are reasonable and necessary to afford individuals with disabilities equal housing opportunities.

2. Persons with disabilities are best accommodated on a case-by-case basis rather than through the enactment of general ordinances designed to anticipate and accommodate the general needs of persons with disabilities, as such general ordinances may be based upon assumptions or stereotypes about the disabled that subject local governments to facial challenges concerning the validity or enforceability of such "built-in" accommodations.

3. A reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further Utah County's compliance with federal and state fair housing laws and further the goal of providing individuals with handicaps or disabilities reasonable accommodation in rules, policies, practices and procedures to achieve equal access to housing and facilitate the development of equal housing opportunities for individuals with disabilities.

C. **Applicability**: The provisions of this Section shall apply to all requirements of this Land Use Ordinance as well as all other land use, zoning and building

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regulations, policies, procedures, and standards, regulated by the County.

D. **Definitions**: As used in this Section, the following terms shall have the following meanings:

"Acts" means the federal Fair Housing Amendments Act of 1988, the Utah Fair Housing Act, the Americans with Disabilities Act, and the Rehabilitation Act as those Acts are amended from time to time, and the regulations promulgated thereunder.

"Individual with a disability" means individuals with a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment, as defined in the Acts and the regulations promulgated thereunder, or individuals with a handicap as that term is defined in 42 U.S.C. section 3602 of the federal Fair Housing Amendments Act of 1988, as that section may be amended, but does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

"Reasonable accommodation" means a waiver or modification to regulations, policies, procedures, and standards that is both reasonable and necessary for a person with a disability to have an equal opportunity to use and enjoy a residential use. As used in this definition:

1. "Necessary" means the applicant must show that, but for the accommodation, one (1) or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
2. "Equal opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

"Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability. An accommodation is not reasonable if it is not efficacious, if it is not proportional to the costs to implement it, if it imposes undue financial or administrative burdens, if it requires a fundamental alteration in the nature of the land use ordinance, or if it is so at odds with the purposes behind the land use ordinance that it would be a fundamental change.

"Residential use" means any dwelling as defined by 42 U.S.C. 3602, subsection (b), as that section may be amended from time to time.

"Reviewing Authority" means the Zoning Administrator, except that when a request for a reasonable accommodation is sought in connection with an application for a conditional use permit, variance, or other discretionary land use

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entitlement, the Reviewing Authority shall be the entity authorized to render a decision for such permit, variance, or other discretionary land use entitlement.

E. **Application**:

1. Any individual with a disability, someone acting on his or her behalf, or a provider or developer of housing for individuals with disabilities, desiring to obtain a reasonable accommodation in accordance with this Section shall file an application with the Reviewing Authority.
2. An application for a reasonable accommodation shall contain the following information:
    a. Name and address of the applicant and of all persons owning any or all of the subject property;
    b. Evidence that the applicant is one of the following:
        (1) The owner of the subject property; or
        (2) Has the written permission of the owner or owners to make such application.
    c. Location of the subject property, including address (or vicinity) and Assessor's parcel number(s);
    d. Legal description of the subject property;
    e. Description of the current use of the property;
    f. The specific requirements of this Land Use Ordinance, or other regulations, policies, procedures, and/or standards that are requested to be waived or modified;
    g. A statement setting forth the basis for, and necessity of, the request, including verifiable documentation of disability status;
    h. Evidence showing that the requested accommodation will not impose an undue financial or administrative burden on the County;
    i. Evidence showing that the requested accommodation will not require a fundamental alteration in the nature of the land use and zoning programs of the County;
3. The Reviewing Authority may request additional information as it deems reasonably necessary where such request is consistent with the Acts and the privacy rights of the individual with a disability.
4. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A

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reasonable accommodation does not affect an individual's obligation to comply with other applicable regulations not at issue in the requested accommodation. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

5. If an individual needs assistance in making the request for reasonable accommodation, the County shall provide assistance, to the extent reasonably feasible, to ensure that the process is accessible.

F. **Reviewing Authority**:

1. Requests for reasonable accommodation shall be reviewed by the Reviewing Authority using the criteria set forth in Paragraph G.
2. The Reviewing Authority shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Paragraph G.
3. If necessary to reach a determination on the request for reasonable accommodation, the Reviewing Authority may request further information from the applicant consistent with the Acts, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

G. **Required Findings**:

1. Where a request for a reasonable accommodation is sought in connection with a residential use for which no concurrent application for entitlement under this Land Use Ordinance is required, the Reviewing Authority shall, consistent with the Acts, grant, grant with modifications or conditions, or deny the request based upon the following findings, which he/she shall make in writing:
    a. Whether the requested accommodation will be used or is intended to be used by an individual with a disability who resides or will reside on the property;
    b. Whether the requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling or residential use;
    c. Whether the requested accommodation will impose an undue financial or administrative burden on the County;
    d. Whether the requested accommodation will require a fundamental

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alteration in the nature of the land use and zoning programs of the County; and

e. Any other pertinent finding or condition.

2. The Reviewing Authority shall deny a request for a reasonable accommodation where the findings set forth above cannot be substantiated, and shall make written findings to that effect.

3. Any reasonable accommodation approval shall include the requirement that such accommodation be removed when it is no longer necessary for the original purpose granted unless in the reasonable discretion of the Reviewing Authority it is so physically integrated into the property or the improvements thereon that the cost or effort to remove it would create an unreasonable hardship.

H. **Review Where Concurrent Application**: When a request for a reasonable accommodation is sought in connection with an application for a permit, variance, or any other discretionary land use entitlement under this Land Use Ordinance, the entity authorized to render a decision for such permit, variance, or other discretionary land use entitlement shall grant, grant with modifications or conditions, or deny the request for a reasonable accommodation concurrently with the decision rendered for such permit, variance, or other discretionary land use entitlement, and shall make findings addressing the criteria set forth in Paragraph G.

I. **Notice of Decision**:

1. The Reviewing Authority shall notify the applicant by mail of the action taken on an application for reasonable accommodation; said notice shall include the required findings. Notice of decision on an application considered by the Reviewing Authority shall be issued within 30 days of the date of the application, or within an extended period as mutually agreed upon, in writing, by the applicant and the Reviewing Authority; except that notice of decision on an application considered by the Reviewing Authority in conjunction with another land use entitlement application shall be provided along with the decision for such other entitlement in accordance with the requirements for such other entitlement.

2. The notice of decision shall include notice of the right to appeal, as set forth in Paragraph M.

J. **Effective Date**:

1. The Reviewing Authority's determination on a request for reasonable accommodation becomes effective on the day the of the mailing of the notice of decision; except that the decision by the Reviewing Authority

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made in conjunction with another land use entitlement(s) application becomes effective on the latest date such related entitlement(s) becomes effective.

K. **Expiration of Reasonable Accommodation**:

1. A reasonable accommodation which is not used within the time specified in the notice of decision or, if no time is specified, within two years after the date of grant of the reasonable accommodation, shall expire and be of no further effect, except that:
    a. The Reviewing Authority may extend the time to use it for a period not to exceed one year, provided an application requesting such extension is filed prior to its expiration date; and
    b. In the case of a reasonable accommodation granted concurrently and in conjunction with another land use entitlement, the Reviewing Authority may extend the time to use it to correspond with any extensions granted for the use of such related entitlements.
2. A reasonable accommodation shall be considered used within the intent of this Section when construction, development, or use authorized by such reasonable accommodation, that would otherwise have been prohibited in the absence of an accommodation being granted, has commenced.
3. A reasonable accommodation shall automatically cease to be of any further force and effect if the use for which such accommodation was granted has ceased or has been suspended for a consecutive period of two or more years and may be required to be physically removed in accordance with this Section.

L. **Recorded Agreement**:

1. The Reviewing Authority may require the applicant to record, at the office of the County Recorder, an agreement that the reasonable accommodation granted will be maintained in accordance with the terms of the reasonable accommodation and this Section as a covenant running with the land for the benefit of the County, if the accommodation is temporary and required to be discontinued if no longer maintained in compliance with this Section. The recorded agreement shall also provide that any violation thereof shall be subject to the enforcement procedures of this Land Use Ordinance.
2. The Reviewing Authority may authorize termination of the agreement to maintain the reasonable accommodation after making written findings that the lot or parcel of land is in compliance with all applicable land use and

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zoning regulations.

3. The property owner is required to record the termination or release of any agreement provided by this Paragraph.

M. **Appeals**:

1. An appeal regarding a decision made by the Reviewing Authority to grant or deny a reasonable accommodation shall be made to the Utah County Board of Adjustment, pursuant to the procedures and the time limits established in this Land Use Ordinance for the appeal of an alleged error in applying this Land Use Ordinance; except that an appeal regarding a decision made by the Reviewing Authority to grant or deny a reasonable accommodation made in conjunction with other land use entitlements as set forth in Paragraph H, shall be made to the entity authorized to review the decision related to the other land use entitlements.
2. All decisions on an appeal shall address and be based upon the same findings required by Paragraph G.
3. Decisions on an appeal of a decision made by the Reviewing Authority shall be effective on the date of decision and no further administrative appeals may be heard; except that an appeal of a decision made by the Reviewing Authority made in conjunction with other land use entitlements as set forth in Paragraph H shall be effective on the same date as is provided for an appeal of the related land use entitlement and any further rights of appeal will be the same as is provided for an appeal of the related land use entitlement.

8.44 Public Facilities

A. **Permitted Uses**: Upon receipt of a complete application, the Zoning Administrator shall approve the following public facilities in any zone if the Zoning Administrator finds that all of the conditions and requirements are met:

1. Motor vehicle roads and driveways, public transportation parking lots accessory to a public transit station and parking lots for park and ride car pooling.
2. Railroad tracks, public rail transit stations and other public transit stations and facilities.
3. Bicycle and foot trails.
4. Electric power transmission and distribution lines and substations (lines of 345 kV and over within a new transmission corridor require conditional use approval by the Board of Adjustment).

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5. Gas transmission and distribution lines and pumping stations.
6. Canals and water transmission and distribution lines and pumping stations.
7. Sewer lines and sewage pumping and lift stations.
8. Telephone lines.
9. Cable television lines.
10. Cellular telephone, radio, television, or microwave transmission facilities that do not exceed the maximum height of the zone and stealth telecommunications transmission facilities.
11. Any rights-of-way, service driveways, or accessory structures which are appurtenant to the above uses.

B. **Standards**: Public facilities shall be subject to all of the standards for the zoning district in which they are located except:

1. There shall be no minimum area of the zoning lot required.
2. Only walled and/or roofed structures shall be required to meet the setback standards of the zone, except a public transit station that may require being adjacent to a road or rail line for safety, otherwise the public facilities listed in this section shall have no minimum setback requirement.
3. For utility line structures, there shall be no maximum height (this does not include cellular telephone, radio, television, or microwave transmission facilities).

8.48 Airports

A. **Intent**: It is the intent of this section of the zoning ordinance to avoid or lessen 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. **Scope**: The Board of Adjustment, in accordance with the provisions of UCLUO 16, may approve a conditional use for a helicopter pad, landing strip, flying field, or airport, with its related terminal and aircraft storage facilities, provided the following provisions are met.

C. **Site Plan**: The applicant for a permit for a helicopter pad, landing strip, flying field, airport, or airport terminal or aircraft storage facilities shall submit a drawn-to-scale site plan for the subject property (at a scale of 1 inch to 200 feet or larger) which shall contain:

1. The location of all existing and proposed structures.

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2. The location of all vehicular roads and aircraft runways or helicopter lift-off pads.
3. The location of the property boundary lines.
4. The location of above- and below-ground utility lines.
5. The topography.

D. **Vicinity Map**: In addition to the site plan, the applicant shall submit a vicinity map at a scale of one inch to 1000 feet or larger which shows the land within two (2) miles of the proposed runway, including the following:

1. The airport plan as approved by the governmental agency or airport authority.
2. The location of above-ground utility lines.
3. The location and height of all existing dwellings and structures.
4. The topography.
5. The property boundary of the airport.

E. **Standards**: The proposed site of the helicopter pad, landing strip, flying field, airport, airport terminal, or airport storage facilities lies in the RA-5, M&G-1, I-1 or A-40 zone and qualifies under the requirement of such zone for the placement of an airport.

1. Adequate public road capacity, utilities, parking, and runway design shall be available for the level of use of the facility.
2. Except for helicopter pads and ultra-light vehicle flight facilities, which are required to have sufficient space for safe takeoff and landing, all facilities shall have the airport approach zone and airport transition zone contained within the property boundary.
3. The facilities shall not significantly reduce the value or use of land available to other property owners in the area due to noise or safety.
4. There is adequate evidence of a safe design of the facilities, including a written acceptance or statement of exemption by the Federal Aviation Administration.
5. No helicopter pad, landing strip, flying field, or airport may be approved or operated in a location where there will be: electrical interference with radio communication between airports and aircraft; on- or off-site lights which make it difficult for flyers to distinguish the landing area or which glare in the eyes of flyers; or buildings, trees, or other objects which impair visibility or otherwise endanger the landing or taking off of aircraft.

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F. **Existing Airports**: No building permit may be issued for any building or structure within an APO, Airport Overlay Zone of an existing airport that is operated by a governmental agency or airport authority, without first obtaining the written approval and recommendations from the jurisdiction in charge of the airport. The governmental agency or airport authority must respond within 45 days from the date they are notified of the building permit application or the building permit may be issued if no response is received.

8.52 Explosives Manufacturing And Storage Facilities

A. **Intent**: It is the intent of this section to permit the operations of the explosives industry, but only in settings where personal safety and the property of the neighbors may be protected.

B. **Scope**: Upon Receipt of a complete application, the Board of Adjustment, in accordance with the provisions of UCLUO 16, may approve a conditional use permit for an explosives manufacturing or storage facility, if the Board finds that all of the following conditions and requirements are met.

C. **Standards**:

1. The site of the proposed explosives manufacturing or storage facility lies in the M&G-1 Zone.
2. The subject lot is owned or leased by the explosives facility operator and is sufficiently large to provide a safe buffer distance between the explosives facility and the borders of adjacent parcels of land as provided in the currently adopted fire code. Loss of ownership or lease would terminate all explosives manufacturing or storage activity or use.
3. The design of the facilities and operations plan are consistent with Utah State OSHA standards, U.S. Bureau of Alcohol, Tobacco, and Firearms standards, and U.S. Department of Transportation regulations.
4. Standards of the current fire codes of Utah County are met, as certified by the Utah County Fire Marshal.
5. An inventory of hazardous materials with a drawn-to-scale site plan of their location/s along with the specifications of their storage facilities and a brief explanation of the hazards involved, are submitted for use by public safety officials in accordance with each company's Hazardous Waste Operations Emergency Response/Contingency Plan.
6. An annual business license is obtained.

8.56 Public Park And Public Park Facilities

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A. **Scope**: Upon receipt of a complete application, the Zoning Administrator shall approve, in any zone, a public park and public park facilities to be placed in a public park, if the Zoning Administrator finds that all of the following conditions and requirements are met:

B. **Site Plan and Operations Disclosure Statement**:

1. **Site Plan**: A site plan having a scale of 1 inch to 200 feet or larger, which has been approved by signature of the governing legislative body of the public jurisdiction, and shall contain:

    a. A schematic layout of the park showing landscaping, roads, parking areas, building sites and other facilities.

    b. Schematic drawings of all proposed buildings, pavilions, swimming pools, tennis courts, ball diamonds and other facilities.

2. **Operations Disclosure Statement**: A disclosure statement that includes:

    a. The scope and purpose of the park.

    b. The identification of ownership or leasehold interests; the name, address, phone number, and job title of the governmental official managing the park; and the name, address, and phone number of any concessionaires and private parties operating the facilities of the park.

    c. The provision for trash removal, water and sewer, and security.

    d. The management and operations procedures, including any mitigating measures to mesh the park and facilities with the neighborhood.

C. **Standards**:

1. The design and operation of the park shall be consistent with the intent of the zone and shall not significantly decrease the quality of the neighborhood environment through the imposition of large volumes of traffic or produce levels of odor, noise, glare, light, or similar conditions which are incompatible with the character of the area.

2. The primary purpose of the park shall be for the beautification of the area and the recreation and edification of the public, not for private use of public land (user fees and concessions are not prohibited by this requirement).

3. Vehicular roads in the park and off-street parking shall be adequate to accommodate the anticipated use of the park.

4. The size and location of the park, and the type of facilities approved, shall

be compatible with the uses of the surrounding neighborhood and the road system in the area.

5. The park shall not significantly reduce the property values of adjacent parcels of land.
6. No overnight camping shall be allowed, except in the CE-1, CE-2, or M&G-1 zones and for those individuals designated as public park hosts.

D. **Permits and Business License Required**:

1. Before commencing construction of the park, the sponsoring public agency shall obtain a building permit, and, before occupancy and use of the park, obtain a zoning compliance permit from the Zoning Administrator. The zoning compliance permit shall remain valid only if the terms of the site plan, plan of operations, and conditions of approval continue to be met in the park.
2. If the park has private operators or has concessions run by private parties, such operator or party shall obtain an annual business license from Utah County and abide by the conditions of approval of the park.

8.60 Landscape Park Recreational Facilities

A. **Scope**: The Board of Adjustment, in accordance with the provisions of UCLUO 16, may approve a conditional use permit in any zone for landscape park recreational facilities to be placed in a landscape park provided the following provisions are met.

B. **Site Plan And Operations Disclosure Statement**:

1. **Site Plan**:
   Any application to the Board of Adjustment for landscape park recreational facilities shall be accompanied by a detailed, drawn-to-scale site plan (scale 1 inch to 200 feet or larger) which shall contain:
   a. The location of all proposed structures.
   b. The generalized planting plan and an irrigation plan for the landscaping.
   c. The location of all parking areas and the layout of parking spaces.
   d. The layout of the roads and walkways.
   e. The layout and schematic drawings of all pavilions, swimming pools, tennis courts, ball diamonds and other facilities.

2. **Operations Disclosure Statement**:

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In addition to the site plan, an application for landscape park recreational facilities shall be accompanied by a disclosure statement stating:

a. The scope and purpose of the park.

b. The name, address, and telephone number of the property owner, the park developer/designer, and the manager or operator or the park.

c. The provision for trash removal, water and sewer, and security.

d. What endowment or other means will be used to construct and maintain the park and facilities.

e. The management and operations procedures, including any mitigating measures to mesh the park and facilities with the neighborhood.

C. **Standards**:

1. The design and operation of the park shall be consistent with the intent of the zone and will not significantly decrease the quality of the neighborhood environment through the imposition of large volumes of traffic or produce levels of odor, noise, glare, light, or similar conditions which are incompatible with the character of the area.

2. The primary purpose of the park shall be for beautification and recreation. Accessory uses such as parking lots and roadways shall be designed to accommodate the users of the park itself, not the buildings and uses on adjoining parcels of land.

3. Walkways, roads and off-street parking facilities in the park shall be adequate to accommodate the anticipated use of the park.

4. The size and location of the park, and the type of facilities approved, shall be compatible with the uses of the surrounding neighborhood and the road system in the area.

5. The park shall not significantly reduce the property values of adjacent parcels of land.

6. No overnight camping nor sleeping rooms shall be allowed.

D. **Permits And Business License Required**:

1. Before commencing construction of the park, the owner shall obtain a building permit, and, before occupancy and use of the park, obtain a zoning compliance permit from the Zoning Administrator. The zoning compliance permit shall remain valid only if the terms of the site plan, plan of operations, and conditions of approval continue to be met in the park.

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2. If the park is one for which charges or donations are to be requested for membership, entrance to the grounds, or for use of any of the facilities, an annual business license must be obtained, which license shall be required in addition to a zoning compliance permit.

8.64 Major Campgrounds For Noncommercial Use

A. **Scope**: The Board of Adjustment, in accordance with the provisions of UCLUO 16, may approve a conditional use permit in any zone for a major campground for noncommercial use along with appurtenant campsite facilities provided the following provisions are met.

B. **Site Plan**: The Board of Adjustment has first received from the owner or agent of the owner of land in a qualifying zone a site plan (layout) of the campground and appurtenant facilities plus a program of management, which plan and program are consistent with the requirements and standards of this and all other applicable sections of the Utah County Land Use Ordinance.

C. **Standards**:

1. The campground and appurtenant facilities shall be for the private, noncommercial use of individuals or nonprofit corporations and include only those facilities listed in the definition section of this ordinance plus storage sheds and lodges with temporary group quarters.
2. The campground shall be located in a CE-1, CE-2, or M&G-1 zone and meet the minimum area requirements of the zone.
3. The location and size of the campground shall be consistent with the major street plan and other elements of the adopted general plan.
4. The design of the campground (including the number of tent sites, recreation vehicle pads, and parking spaces; the road and walkway system; the water system; the sewage disposal facility; the trash collection facilities; the fire protection facilities; the amount of open space and common area; etc.) shall be adequate for the number of persons permitted to use the facility.
    a. One automobile parking space shall be provided for each tent site, recreation vehicle space, or similar camp space. In group facilities, each five (5) people shall be equivalent to one camp space in calculating the number of automobile parking spaces or other amenities.
    b. Roadways shall be a minimum of 12 feet in width and have no curve where the radius of the center line is less than forty-five (45) feet.

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5. The campground has guaranteed vehicular access from a state or county road by a deeded easement or the equivalent, and the access road is adequate to handle emergency vehicles as well as the anticipated traffic volume.
6. Adequate water rights, water supply and distribution systems, and sewage disposal systems are provided by the applicant which meet federal, state, and any local health, and county standards.
7. Solid waste (garbage) collection facilities and a program of disposal are provided by the applicant which meet federal, state, and any local health, and county conditions.
8. Because the campground or campsite facility is intended for camping as an incidental, recreational use, rather than for private cabins and primary dwellings, any one-family, two-family or multifamily dwelling shall comply with the normal width, area, frontage, yard, and other requirements applicable to dwellings within the zone in addition to the requirements for a zoning lot for a campground.
9. The design and operation of the facilities are consistent with the intent of the zone and will not significantly decrease the quality of the environment of the surrounding area through the imposition of large volumes of traffic or produce levels of odor, noise, glare, light, or similar conditions which are incompatible with the character of the area.
10. Use of the campground shall not include the storage of vacant recreational vehicles after the occupants have returned home, nor the long-term use of campsites (over 90 days per calendar year).

D. **Bond**: The Board of Adjustment may require a performance bond to be posted with the Zoning Administrator, in the amount recommended by the County Engineer or other reliable source chosen by the Board, as a condition of approval, sufficient to guarantee that the required access, garbage, water and sewage facilities will be provided.

E. **Zoning Compliance Permit**: After construction but before occupancy and use of the campground and campsite facilities, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator.

8.68 Recreation Vehicle Courts And Commercial Campgrounds

A. **Intent and Purpose**: The intent and purpose of this section is to protect the safety and convenience of the users of recreation vehicle courts, and commercial campgrounds, to reduce congestion, and to protect the safety and welfare of those occupying surrounding properties.

B. **Approval Authority:** The Board of Adjustment, in accordance with the

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provisions of UCLUO 16, may approve a conditional use permit for a recreation vehicle court or commercial campground in the HS-1 Highway Service Zone or within an approved Recreational Resort, Large-scale Development plat, provided the provisions stated below are met.

C. **Plans Required**: The applicant for a permit for a recreation vehicle court or commercial campground shall submit a drawn-to-scale site and construction plan at a scale of 1 inch to 100 feet or larger containing the following information.

1. The proposed layout of roads, recreation vehicle parking spaces, campsites, automobile parking spaces, service buildings, and management office.
2. The location and size of existing and proposed water, sewer and electric power lines and facilities.
3. The drainage features and slope of the land.
4. A schematic drawing of a typical recreation vehicle parking pad or campsite with the appurtenant automobile parking spot.
5. A plan showing:
    a. Scale.
    b. Total number of acres in the development.
    c. Total number of recreation vehicle spaces, or campsites.
    d. Average number of recreation vehicle spaces, campsites, or per acre.
    e. Total number of off-street automobile parking spaces.
    f. Percentage of the total area to be hard-surfaced.
    g. Percentage of the total area to be in open space, exclusive of hard-surfaced areas and parking sites.
    h. Percentage of the total area to be developed as playground, recreation and other common facilities.
    i. Any other data reasonably required by the Board of Adjustment.

D. **Standards and Requirements**:

1. Recreation vehicle courts and commercial campgrounds shall be permitted only in the HS-1 Highway Service Zone and in platted recreational resorts in the CE-2 Critical Environmental Zone.
2. All recreation vehicle courts and commercial campgrounds shall abut on and gain access from a hard-surfaced public street which meets the

standards of Utah County for collector or arterial roads, except:

a. Where the recreation vehicle court or commercial campground gains access from a central parking lot which in turn abuts on and gains access from a hard-surfaced public street which meets the standards of Utah County for collector or arterial roads.

b. In platted recreational resorts in the CE-2 Zone where the recreation vehicle court or commercial campground gains access from a major street in the recreational resort and the resort itself abuts on and gains access from a hard-surfaced public street which meets the standards of Utah County for collector or arterial roads.

3. All roadways providing access to recreation vehicle spaces, and campsites shall have a hard-surfaced width of at least ten (10) feet, for one-way roads, and twenty (20) feet for two-way roads, plus two (2) feet of unobstructed shoulder on each side of the surface. Such roadways shall not exceed a grade of eight percent (8%).

4. The roadway system shall provide convenient circulation through the recreation vehicle court and shall provide access to each recreation vehicle space and campsite. No recreation vehicle space (or campsite) will be permitted direct access to a public street, road, or highway other than by means of the recreation vehicle court (or campground) roadway system. No entrance or exit shall be located closer than one hundred (100) feet to the right-of-way line of any intersecting street.

5. Each recreation vehicle space shall be hard-surfaced, ten (10) feet or more in width, forty (40) feet or more in length, and have adjacent thereto a standard automobile parking space.

6. All recreation vehicles and camping paraphernalia shall be set back at least thirty (30) feet from any public street, and the setback space resulting therefrom shall be landscaped or remain in natural vegetation except for permitted driveways.

7. In addition to the recreation vehicle spaces, campsites, and a management office, the development may also include accessory recreation buildings which serve only the occupants of the facility.

8. All recreation vehicle courts, and commercial campgrounds, shall be served by a water supply and sewage facility that has been approved by the County Health Department.

9. Each recreation vehicle space (or campsite) shall be served by a hookup facility for water, sewage disposal, and electrical power.

10. Hydrants and other fire protection facilities, as well as the road circulation

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design of the development, shall meet the adopted fire codes administered by the Utah County Fire Marshal.

11. No recreation vehicle shall be allowed in the court (nor camp user in the campground) for more than forty-five (45) days in any calendar year. Besides the approved common facilities shown on the plan, only recreation vehicles and camp users (plus their automobiles) may occupy the facility; mobile homes, construction equipment, outdoor storage (other than licensed vehicles), etc. are prohibited.

E. **Other Licenses and Permits Required**: A building permit is required before any construction is commenced on a recreational vehicle court or commercial campground, and upon completion, a zoning compliance permit and current business license are required before such is operated. Failure of the owner and/or operator to construct and maintain the court in accordance with the terms of approval may result in the revocation of the building permit, zoning compliance permit, and/or the business license.

8.72 Cemetery Approval Standards

The Board of Adjustment, in accordance with the provisions of UCLUO 16, may approve a conditional use permit for a cemetery provided the following provisions are met.

A. The applicant has submitted the following drawings made at a scale of one inch equals 50 feet, or larger:

1. A plat of the proposed cemetery showing the perimeter boundary, survey points and monuments, and location of each individual burial plot (each shall be numbered).
2. A landscaping plan which shows the planting plan or areas to remain in natural vegetation and the layout of the irrigation system if required.
3. A drainage plan showing the system of disposal of surface waters.

B. The applicant has submitted the following supportive information:

1. The total number of acres in the cemetery.
2. The location of any existing drainage channels and floodways.
3. The location of areas where ground water rises to within eight (8) feet of the surface of the ground.
4. The location of areas covered in the event of a base flood.
5. The location of the access roads.
6. The source of water to be used in the maintenance of the vegetation.

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7. Any additional information related to the cemetery that is required by the Board of Adjustment.

C. **Standards**:

1. The cemetery plat shall be recorded, following approval of the Board of Adjustment, in the office of the County Recorder according to the terms of the Utah Code, as amended.
2. The parcel of land contained within the cemetery plat shall be properly maintained as per the approved site plan.
3. Areas rendered unsuitable due to potential for flooding, high topographic relief, shallow depth to groundwater, or other problems peculiar to the site, shall not be used as burial sites.
4. No burial sites shall be within thirty (30) feet of the boundary of an adjacent property ownership or road right-of-way line.
5. Above-grade markers or monuments may be used.
6. Vehicular travel ways within the cemetery shall be hard surfaced for a width of at least ten (10) feet.
7. Burial sites shall be properly surveyed and the survey shall be maintained on a survey plat and with corresponding survey monuments on the ground.
8. Buildings shall be limited to a sexton's office, storage and maintenance sheds.
9. The location of the cemetery and the layout shall not interfere with the adopted street plans and public facilities of the Official County Road Map of Utah County.

D. Except for public cemeteries, the applicant for a cemetery shall put into effect a deed covenant, endowment fund, and agreement to guarantee that the applicant and his successors will provide continued care and maintenance as long as any part of the plat is used as a burial site. Together the documents shall require:

1. Permanent fencing to prevent animals and unauthorized vehicles from entering the cemetery.
2. Maintained areas of grass and plants.
3. Repair of any deterioration or damage to the grounds and facilities.
4. The designation of a corporate or other perpetuating party as trustee to operate and maintain the cemetery.
5. The removal and proper disposal of the remains at the termination of the

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cemetery at the expense of the applicant and his successors, rather than the public or some other party (for this purpose the cemetery shall not be severable from the endowment fund properties).

6. Utah County may enforce these provisions, including maintenance of neglected cemeteries, or the removal of remains at the termination of operations, and use the endowment assets to defray the expense.

7. The endowment assets used to guarantee such maintenance and removal shall bear a reasonable relationship to the current costs of the same, including changes due to increasing numbers of occupied burial plots and inflation. The endowment properties used to guarantee maintenance and removal must bear a reasonable relationship to the current costs of same and provide for inflation.

E. Other requirements reasonably imposed by the Board of Adjustment to implement the street plan, general plan, and the legislative intent of the zoning district in which the cemetery lies.

8.76 Division Of Land, Plat Required

A. **Plat Required**: Any owner or agent of any owner of real property which is located within a subdivision as defined by this ordinance who sells, assigns, or otherwise transfers a lot, parcel of land, or structure before the subdivision plat is given final approval and recorded in the office of the County Recorder, shall be guilty of a separate violation of this ordinance for each lot, parcel, or structure so transferred or sold; and the county may enjoin such transfer or sale by action for injunction brought in any court of equity jurisdiction or may recover a penalty by civil action in any court of competent jurisdiction. The occupancy or use of the facilities involved may be remedied, in addition to other remedies provided by law, by action for injunction mandamus, abatement, or other appropriate action or actions.

B. **Exemption From Plat Requirements**:

1. The Board of County Commissioners, after receiving a recommendation from the Planning Commission, may approve the subdivision of unincorporated land into ten lots or less without a plat by certifying in writing that:

    a. the county has provided notice as required by this ordinance; and

    b. the proposed subdivision:

        (1) is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and

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(2) has been approved by the culinary water authority and the sanitary sewer authority; and

(3) is located in a zoned area; and

(4) conforms to all applicable provisions of this Land Use Ordinance, or has properly received a variance from the conflicting requirements of this Land Use Ordinance; and

c. the boundaries of each lot or parcel exempted here under have been graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a subdivision plat, shall be recorded with the county recorder.

2. **Division of Agricultural Land Exemption**:

a. Parcels resulting from a division of agricultural land are exempt from the plat requirements of this land use ordinance if:

(1) each resulting parcel qualifies as land in agricultural use under Utah Code § 59-2-502, as amended; and

(2) each resulting parcel is not used and will not be used for any nonagricultural purpose; and

(3) the owner of record of each resulting parcel completes, signs, and records with the Utah County Recorder a notice describing the resulting parcel by legal description; and stating that the parcel is created for agricultural purposes as defined in Utah Code § 59-2-502, as amended, and is not used and will not be used for any nonagricultural purpose until a future zoning change permits other uses.

b. If a parcel exempted under this Paragraph is used for a nonagricultural purpose, the county shall require the parcel to comply with all of the requirements of this land use ordinance, including, but not by way of limitation, the requirements for a subdivision.

Exception: If the agricultural land exemption from subdivision and plat requirements is requested for a single remnant parcel of land created by an approved and recorded large-scale development plat, the single remnant parcel shall be described on the recorded notice and the prohibition of any nonagricultural use shall only apply to the single remnant parcel and not to the parcel, or parcels, located within the recorded large-scale development plat.

3. **Division of Agricultural Land Exemption in connection with Parcel**

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with Existing Dwelling:

a. A parcel of land may be divided without complying with the subdivision plat requirements of this ordinance, if:

(1) the parcel contains an existing legal one-family dwelling unit;

(2) the division results in two parcels, one of which is agricultural land;

(3) the parcel of agricultural land:

(A) qualifies as land in agricultural use under Utah Code § 59-2-502, as amended; and

(B) is not used, and will not be used, for a nonagricultural purpose;

(4) both the parcel with an existing, legal, one-family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation of this ordinance; and

(5) the owner of record completes, signs, and records with the county recorder a notice:

(A) describing the parcel of agricultural land by legal description; and

(B) stating that the parcel of agricultural land is created as land in agricultural use, as defined in Utah Code § 59-2-502, as amended, and will remain as land in agricultural use until a future zoning change permits another use.

b. If a parcel of agricultural land divided from another parcel under this Paragraph is later used for a nonagricultural purpose, the exemption provided in this Paragraph no longer applies, and the county shall require the owner of the parcel to:

(1) retroactively comply with the subdivision plat requirements of this ordinance; and

(2) comply with all other applicable requirements of this ordinance.

C. Documents recorded in the county recorder's office that divide property by a

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metes and bounds description do not create an approved subdivision unless the Utah County Legislative Body's certificate of written approval is attached to the document. The absence of the certificate or written approval by the Utah County Legislative Body does not affect the validity of a recorded document. A document which does not have the written approval of the Utah County Legislative Body may be corrected by the recording of an affidavit to which the required certificate or written approval is attached in accordance with Utah Code § 57-3-106, as amended.

D. Any division of land into two or more parcels without either the certificate of written approval from the Utah County Legislative body, or recording an approved subdivision plat with the county recorder shall be prima facie evidence of an illegal subdivision of land and a violation of this ordinance, subject to the penalties stated herein.

8.80 Condominium Projects

The owner or owners of real property may construct a new condominium project or convert existing land and/or structures into a condominium project by complying with the provisions of the Utah Code, as amended, and the regulations of this ordinance.

A. **Minimum Requirements**: Whereas the requirements of this section shall be the minimum requirements for the preparation, submission, and the recording of plats, survey maps, and supporting documents and declarations, the Planning Commission may recommend and the County Commission may require an increased standard to ensure that the development will mesh harmoniously with the uses permitted in the surrounding zone and developments.

B. **Permitted Uses**: Uses permitted within a condominium project shall be limited to those specifically permitted within a zone in which the project is located.

C. **Approval Procedure**: Any owner or owners of real property wishing to develop a new condominium project, or desiring to convert existing land and/or structures into a condominium project, shall follow the procedure for large-scale developments as contained in this Land Use Ordinance.

D. **Standards**: In addition to the standards as set forth in Utah Code, as amended, condominium projects shall:

1. Conform to the large-scale developments standards and requirements, if said project also qualifies as a large-scale development; or

2. Conform with the requirements and standards of the zone in which the property is located, and the documentation for large-scale developments, if the condominium project does not qualify as a large-scale development.

E. **Violation**: It shall be unlawful to record any record of survey map or declaration

of a condominium project in the office of the County Recorder unless the same shall bear thereon signatures witnessing final approval of the County Commission, and any record of survey map or declaration so recorded without such approval shall be null and void. Any owner or agent of any owner of real property which is contained within a condominium project as defined by this ordinance who sells or otherwise transfers any parcel of land, structure, or other condominium unit in such condominium project before obtaining final approval by the County Commission, and recording the survey map and declaration in the office of the Utah County Recorder, shall be guilty of a separate violation of this ordinance for each lot, parcel of land, structure, time unit, or other condominium unit so sold.

8.84 Requirements For Approval Of A Farm Caretaker Dwelling

A. **Intent**: It is the intent of this ordinance to provide a means for a portion of the farm labor housing and caretaker housing needs of production agriculture to be met on the farm premise, but only in densities and conditions which will not conflict with nor be deleterious to other agricultural operations in the area.

B. **Recorded Declaration of Farm Unit**: To be eligible for a permit for a farm caretaker dwelling, the subject farm unit shall be described by legal description in a "Declaration of Farm Unit" on forms which are obtained from the Zoning Administrator and which are recorded with the Utah County Recorder. The declaration shall have a covenant which binds the lands of the farm unit from transfer apart from one another or from the dwelling, and it shall continue in effect while the farm caretaker dwelling remains on the land. Before recording, the signed Farm Unit Declaration must be reviewed and approved by the Zoning Administrator.

C. **Lot Sizes and Qualifications for Dwellings**: The minimum lot size of a farm caretaker dwelling shall be a full 40 acres per dwelling unit for each dwelling on the farm unit (this shall not be varied), but two or more dwellings may be permitted on the same farm unit if it is of sufficient size. Two or more parcels which are contiguous may be included in a single farm unit using a recorded Declaration of Farm Unit, and such shall thereafter be considered one "zoning lot" for the purposes of this ordinance. In determining the number of dwelling units to be approved within a farm unit, the zoning administrator must count the number of existing dwellings on the property against the total number of farm caretaker dwelling units to be permitted. If parcels are to be divided so that portions of former parcels are recombined or otherwise included in a Declaration of Farm Unit, all parcels must meet applicable subdivision plat filing or subdivision waiver requirements and zoning lot provisions.

D. **Dwelling Types**: Farm caretaker dwellings shall only be H.U.D. approved manufactured homes. A farm caretaker dwelling shall not contain another occupancy type except a private garage or carport as a residential accessory

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structure.

E. **Building Separations**: Each farm caretaker dwelling shall be set back from the property lines and roads as normally required by the zone.

F. **Health and Other Requirements**: All Land Use Ordinance requirements shall be met for each farm caretaker dwelling unit except for minimum floor area.

8.88 Accessory Ski Lifts And Associated Mountain Resort Facilities In The CE-1 Zone

A. **Intent**: It is the intent of this section to provide standards for the approval of accessory ski lifts and certain closely related mountain resort facilities in the CE-1 Critical Environmental Zone in a way which follows the stated intent of the zone, protects the sensitive environment of the area, and assures that the cost of governmental services will be considered.

B. **Scope**: The Board of Adjustment, in accordance with the provisions of UCLUO 16, may approve a conditional use permit for accessory ski lifts and certain associated ancillary mountain resort facilities in the CE-1 Zone provided that all of the requirements contained in this section are met, in addition to the general standards for issuing a conditional use permit found in UCLUO 16.

C. **Permitted Facilities**: Only the following facilities may be permitted in association with a conditional use permit issued pursuant to this section:

1. Accessory ski lifts (e.g., towbars, chairlifts, gondolas) and lift operator shelters.
2. Ski and snow-boarding runs.
3. Trails for cross-country skiing, snow-cat skiing, hiking, mountain biking, and horseback riding.
4. Avalanche control facilities and structures.
5. Skier and ski patrol warming facilities.
6. Zip lines, alpine slides, and alpine rail slides, which are integrated into the mountain features (not stand alone carnival or amusement park type rides or facilities), provided that such facilities utilize the change in elevation down the mountain slope as the sole energy source.
7. Snowmobile, all-terrain vehicle, and horseback riding concessions; provided that all-terrain vehicle use shall be restricted to designated roads and designated all-terrain vehicle trails.
8. Restrooms and pre-cooked food and beverage facilities for use by patrons of the resort.
9. Service roads and utility lines.

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D. **Site Plan**: An applicant for a conditional use permit for the accessory ski lifts and associated mountain resort facilities shall submit a drawn-to-scale site plan of the subject property at a scale 200 feet per inch or larger (except the scale may be 1000 feet per inch or larger for portions of the lot where there will be no runs or other facilities placed) which shall contain:

1. The boundary of the zoning lot of record and the boundary of the project area if not coterminous with the lot boundary.
2. The location of any existing structures, roads, utilities and other uses of land.
3. The location of all proposed ski lifts, ski runs, shelters, restrooms, roads, utility lines and any other proposed facilities.
4. Topography, vegetation, and soil types.
5. Other information which the Board of Adjustment finds it needs to determine whether the use meets the standards of approval or needs to set conditions in accordance with UCLUO 16.

E. **Operations Disclosure Statement**: In addition to the site plan, an application for a conditional use permit shall be accompanied by a disclosure statement stating:

1. The scope and purpose of the development.
2. The identification of ownership or leasehold interests; the job title, name, address, phone number and hours of service of the individual managing the area.
3. The provisions for trash removal, water, sewer, security, and access by governmental emergency services for the development.
4. The daily management and operations procedures.

F. **Developmental Impact Report**: The applicant shall submit a developmental impact report prepared by an individual or individuals competent in the fields to be addressed in the report, which analyzes the impacts relative to all of the standards for approval as contained in this section, and presents proposed mitigation alternates to compensate for impacts to be caused by the accessory ski lift development.

G. **Fiscal Impact Report**: The applicant shall submit a fiscal impact report prepared by an individual or individuals competent in the fields to be addressed in the report. The report shall show:

1. The qualifications of those doing the report.
2. An itemized list of governmental services that will be needed by the

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proposed development under existing state mandates and governmental practices and the annual cost to the units of government that will provide those services.

3. An itemized list of governmental revenue sources available under existing state laws and governmental practices that is broken out by each source of revenue.
4. An analysis of costs of services and the availability of revenues during the construction phases and, when a development is to go up in phases, the costs and revenues during interim phases before the development is complete.
5. An analysis of the above costs and revenues when the development recommendations for mitigation of costs provides for the applicant to contract for or to provide some of the services traditionally provided by government.
6. An itemized analysis of potential liability and exposure of the County for governmental services to be handled by parties other than the County.

H. **Standards**: The accessory ski lift and associated mountain resort facilities must meet all of the following standards:

1. The accessory ski lift and associated mountain resort facilities (the "development") shall be situated on a zoning lot, or zoning lots, located in the CE-1 zone and at least one of which zoning lots shall (i) abut a recorded recreational resort plat in the unincorporated area of Utah County containing an existing ski resort, or (ii) abut an existing ski resort in an adjoining county; provided that if there exist intervening lands between said zoning lots, other than between the required abutting zoning lot and the existing ski resort, then the existing ski resort shall have an authorized connection, which may be in part by a publicly available access, from the existing ski resort to each of the zoning lots.
2. Both the land on which the development will be located, and the land on which the ski resort to which the proposed development is appurtenant is located, must be in the same ownership.
3. The Board of Adjustment must find that neither flooding, water quality, nor other aspects of the environment will be unreasonably diminished by the approval of the development, and that conditions of approval can be attached which can reasonably be expected to mitigate the environmental impacts.
4. The Board of Adjustment must find that the costs of providing governmental services generated by the development have been considered.

5. The Board of Adjustment must find that there is adequate evidence that the facilities will have a safe design, and that the risks associated with avalanches, rock fall and other natural hazards have been addressed.
6. The Board of Adjustment must find that the accessory ski lifts and associated mountain resort facilities will not significantly reduce property values of adjacent parcels of land.
7. The Board of Adjustment must find that the accessory ski lifts and associated mountain resort facilities are designed in a manner to be (i) harmonious with the alpine setting, (ii) as unobtrusive as reasonably possible, (iii) environmentally sensitive, (iv) esthetically acceptable, and (v) adequately integrated into the existing ski resort to which the proposed development is appurtenant.
8. The Board of Adjustment must find that adequate parking (which may include off-site parking with transit access), patron access, and other public facilities exist for the increase in utilization of the ski resort to which the subject accessory ski lift area will be appurtenant.
9. All access to the accessory ski lift and associated mountain resort facilities must be exclusively from and through the ski resort to which the subject accessory ski lift and associated mountain resort facilities will be appurtenant. Direct access to the accessory ski lift and associated mountain resort facilities shall not be permitted.

8.92 Dude Ranches

A. **Scope**: The Board of Adjustment, in accordance with the provisions of UCLUO 16, may approve a conditional use permit in a zone in which a dude ranch is listed as a permitted conditional use, in connection with an existing livestock ranch operation, provided the following conditions are met.

B. **Site Plan**: The Board of Adjustment has received from the owner of land in a qualifying zone, a site plan (layout map) of the dude ranch, drawn by an engineer, architect or land surveyor licensed by the State of Utah, drawn to a readable scale, showing all existing and proposed buildings, structures, activity areas, parking spaces and roads. The site plan must comply with the requirements and standards of all applicable sections of this land use ordinance.

C. **Standards**:

1. The dude ranch shall be located within a zone in which a dude ranch is listed as a permitted conditional use and shall meet the minimum area requirement for a dude ranch found in that zone.
2. The design of the dude ranch, including parking, access roads and interior road system, water system, sewage disposal system, trash

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collection, fire protection, and food preparation, shall meet the requirements of the adopted codes of Utah County and of this ordinance for the maximum number of individuals permitted at the dude ranch at any time.

3. The dude ranch shall have vehicular access from a paved state or county road and shall have the frontage and width required for a dude ranch in that zone, from which frontage the dude ranch gains vehicular access.
4. Structures for overnight stay by guests shall meet all adopted building, fire, and health codes, and shall not include campers, camp trailers, park model trailers or manufactured homes.
5. On site food preparation and food preparation facilities shall be approved by the Utah County Health Department. Food services shall be provided only for the employed staff and the guests of the dude ranch and individual meals or other prepared foods cannot be sold to an individual who is not a staff employee or a guest of the dude ranch.
6. A dude ranch shall have on-site at least one (1) horse per guest.
7. A dude ranch shall not exceed fifty (50) guests; and the stay shall not exceed thirty (30) days in one calendar year for any individual guest.
8. In addition to horse riding activities, other activities and related facilities may occur as part of the dude ranch provided they are approved as part of the conditional use permit.
9. The applicant shall submit a plan of operations for the dude ranch, including a safety plan which addresses the safety of the guests and the employed staff.
10. County roads indicated on the "Official Utah County Road Map", that front or bisect the dude ranch property, shall have the required road right-of-way for the county road classification deeded to Utah County.

D. **Zoning Compliance Permit**:
After any construction, but prior to occupancy of the dude ranch, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator and a Utah County Business License.

8.96 Reception Centers

A. **Scope**: The Board of Adjustment, in accordance with the provisions of UCLUO 16, may approve a conditional use permit in a zone in which a reception center is listed as a permitted conditional use, provided the following conditions are met.

B. **Site Plan**: The Board of Adjustment has received from the owner of land in a qualifying zone, a site plan (layout map) of the reception center, drawn by an

engineer, architect, or land surveyor licensed by the State of Utah, drawn to a readable scale, showing all existing and proposed buildings, structures, activity areas, parking spaces and roads, the site plan to be consistent with the requirements and standards of all applicable sections of this land use ordinance.

C. **Standards**:

1. The reception center shall be located within a zone in which a reception center is listed as a permitted conditional use and shall meet all the minimum requirements for a reception center found in that zone.
2. The design of the reception center, including parking, access roads and interior road system, water system, sewage disposal system, trash collection, fire protection, food preparation, and any other ancillary facility, shall meet the requirements of the adopted codes of Utah County and of this ordinance for the maximum number of individuals permitted at the reception center at any time.
3. The reception center shall have vehicular access from a paved state or county road and shall have the frontage and width required for a reception center in that zone, from which frontage the reception center gains vehicular access.
4. Structures shall meet all adopted building, fire, and health codes, and shall not include campers, camp trailers or manufactured homes; the reception center may include an attached dwelling unit for the owner or a caretaker.
5. On site food preparation and food preparation facilities shall be approved by the Utah County Health Department.
6. Sound amplification equipment shall not be allowed outside of enclosed structures. Music that is not amplified shall be allowed outside of enclosed structures only between the hours of 9:00 a.m. and 10:00 p.m.
7. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to midnight on Friday and Saturday unless specific hours of operation are approved by the Board that are different than those stated.
8. The applicant shall submit a plan of operations for the reception center, including a safety plan which addresses the safety of the guests and the employed staff.
9. Parking shall be established by the terms of the conditional use permit, but not less than one parking space per thirty (30) square feet of reception/guest assembly area within the reception center.
10. County roads indicated on the "Official Utah County Road Map", that front or bisect the reception center property, shall have the required road right-

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of-way for the county road classification deeded to Utah County.

D. **Zoning Compliance Permit**: After any construction, but prior to occupancy of the reception center, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator and a Utah County Business License.

8.100 Buildings And Facilities For A Licensed Veterinarian

A. **Scope**: The Board of Adjustment, in accordance with the provisions of UCLUO 16, may approve a conditional use permit for buildings and facilities for a veterinarian licensed by the State of Utah in a zone in which such use is listed as a conditional use, provided that all of the following conditions are met, in addition to the general standards for issuing a conditional use permit as contained in UCLUO 16.

B. **Site Plan**: The Board of Adjustment has received from the owner of land in a qualifying zone, a site plan (layout map) of the buildings and facilities, drawn by an engineer, architect, or land surveyor licensed by the State of Utah, drawn to a readable scale, showing all existing and proposed buildings, structures, activity areas, parking spaces and roads. The site plan shall be consistent with the requirements and standards of all applicable sections of this land use ordinance.

C. **Standards**:

1. The buildings and facilities shall be located within a zone in which the buildings and facilities for a veterinarian licensed by the State of Utah is listed as a permitted conditional use and shall meet all the minimum requirements for such buildings and facilities found in that zone.
2. The design of the buildings and facilities, including parking, access roads and interior road system, water system, sewage disposal system, trash collection, fire protection, and any other ancillary facility, shall meet the requirements of the adopted codes of Utah County and of this ordinance.
3. The buildings and facilities shall have vehicular access from a paved state or county road and shall have the frontage and width required for such buildings and facilities in the applicable zone, from which frontage vehicular access is provided to the buildings and facilities, according to the provisions of UCLUO 4.
4. Structures shall meet all adopted building, fire, and health codes and requirements.
5. The applicant shall submit a business operation plan which includes requested hours of operation. Hours of operation must be approved by the Board of Adjustment.
6. The veterinarian facility, if approved, shall not include a license for the

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retail sale or resale of any product not directly associated with animal care.

7. Not less than 40% of the average annual gross receipts generated by the business from the approved buildings and facilities, calculated over each consecutive two year rolling period, must be generated by the medical treatment of large domestic livestock. The initial two year period begins with the first full fiscal year that the clinic receives a valid Utah County Business License.

D. **Zoning Compliance Permit**: After any construction, but prior to occupancy of the buildings and facilities, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator and a Utah County Business License.

8.104 Buildings And Facilities For The Repair Of Agricultural Equipment And Agricultural Vehicles

A. **Scope**: The Zoning Administrator may approve a permit for buildings and facilities for the repair of agricultural equipment and agricultural vehicles in a zone in which such use is listed as a permitted use, provided that all of the following conditions are met.

B. **Site Plan**: The Zoning Administrator has received from the owner of land in a qualifying zone, a site plan (layout map) of the buildings and facilities, drawn to a readable scale by an engineer, architect, or land surveyor licensed by the State of Utah showing all existing and proposed buildings, structures, activity areas, parking spaces, and roads. The site plan shall be consistent with the requirements and standards of all applicable sections of this land use ordinance.

C. **Standards**:

1. The buildings and facilities shall be located within a zone in which the buildings and facilities for the repair of agricultural equipment and agricultural vehicles are listed as a permitted use and shall meet all the minimum requirements for such buildings and facilities found in that zone.

2. The design of the buildings and facilities, including parking, access roads and interior road system, water system, sewage disposal system, trash collection, fire protection, and any other ancillary facility, shall meet the requirements of the adopted codes of Utah County and of this ordinance.

3. The buildings and facilities shall have vehicular access from a paved state or county road and shall have the frontage and width required for such buildings and facilities in the applicable zone, from which frontage vehicular access is provided to the buildings and facilities, according to the provisions of UCLUO 4.

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4. Structures and uses shall meet all adopted building, fire, and health codes and requirements, including the disposal of any waste products.
5. The total area designated for the repair buildings and facilities, including parking and storage areas, may not exceed 10 percent of the total size of parcel up to a maximum of 1 acre.
6. The applicant shall submit a business operation plan which includes requested hours of operation. Hours of operation must be approved by the Zoning Administrator.
7. The repair facility shall be required to limit the length of time for any outdoor parking of vehicles for repair and any outdoor storing of equipment for repair to not more than six (6) months from date of intake. The applicant must show written documentation of compliance to this requirement upon request from the Community Development Department.
8. The outdoor storage of replacements parts is prohibited.
9. The parking/storing of vehicles or equipment along any public road right-of-way is prohibited.
10. The business may have up to two (2) outside employees.
11. The area designated for the repair facilities, which includes all structures, storage areas and parking areas, shall not be closer than 100 feet from any existing residence which does not lie on the same parcel as the repair facility.

D. **Zoning Compliance Permit**: After any construction, but prior to occupancy of the buildings and facilities, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator.

8.108 Equine Reproduction And/or Rehabilitation Facility

A. **Scope**: The Zoning Administrator may approve a permit for buildings and facilities for an equine reproduction and/or rehabilitation facility in any zone in which such is listed as a permitted use, provided that all of the following conditions are met.

B. **Site Plan**: The Zoning administrator has received from the owner of land in a qualifying zone, a site plan (layout map) of the structures and facilities drawn to a readable scale by an engineer, architect, or land surveyor licensed by the State of Utah, showing all proposed structures, activity areas, parking spaces, and roads. The site plan shall be consistent with the requirements and standards of all applicable sections of the land use ordinance.

C. **Standards**:

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1. The facilities and structures shall be located within a zone in which the facilities for equine reproduction and/or rehabilitation are listed as a permitted use and shall meet the minimum requirements for such structures and facilities found in that zone.
2. The design of the structures and facilities, including parking, access roads and interior road system, water system, sewage disposal system, trash collection, fire protection, and any other ancillary facility, shall meet the requirements of the adopted codes of Utah County and of this ordinance.
3. The structures and facilities shall have vehicular access from a paved state or county road and shall have the frontage and width required for such structures and facilities in the applicable zone, from which frontage vehicular access is provided to the structures and facilities, according to the provisions of UCLUO 4.
4. Structures and uses shall meet adopted building, fire, and health codes and requirements.
5. The reproduction and/or rehabilitation facility shall not include a license for the retail sale or resale of any product not directly associated with equine care.
6. Any lighting shall be designed to prevent any direct illumination of adjoining properties. Outdoor lighting shall be limited to the hours between 6:00 A.M. and 11:00 P.M. as necessary for the equine reproduction and rehabilitation needs and procedures.
7. Operation of the facility may include the services of a licensed veterinarian for equine-related procedures and services.

D. **Zoning Compliance Permit**: After construction, but prior to occupancy of structures and facilities, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator.

8.112 Hunting Preserves And Shooting Ranges

A. **Scope**: Upon receipt of a complete application, the Zoning Administrator shall approve a hunting preserve and/or shooting range, along with any incidental accessory structures, facilities, and uses, in a zone in which such uses are listed as a permitted use, provided that all of the following conditions and requirements are met.

B. **Permitted Uses and Facilities**:
Only the following shall be permitted in association with and only incidental to a hunting preserve and/or shooting range permitted pursuant to this section:

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1. The selling of groceries, sporting goods, merchandise, firearms, and ammunition.
2. The renting of sporting goods and firearms.
3. On site food preparation, food preparation facilities, and pre-cooked food and beverage facilities.
4. Lighting for the following: clay shooting fields, shotgun ranges, pistol ranges, and rifle ranges.
5. The keeping and care of dogs, incidental to a hunting preserve or hunting preserve with shooting range, only.
6. Dog obedience and hunting training, as well as the boarding of dogs enrolled in obedience and hunting training.
7. Social, family, religious, or business functions, meetings, or gatherings of patrons, guests, staff, or operators of the facilities and the applicable event facilities.
8. Children and youth camps and activities.
9. OHV (Off-Highway Vehicle) travel and activities for the use of patrons, guests, staff, or operators of the facilities.
10. Educational and training activities and facilities.
11. Administrative offices.
12. Camping and picnic facilities, including recreational vehicle pads, tent sites, and ancillary facilities.
13. Fences, walls, utilities, storage areas, restrooms, solid waste collection areas, sewage treatment facilities for treatment of sewage generated exclusively from the facilities, ponds, landscape features, and similar uses and structures.
14. Membrane structures, including yurts.
15. The maintenance, clean-up, and site-grading of hunting preserves and shooting ranges, including the removal of spent ammunition.
16. Similar uses; as those above, for the use of patrons, guests, staff, or operators of the facilities.

C. **Site Plan**: The owner of land in a qualifying zone shall submit a site plan (layout map), to the Zoning Administrator, of the hunting preserve and/or shooting range. The site plan shall show the boundaries of the project, parcels included in the project, existing and proposed buildings, structures, facilities, activities areas, site features, parking spaces, restrooms, recreational vehicle pads, tent sites, buffer areas, setbacks, roads, and any other information the Zoning Administrator

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deems necessary to graphically and accurately describe the hunting preserve and/or shooting range, and ancillary activities and uses, and to determine compliance with this section and other applicable sections of this ordinance. The site plan shall be consistent with the applicable requirements and standards of this ordinance.

D. **Standards**:

1. The design of a hunting preserve and/or shooting range, including parking, access roads, and interior road system, water system, sewage disposal system, trash collection, fire protection, food preparation, and any other ancillary facility, shall meet the requirements of the adopted codes of Utah County and of this ordinance.
2. The primary roads of the interior road system for a hunting preserve and/or shooting range shall be graveled roads (paved roads are acceptable), as defined in this ordinance. Secondary, two-track roads are not required to be graveled roads. The interior road system shall be clearly laid-out on the required site plan. Primary and secondary roads shall be definitively identified on the site plan.
3. The hunting and competitive shooting facilities shall have vehicular access from an official state or county class "B" road.
4. The minimum acreage required for a hunting preserve is 160 acres.
5. Structures shall meet all adopted building, fire, and health codes.
6. The applicant shall submit a plan of operations for the hunting preserve and/or shooting range, including all ancillary uses and activities. Such plan shall include a safety plan that addresses the safety and security of patrons, guests, staff, and persons on adjacent or others parcels of land that could be impacted by the activities conducted on the hunting preserve or shooting range.
7. Only those activities permitted under the provisions of this section shall occur on the subject property.
8. The applicant for a hunting preserve or shooting range shall provide documentation to demonstrate that such facility has been designed, and shall be operated, to contain, on-site, all projectiles and debris caused by firing ammunition.
9. Any portion of the land included in a hunting preserve, which lies in the right-of-way of a county class "B" road, as per the officially adopted Utah County road cross section standards, which road is shown on the "Official Utah County Road Map," shall be dedicated to Utah County, unless the County Commission, after receiving the written opinion of the County Engineer on the benefit of the dedication, declines receiving some or all of the dedication.

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10. Food services, as well as groceries, sporting goods, merchandise, guns, and ammunition, shall only be provided or sold to patrons, guests, staff, or operators of the facilities. Individual meals and other prepared foods, as well as groceries, sporting goods, merchandise, guns, and ammunition, shall not be provided or sold to an individual who is not a patron, guest, staff, or operator of the facilities.

11. The applicable approvals for food preparation and services shall be obtained from the County Health Department.

12. The care and keeping of dogs, incidentally to a hunting preserve or hunting preserve/shooting range shall be limited to the boarding, breeding, grooming, training, and letting for hire—on the hunting preserve, only—of no more than twenty-five (25) dogs—over six (6) months old, all of which are for the exclusive use on and for the hunting preserve—per 160 acres of land included in the hunting preserve and/or hunting preserve/shooting range. However, obedience and hunting training for dogs, which are not for exclusive use on the hunting preserve, shall also be permitted, as well as the boarding of such dogs, only while they are enrolled in an obedience or hunting training course provided at the hunting preserve. The total number of dogs boarding on a hunting preserve, at any given time, shall not exceed twenty-five (25) per 160 acres of land included in the hunting preserve and/or hunting preserve/shooting range.

13. The following standards shall apply in relation to event facilities:

    a. In addition to the off-street parking spaces for a hunting preserve and/or shooting range, parking for event facilities shall be provide at a minimum rate of one off-street parking space per forty (40) square feet of event assembly area.

    b. The event facilities shall have vehicular access from an official state or county class "B" road; however, access for such facilities may be obtained from a central parking lot that has direct access to an official state or county class "B" road.

    c. Structures shall meet all adopted building, fire, and health codes.

    d. On-site food preparation and food preparation facilities shall be approved by the County Health Department.

    e. Prepared food shall only be provided to patrons, guests, staff, or operators of the facilities.

    f. The plan of operations for the hunting preserve and/or shooting range shall also address the operation of event facilities, including a safety plan for patron, guests, and staff.

14. The following standards shall apply in relation to camping and picnic facilities:

    a. Only patrons, guests, staff, and operators of the hunting preserve and/or shooting range shall be allowed to utilize camping and picnic facilities.

    b. Camping stays shall not extend beyond four (4) consecutive days; however, an individual shall not utilize the camping facilitates for more than thirty (30) days in a calendar year.

    c. Camping and picnic facilities shall have vehicular access from an official state or county class "B" road; however, access for such facilities may be obtained from a central parking lot that has direct access to an official state or county class "B" road.

    d. A roadway providing access to recreation vehicle pads and campsites shall be a graveled road (a paved road is also acceptable), as defined in this ordinance, and shall have a width of at least ten (10) feet for one-way roads and twenty (20) feet for two-way roads. All such one- or two-way roads shall have, at a minimum, two (2) feet of unobstructed shoulder on each side of the surface. Such roadways shall not exceed a grade of eight percent (8%).

    e. A roadway system shall provide convenient circulation through the camping and picnic area and shall provide access to each recreation vehicle pad, campsite, and picnic site. No recreation vehicle pad, campsite, or picnic site will be permitted direct access to a public road except by means of the camping and picnic area roadway system.

    f. Each recreation vehicle pad shall have a gravel surface (pavement is acceptable), ten (10) feet or more in width, forty (40) feet or more in length, and have adjacent thereto a standard, gravel surface (pavement is acceptable) automobile parking space.

    g. All recreation vehicle, camping, and picnic facilities shall be set back at least thirty (30) feet from any public street.

    h. The camping and picnic facilities shall be served by sewage facilities that have been reviewed and approved by the County Health Department. Such facilities shall include a recreational vehicle waste-water and sewage disposal station.

    i. Each recreation vehicle pad, campsite, and picnic site shall have water and electrical service. Approval from the County Health Department shall be obtained for the water service.

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j. Hydrants and other fire protection facilities, as well as the road circulation design of the camping and picnic area, shall meet the adopted fire codes administered by the County Fire Marshal.

15. An applicant of a permit for a hunting preserve and/or shooting range, which lies adjacent to a military installation, public park, school, church, high occupancy building designed to accommodate 50 or more people, or emergency facilities, shall submit proof of notice of application to the owners or operators of such facilities or installations.
16. The noise requirements of the Utah County Code shall be met.
17. All other applicable county, state and federal requirements shall be met.

E. **Zoning Compliance Permit**: After construction, but prior to occupancy of the hunting preserve and/or shooting range, as well as any ancillary building, structure, or other facilities, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator and a Utah County Business License.

8.116 Accessory Dwelling Units

A. **Intent**: It is the intent of this section to provide opportunities for the creation of more dwelling units in unincorporated Utah County for persons or families of various income levels, while establishing standards for such dwelling units that will not be detrimental to other uses or industries.

B. **Scope**: Upon receipt of a complete application, the Zoning Administrator shall approve an accessory dwelling unit in any zone in which such use is listed as a permitted use, provided that all of the following standards and requirements are met.

C. **Standards**:

1. A maximum of one (1) accessory dwelling unit shall be permitted on a lot or parcel.
2. The design, size, and location of the accessory dwelling unit shall be subordinate to the main dwelling on the lot or parcel and shall meet all applicable adopted building, fire, and health codes and requirements.
3. The accessory dwelling unit shall have a total maximum floor area of 1,000 square feet for all habitable stories.

   Exception: An accessory dwelling unit may have a total maximum floor area of more than 1,000 square feet provided the property owner of record has signed and recorded a restrictive covenant and acknowledgement in a form acceptable to the Utah County Attorney's Office which

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acknowledges the accessory dwelling unit on the subject property shall only be rented at an amount which qualifies as moderate income housing as defined by Utah State Code. Such form shall be recorded in the Utah County Recorder's Office prior to issuance of any applicable permits associated with the accessory dwelling unit. In addition, an accessory dwelling unit which is detached from the single-family dwelling on the subject property shall have a total maximum floor area not to exceed 40% of the total floor area of the primary dwelling up to a maximum of 1,500 square feet. For purposes of this calculation, total floor area shall not include garages and covered or enclosed porches or decks.

4. The accessory dwelling unit shall meet all adopted state and county health codes and requirements for the provision of culinary water and sewage disposal.
5. The accessory dwelling unit may have a separate utility meter for gas and/or electrical service provided each meter is in the name of the property owner.
6. The accessory dwelling unit shall utilize the same street address as the primary single-family dwelling on the lot or parcel. However, the accessory dwelling unit may be identified as a separate unit for mail and other addressing purposes.
7. The accessory dwelling unit shall be provided with a minimum of two (2) additional off-street parking spaces.
8. The accessory dwelling unit shall only be occupied by one (1) family.
9. The accessory dwelling unit shall be accessed by an independent entrance. Any accessory dwelling unit added to, or created within, an existing single-family dwelling shall have its entrance located at the side or rear of the dwelling.
10. The accessory dwelling unit shall be located on a lot or parcel that meets the minimum area and width requirements for a single-family dwelling of the zone in which the lot or parcel lies, or on a lot within an approved and recorded large scale development.

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10 ESTABLISHMENT OF ZONES

10.04 Zones Established
10.08 Declaration
10.12 Official Zone Map
10.16 Boundaries Of Zones
10.20 Area And Width Requirements
10.24 Lots Lying In Multiple Zones

10.04 Zones Established

In order to carry out the purposes of this ordinance, the unincorporated territory of Utah County, Utah, is hereby divided into zones as follows:

RA-5	Residential Agricultural Zone
RR-5	Rural Residential Zone
TR-5	Transitional Residential Zone
CE-1	Critical Environmental Zone
CE-2	Critical Environmental Zone
M&G-1	Mining and Grazing Zone
NC-1	Neighborhood Commercial Zone
HS-1	Highway Service Zone
I-1	Industrial Zone
NHO	Natural Hazards Overlay Zone
A-40	Agricultural Zone
APO	Airport Overlay Zone
PF	Public Facilities Zone
PC	Goshen Valley Planned Community Zone
G-1	Grazing Zone
TDR-R	Transfer of Development Rights Receiving Overlay Zone
TDR-S	Transfer of Development Rights Sending Overlay Zone

10.08 Declaration

It is hereby declared that in establishing zones, the boundaries thereof, and regulations

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and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses with a view to conserving property values and encouraging appropriate land uses for unincorporated Utah County.

10.12 Official Zone Map

The location and boundaries of each of the zones are shown on the Official Utah County Zone Map. Said map is hereby declared to be an official record and part of this ordinance and the map and all notations, references, and other information shown thereon shall be as much a part of this ordinance as if the matters and other information as set forth by said map were fully described herein. When adopted by the County Commission, said map shall be filed in the office of the County Clerk/Auditor and may be recorded with the County Recorder. Whenever amendments or changes are made in zone boundaries, such amendments or changes shall be made on the said map.

Any area or portion of this county which is not clearly zoned on said map because of an action which would leave an un-zoned enclave of property in the unincorporated area of Utah County, is hereby declared to be in the CE-1 Critical Environment Zone, unless, prior to specific property becoming subject to the zoning jurisdiction of Utah County, a public hearing has been held and approval given for a different zoning district or districts by the Utah County Commission after a recommendation by the Utah County Planning Commission in which event the specific property shall be in such zoning district or districts as designated by the Utah County Commission.

10.16 Boundaries Of Zones

Where uncertainty exists with respect to the boundaries of various zones, the Zoning Administrator shall make a determination of the zone boundary location based on the findings of information on file or recorded in the offices of Utah County.

10.20 Area And Width Requirements

UCLUO 12 contains the area and width requirements for zoning lots within the applicable zones established herein; however, lots within large scale developments shall be subject to the lot area and lot width requirements established by UCLUO 14, and not by any other conflicting lot area or lot width requirements of this Ordinance.

10.24 Lots Lying In Multiple Zones

Notwithstanding the requirements of the Conflicting Regulations section of UCLUO 1, if a lot lies in multiple zones, such lot shall be eligible to obtain permits for those uses permitted or conditionally permitted in the zone in which the majority of the lot lies, provided:

A. No more than fifteen (15)-percent and ten (10) acres of the total area of the lot is

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included in the minority zone(s).

B. The portion of the lot lying in the majority zone must meet the applicable area and width requirements of the majority zone.

C. Those uses that are permitted, or conditionally permitted, in the I-1, HS-1, or NC-1 Zones, which are not permitted, or conditionally permitted, in a zone associated with a residential, agricultural, or watershed land use designation, as set forth in the Utah County General Plan, or successor document, are prohibited in the minority zone portion of a lot, if such minority zone portion of a lot lies in a zone associated with a residential, agricultural, or watershed land use designation.

D. Any use permitted, or conditionally permitted, exclusively in the I-1 Zone shall not be conducted in the minority zone portion of a lot.

E. Structures related to those permitted uses, or conditionally permitted uses, in the majority zone—which uses are not permitted, or conditionally permitted, in the minority zone(s)—shall only be constructed on that portion of the lot lying in the majority zone.

F. If a use is permitted or conditionally permitted in both the majority and minority zone(s), a structure(s) related to such use may be constructed in either in the majority or a minority zone portion of the lot, provided the portion of the lot (the entirety of either the majority zone portion or a minority zone portion) on which the structure(s) lies meets the area requirements of the zone in which the structure(s) lies.

G. Waste-water systems are prohibited in the minority zone portion(s) of a lot lying in multiple zones, if such minority zone portion(s) lies in the CE-1 Zone, unless such CE-1 Zone portion(s) of the lot meets the applicable area and width requirements for the pertinent use associated with the waste-water system.

H. Those uses that are not permitted, or conditionally permitted, in the majority zone, but are permitted, or conditionally permitted, in a minority zone, shall not be conducted on a lot lying in multiple zones.

I. Notwithstanding the other provisions of this section, a lot lying in multiple zones —where the total minority zone portions of the lot exceed fifteen (15)-percent or ten (10) acres—shall be subject to the requirements of the most restrictive zone.

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12 REGULATIONS WITHIN ZONES

12.04 Declaration
12.08 RA-5 Residential Agricultural Zone
12.12 RR-5 Rural Residential Zone
12.16 TR-5 Transitional Residential Zone
12.20 CE-1 Critical Environmental Zone
12.24 CE-2 Critical Environmental Zone
12.28 M And G-1 Mining And Grazing Zone
12.32 NC-1 Neighborhood Commercial Zone
12.36 HS-1, Highway Service Zone
12.40 I-1 Industrial Zone
12.44 NHO Natural Hazards Overlay Zone
12.48 A-40 Agricultural Zone 1
12.52 APO Airport Overlay Zone
12.56 PF-Public Facilities Zone
12.60 Transfer Of Development Rights Sending Overlay Zone And Transfer Of Development Rights Receiving Overlay Zone
12.64 Goshen Valley Planned Community (P-C) Zone
12.68 G-1 Grazing Zone

12.04 Declaration

It is hereby declared that the location, height, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts, and other open spaces, the uses of land, buildings and structures for trade, industry, residence, recreation, public activities, or other purposes are regulated as set forth in this ordinance.

12.08 RA-5 Residential Agricultural Zone

A. **Declaration of Legislative Intent**: The RA-5 Residential Agricultural Zone covers that portion of Utah County which historically has been irrigated land and utilized for the growing of crops and the raising of livestock. It includes that area of the county where the combination of soil quality, size of land parcel, availability and supply of water, and other natural and man-caused factors make the land most appropriately suited for agricultural use. Although the main thrust of the RA-5 zone is to protect the farming industry, certain non-farm uses and residences on lots large enough to preclude conflict with the surrounding farms are allowed in the zone.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the RA-5 Residential Agricultural Zone are:

1. To take advantage of the powers and more fully implement the basic

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purposes for planning and zoning set forth in Utah Code, as amended.

2. To preserve agricultural land.
3. To foster and protect agriculture from incompatible land uses.
4. To coordinate rural development in a way that is economical for the continuation of agriculture.
5. To encourage the cultivation of crops and the raising and keeping of livestock and related uses.
6. To promote the conservation of water, land, and other resources.
7. To maintain open space and agricultural areas near urban centers for the preservation of the environment.
8. To avoid public service costs which result from the remoteness of urban uses.
   The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. **Permitted Uses**: The following shall be permitted in the RA-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. The care and keeping of domestic livestock and fowl; and barns, stables, corrals, feed yards, pens, coops, other structures for the keeping of such livestock or fowl, and ancillary agricultural wastewater treatment lagoons, and systems, and related facilities when associated with an approved fowl or domestic livestock operation and when such agricultural wastewater treatment is approved by the State Department of Environmental Quality, Division of Water Quality, or approved by other federal or state regulatory agencies with specific jurisdiction for agriculture wastewater.
2. The raising of mink, and similar fur bearing animals, and the pens and sheds used in the raising of such animals.
3. The production of fruit and crops in the field, packing plants for fruit and vegetables, and office, restroom and shower facilities for such production of fruit and crops and packing plants.
4. Agricultural structures for the storage and keeping of farm products and farm machinery.
5. Buildings and facilities for the fabrication and portion control (killing, skinning, and meat cutting) of domestic livestock and poultry raised on the premise.
6. Dairy farms, milking barns including an office, or an independent office structure on the same site as the dairy, for the exclusive use of the dairy

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operation, also restrooms, showers, and buildings and facilities for the processing and packaging of milk produced on the premise.

7. Apiaries and establishments for extracting and processing honey.
8. Private dog kennels as an accessory use to the dwelling in which the owner of the kennel resides.
9. Fish hatcheries for the raising of game fish or fish for human consumption.
10. Plant and tree nurseries, greenhouses, and associated structures for the sale of plant stock grown on the premises.
11. Incidental produce stands, and Farmers' Markets, subject to the provisions of UCLUO 8.28.
12. The boarding of horses within a structure or in the open field.
13. One-family dwellings and manufactured homes.
14. Residential accessory structures, when located on the same parcel as the dwelling to which such structures are appurtenant.
15. Home child care and/or private preschools.
16. Home occupations, subject to the provisions of UCLUO 8.20.
17. Churches and other structures for religious worship, and churches with a parsonage.
18. Public parks and public park facilities, public information structures and rest areas, and public historical monuments.
19. Landscape parks.
20. Man-made lakes, ponds, dams and other uncovered water impoundments if such are under ten (10) acre feet in capacity; and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
21. Marinas, subject to the provisions of UCLUO 8.32.
22. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76.
23. Signs, subject to the provisions of UCLUO 8.24.
24. A Cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communication Commission or its successor agency.
25. Oil, gas, and water wells, and appurtenant pipelines, pumps and pump houses.
26. Private roping and riding arenas that do not have lights.
27. Windmills.

28. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:

    a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.

    b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of a governmental entity.

    c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.

29. Buildings and facilities for the repair of agricultural equipment and agricultural vehicles as an accessory use to the dwelling in which the owner of the repair business resides, subject to the provisions of UCLUO 8.104.

30. Equine reproduction and/or rehabilitation facility and accessory structures and uses including animal shelters and enclosures, office, pools, laboratory, and arena.

31. Camping on private property by property owners and their permitted guests.

32. A hunting preserve or shotgun shooting range and accessory structures and uses, subject to the provisions of UCLUO 8.112.

33. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of UCLUO 8.116.

C. **Permitted Conditional Uses**: In the RA-5 zone the following shall not be permitted by the Zoning Administrator unless approval of a conditional use has been authorized in accordance with this land use ordinance by the designated reviewing agency:

    1. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.

    2. A preschool, primary school, or secondary school, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.

    3. A nursing home which the Board of Adjustment has approved as a

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conditional use according to the provisions of UCLUO 16.

4. Private roping and riding arenas with lights and all commercial roping and riding arenas, when approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
5. A helicopter pad, landing strip, flying field, or airport, including terminal and aircraft storage facilities, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.48 and UCLUO 16.
6. A landscape park recreational facility which the Board of Adjustment has approved within a landscape park and approved as a conditional use according to the provisions of UCLUO 4, UCLUO 6, and UCLUO 8 and UCLUO 16.
7. A cemetery which has been approved as a conditional use by the Board of Adjustment according to the provisions of UCLUO 8.72 and UCLUO 16.
8. A planned subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.
9. An agricultural accessory use for the production of value added agricultural products when approved by the Board of Adjustment as a conditional use, according to the provisions of UCLUO 16, and when the Board finds that all of the following standards are met:
    a. The subject parcel of property shall be located in an Agriculture Protection Area.
    b. The property shall not be less than five (5) acres in area.
    c. The property owner shall designate the specific agricultural product for which the value added use is requested (the "Pre-Value Added Product"), and shall designate the value added agricultural product which will be produced (the "Value Added Product").
    d. The area of the property used for the value added agricultural use shall not exceed two and one-half (2 1/2) acres, and the area of the property devoted to the active agricultural production of the Pre-Value Added Product, shall not be less than fifty percent (50%) of the total area of the Property.
    e. The Value Added Product shall contain not less than fifty percent (50%), by weight, of the Pre-Value Added Product, as determined when the Value Added Product leaves the Property.
    f. Not less than fifty percent (50%) of the Pre-Value Added Product

shall be grown or produced exclusively on the property, or on the property and on other property located in Utah County which (i) either has identical ownership as the property or is leased by a lessee which is identical to the ownership of the property, (ii) has a direct relationship to the total agricultural enterprise, (iii) makes a significant contribution to the total production of the agricultural enterprise, and (iv) is assessed under the Farmland Assessment Act, Utah Code, as amended; provided that this fifty percent (50%) production requirement shall be determined by the production of each consecutive two (2) year period.

g. The Board of Adjustment may establish the maximum daily hours of operation of the agricultural accessory use, the permitted days of operation, the maximum noise levels as measured at any boundary of the Property, the maximum number and size of transport vehicles, required buffers, or visual barriers, dust control measures, odor control measures, traffic and road usage restrictions, and other items deemed appropriate by the Board of Adjustment to mitigate public health and safety concerns, and such other items to address the standards of UCLUO 16.

h. Value added production processes which include the rendering of any animal, or animal product, shall not be permitted.

i. The value added use shall be found to be compatible with both the existing residential uses and the potential future residential uses in the zone.

j. Only the designated and approved Value-Added Product shall be produced.

10. A livestock auction yard including livestock pens, auction facilities and structures, and public and livestock transport parking, for the sale of domestic livestock only, which has been approved by the Board of Adjustment as a conditional use, according to the provisions of UCLUO 16.

11. Commercial dog kennels as an accessory use to the dwelling in which the owner of the kennel resides, when approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.

12. Buildings and facilities for a veterinarian licensed by the State of Utah engaged in the practice of treating domestic livestock, which may include the treatment of other small animals, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.100 and UCLUO 16.

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D. **Area Requirements**: The minimum area of a zoning lot within the RA-5 zone shall be as follows:

1. Each one-family dwelling, manufactured home, nursing home, planned subdivision, preschool, primary school, secondary school, landscape park, livestock auction yard, roping and riding arenas, or veterinary facility, shall be on a lot containing at least five (5) acres of land.
2. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 1/2) acres of land; each church with a parsonage shall be on a lot containing at least five (5) acres of land.
3. Each private, private rescue, commercial or commercial rescue kennel shall be on a parcel with a minimum area of five (5) acres and located on the same parcel as the dwelling to which it is accessory.
4. Each agricultural equipment and agricultural vehicle repair facility, including the one-family dwelling to which it is accessory, shall be on a parcel with a minimum area of five (5) acres. Exception: Each agricultural equipment and agricultural vehicle repair facility with an existing one-family dwelling on a parcel recognized as legal nonconforming shall be on a parcel with a minimum area of three (3) acres.
5. Equine reproduction and/or rehabilitation facility with or without a one-family dwelling shall be on a lot containing at least five (5) acres of land.
6. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this land use ordinance.

E. **Width Requirements**: The minimum width of a zoning lot within the RA-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, nursing home, preschool, primary school, secondary school, landscape park, roping and riding arena, livestock auction yard, veterinary facility, or equine reproduction and/or rehabilitation facility, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.
2. For each church or other structure for public worship, or church with a parsonage, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.
3. For each agricultural equipment and agricultural vehicle repair facility, including the one-family dwelling to which it is accessory, the minimum width of the lot at any point between the frontage and the dwelling shall be two hundred fifty (250) feet.

Exception: For each agricultural equipment and agricultural vehicle repair facility with an existing one-family dwelling on a parcel recognized as legal nonconforming, the minimum width of the parcel at any point between the frontage and the dwelling shall be one hundred (100) feet.

4. For other permitted uses and structures, there shall be no minimum width requirement, except as may be necessary to meet the other provisions of this land use ordinance.

F. **Location Requirements**: The minimum location requirements within the RA-5 zone shall be as follows:

1. **Front Setback**: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

2. **Side and Rear Setback**: All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

G. **Height Requirements**: The height requirements within the RA-5 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

Exception 2: For large-scale utility line structures, there shall be no maximum height.

Exception 3: The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.

Exception 4: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

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Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

H. **Dwelling Size and Pattern**: For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of a dwelling's ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, crawl spaces, decks, patios, garages, unoccupied areas and non-habitable areas. For the purposes of this section, a story is deemed to be "ground level" or above if half or more of the distance between the floor and ceiling is elevated above the average grade of the ground surrounding the building. A "basement" is a story with half or more of the distance between the floor and ceiling below such average grade.

I. **Special Requirements**:

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire or health hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
3. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.

J. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of this land use ordinance.

12.12 RR-5 Rural Residential Zone

A. **Declaration of Legislative Intent**: The RR-5 Rural Residential Zone covers certain agricultural and open space areas of the unincorporated portions of the county which have been designated in the general plan for low-density residential development and agriculture. The area included within the zone is composed of relatively small parcels of land which are used for agricultural purposes but where residential use is increasing. The Zone may also facilitate the creation on new incorporated municipalities where services are available or have been provided by the developer.

It is hereby declared that the specific purposes and intent of the County

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Commission in establishing the RR-5 Rural Residential Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code, as amended.
2. To provide a suitable location for residential use in the unincorporated area.
3. To provide a location where a minimum amount of conflict exists between residential and agricultural uses.
4. To encourage the cultivation of crops and raising of livestock and help preserve agricultural land.
5. To bring about the implementation of the county's general plan.
6. To provide for the transition of certain lands in unincorporated Utah County into a new incorporated municipality.

   The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. **Permitted Uses**: The following shall be permitted in the RR-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. One-family dwellings and manufactured homes.
2. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant, subject to the maximum lot building coverage requirements of this section.
3. Home child care and/or private preschools.
4. Home occupations, subject to the provisions of UCLUO 8.20.
5. Churches and other structures for religious worship, and churches with a parsonage.
6. The pasturing of domestic livestock and the keeping of fowl for personal use. Also barns, sheds, pens and coops for keeping such livestock and fowl, subject to the maximum lot building coverage requirements of this section.
7. The production of fruits and crops in the field.
8. Agricultural structures for the storage and keeping of farm products and farm machinery, subject to the maximum lot building coverage requirements of this section.
9. Plant and tree nurseries and greenhouses, subject to the maximum lot building coverage requirements of this section.

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10. Public parks and public park facilities, and public historical monuments.
11. Landscape parks.
12. Man-made lakes, ponds, dams and other uncovered impoundments if such are under ten (10) acre feet in capacity; and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
13. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76.
14. Signs, subject to the provisions of UCLUO 8.24.
15. Water wells and appurtenant pipelines, pumps and pump houses.
16. Camping on private property by property owners and their permitted guests.
17. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of UCLUO 8.116.

C. **Permitted Conditional Uses**: In the RR-5 zone the following shall not be permitted by the Zoning Administrator unless approval of a conditional use permit has been authorized in accordance with the zoning ordinance by the designated reviewing agency:

1. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
2. A preschool, or primary school or secondary school, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
3. A nursing home which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
4. A planned subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.

D. **Area Requirements**: The minimum area of a zoning lot within the RR-5 zone shall be as follows:

1. Each one-family dwelling, manufactured home, nursing home, preschool, primary school or secondary school, shall be on a lot containing at least five (5) acres of land; however, the minimum area required for a lot within an approved, recorded, platted development, including a large-scale

development, for a one-family dwelling or manufactured home, shall be as set forth on the approved, recorded, development plat, and the minimum area required for a nonconforming lot of record, for a one-family dwelling or manufactured home, shall be as set forth in UCLUO 1 and UCLUO 2.

2. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 1/2) acres of land; each church with a parsonage shall be on a lot containing five (5) acres of land.
3. For the pasturing of domestic livestock; the minimum lot area for one head of livestock shall be one acre plus an additional one-half acre for each additional head of livestock.
4. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

E. **Width Requirements**: The minimum width of a zoning lot within the RR-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, home occupation, nursing home, church or church with a parsonage, preschool, primary school or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.
2. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. **Location Requirements**: Except in recorded planned unit development the minimum location requirements within the RR-5 zone shall be as follows:

1. **Front Setback**: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.
2. **Side and Rear Setback**: All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8 shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

   Exception: The minimum setback shall be the approved setback line where such line has been shown on a recorded large-scale development

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plat which has a water system supplying hydrants with fire flow amounts meeting current Utah County standards.

G. **Height Requirements**: The height requirements within the RR-5 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet, and any detached residential accessory structure, livestock, fowl or farm storage structure, or greenhouse shall be twenty-four (24) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

   Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility)
   line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

   Exception 2: For large-scale utility line structures, there shall be no maximum height.

   Exception 3: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

   Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

H. **Dwelling Size and Pattern**: For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of the ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, decks, patios, garages, unoccupied areas and non-habitable areas. For the purposes of this section, a story is deemed to be "ground level" or above if half or more of the distance between the floor and ceiling is elevated above the story with half or more of the distance between the floor and ceiling below such average grade.

I. **Special Requirements**:

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the

side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.

3. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.
4. **Maximum Lot Building Coverage**: All buildings, with the exception of a Dwelling, shall not exceed a maximum lot building coverage of fifteen percent (15%). Lot building coverage shall include all building areas covered by a roof or roof structure.
    a. All buildings shall meet all adopted building, fire, and health codes and requirements.

J. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the land use ordinance.

12.16 TR-5 Transitional Residential Zone

A. **Declaration of Legislative Intent**: The TR-5 Transitional Residential Zone covers land which abuts on or lies adjacent to the boundaries of existing municipalities. The area is characterized by open land that is interspersed with residential dwellings.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the TR-5 Transitional Residential Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code, as amended.
2. To provide for the conversion of open land by facilitating incorporation or annexation to a municipality.
3. To provide an efficient, economical development process for the change from rural to developed lands.
4. To more fully bring about the implementation of the Utah County general plan.

The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. **Permitted Uses**: The following shall be permitted in the TR-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. One-family dwellings and manufactured homes.

2. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant, subject to the maximum lot building coverage requirements of this section.
3. Home child care and/or private preschools.
4. Home occupations, subject to the provisions of UCLUO 8.20.
5. Churches and other structures for religious worship, and churches with a parsonage.
6. The pasturing of domestic livestock and the keeping of fowl for personal use. Also barns, sheds, pens and coops for keeping such livestock and fowl, subject to the maximum lot building coverage requirements of this section.
7. The production of fruits and crops in the field and produce stands, subject to the provisions of UCLUO 8.28.
8. Agricultural structures for the storage and keeping of farm products and farm machinery, subject to the maximum lot building coverage requirements of this section.
9. Plant and tree nurseries and greenhouses, subject to the maximum lot building coverage requirements of this section.
10. Public parks and public park facilities, and public historical monuments.
11. Landscape parks.
12. Man-made lakes, ponds, dams and other uncovered impoundments if such are under ten (10) acre feet in capacity; and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
13. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76.
14. Signs, subject to the provisions of UCLUO 8.24.
15. Water wells and appurtenant pipelines, pumps and pump houses.
16. Camping on private property by property owners and their permitted guests.
17. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of UCLUO 8.116.

C. **Permitted Conditional Uses**: In the TR-5 zone the following shall not be permitted by the Zoning Administrator unless approval of a conditional use permit has been authorized in accordance with the land use ordinance by the designated reviewing agency:

1. A man-made lake, pond, dam or other uncovered water reservoir over ten

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(10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.

2. A preschool, or primary school or secondary school, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
3. A planned subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.
4. A nursing home which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.

D. **Area Requirements**: The minimum area of a zoning lot within the TR-5 zone shall be as follows:

1. Each one family dwelling, manufactured home, nursing home, planned subdivision, preschool, primary school, secondary school, and produce stand, shall be on a lot containing at least five (5) acres of land.
2. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 1/2) acres of land; each church with a parsonage shall be on a lot containing five (5) acres of land.
3. The pasturing of domestic livestock; the minimum lot area for one head of livestock shall be one acre, plus an additional one-half acre for each additional head of livestock.
4. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

E. **Width Requirements**: The minimum width of a zoning lot within the TR-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, nursing home, preschool, primary school or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.
2. For each church or other structure for religious worship, or church with parsonage, the minimum width of the lot at any point between the frontage and the structure shall be two-hundred fifty (250) feet.
3. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this

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ordinance.

F. **Location Requirements**: Except in recorded planned unit development plats, where buildings shall be located as depicted on the approved plat and plans, the minimum location requirements within the TR-5 zone shall be as follows:

1. **Front Setback**: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

2. **Side and Rear Setback**: All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

   Exception: The minimum setback shall be the approved setback line where such line has been shown on a recorded large-scale development plat which has a water system supplying hydrants with fire flow amounts meeting current Utah County standards.

G. **Height Requirements**: The height requirements within the TR-5 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet, and any detached residential accessory structure, livestock, fowl or farm storage structure, or greenhouse shall be twenty-four (24) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

   Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

   Exception 2: For large-scale utility line structures, there shall be no maximum height.

   Exception 3: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

   Note: The provisions of the APO Airport Overlay Zone, setback standards, or

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other provisions of the ordinance may result in a lesser height than that stated above.

H. **Dwelling Size and Pattern**: For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of the ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, decks, patios, garages, unoccupied areas and non-habitable areas. For the purposes of this section, a story is deemed to be "ground level" or above if half or more of the distance between the floor and ceiling is elevated above the average grade of the ground surrounding the building. A "basement" is a story with half or more of the distance between the floor and ceiling below such average grade.

I. **Special Requirements**:

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
3. The grade driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.
4. **Maximum Lot Building Coverage**: All buildings, with the exception of a Dwelling, shall not exceed a maximum lot building coverage of fifteen percent (15%). Lot building coverage shall include all building areas covered by a roof or roof structure.
    a. All buildings shall meet all adopted building, fire, and health codes and requirements.

J. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the land use ordinance.

12.20 CE-1 Critical Environmental Zone

A. **Declaration of Legislative Intent**: The CE-1 Critical Environmental Zone covers the canyon, mountain, riparian and other areas of environmental concern in Utah County.

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Land within the zone is native pasture, watershed, and wildlife habitat, and is a pass-through area for roads and utilities. It is also the source of wildfires, flooding, avalanche, and is the water recharge area for the culinary aquifers used by the cities, and is the range essential to wildlife. Maintenance of the scenic quality of the mountain environment is important to promote tourism.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the CE-1 Critical Environmental Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning as set forth Utah Code, as amended.
2. To protect and conserve water recharge areas, vegetation, soils, wildlife, and other natural resources.
3. To limit the danger of flood, fire, and other natural hazards.
4. To preserve the aesthetic appearance and prevent the degradation of the mountain environment.
5. To ensure development of private land consistent with the environment within this zone.
6. To ensure the development of adequate public facilities to match private development. The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. **Permitted Uses**: The following shall be permitted in the CE-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. The grazing and pasturing of domestic livestock; also barns, sheds, corrals, pens, and fields for the keeping and feeding of such livestock.
2. The raising of poultry and other fowl, and the coops, pens, and hatcheries used in the raising of such fowl.
3. The raising of mink and similar fur bearing animals, and the pens and sheds used in the raising of such animals.
4. The production of fruits and crops in the field.
5. Agricultural structures for the storage and keeping of farm products and farm machinery.
6. Apiaries.
7. Private dog kennels as an accessory use to the dwelling in which the owner of the kennel resides.
8. Fish hatcheries for the raising of game fish and fish for human consumption.

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9. Plant and tree nurseries and greenhouses.
10. One-family dwellings and manufactured homes.
11. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
12. Public parks and public park facilities and public historical monuments.
13. Landscape parks.
14. Man-made lakes, ponds, dams, and other uncovered water impoundments if such are under ten (10) acre feet in capacity; and covered water tanks and reservoirs which do not extend over, two (2) feet above natural grade.
15. A Cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communication Commission or its successor agency.
16. Minor campgrounds, and appurtenant campsite facilities, for noncommercial use and where no fees are collected.
17. Fences, walls and landscaping, subject to the provisions of UCLUO 4.76.
18. Signs, subject to the provisions of UCLUO 8.24.
19. Oil, gas and water wells and appurtenant pipelines, pumps and pump houses.
20. Home occupations within the livable floor area of the dwelling, subject to the provisions of UCLUO 8.20, with the exception that no patrons or deliveries are permitted.
21. Camping on private property by property owners and their permitted guests.
22. A hunting preserve or shotgun shooting range and accessory structures and uses, subject to the provisions of UCLUO 8.112.
23. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of UCLUO 8.116.

C. **Permitted Conditional Uses**: In the CE-1 zone the following shall not be permitted by the Zoning Administrator unless approval as a conditional use has been authorized in accordance with the land use ordinance by the designated reviewing agency:

1. An electrical power generation plant which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
2. A man-made lake, pond, dam or other uncovered water reservoir over ten

(10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.

3. A mine or sand, gravel, clay or other earth-products pit, screens, rock crushers, and accessory office structure within the bonded boundary of the mine or pit, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 4.44, UCLUO 6.24, UCLUO 6.28 and UCLUO 16.
4. A landscape park recreational facility, within a landscape park, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.60 and UCLUO 16.
5. A major campground and appurtenant campsite facilities for noncommercial use, when approved as a conditional use by the Board of Adjustment according to the provisions of UCLUO 8.64 and UCLUO 16.
6. Accessory ski lifts and associated mountain resort facilities which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.88 and UCLUO 16.
7. A planned subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.

D. **Area Requirements**: The minimum area of a zoning lot within the CE-1 zone shall be as follows:

1. Each one-family dwelling, a private dog kennel on the same parcel as the dwelling to which it is accessory, planned subdivision, or major campground, shall be on a lot containing at least fifty (50) acres of land.
2. Each minor campground and its appurtenant campsite facilities shall he located on a lot containing at least five (5) acres of land.
3. Each landscape park containing approved recreational facilities shall be located on a lot containing at least five (5) acres of land.
4. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

E. **Width Requirements**: The minimum width of a zoning lot within the CE-1 zone shall be as follows:

1. For each one-family dwelling the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330)

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feet.

2. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. **Location Requirements**: The minimum location requirements within the CE-1 zone shall be as follows:

1. **Front Setback**: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

2. **Side and Rear Setback**: All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

G. **Height Requirements**: The height requirements within the CE-1 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

   Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

   Exception 2: For large-scale utility line structures, there shall be no maximum height.

   Exception 2: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

   Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

H. **Dwelling Size and Pattern**: For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of the ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, decks, patios, garages, unoccupied areas and non-habitable areas.

I. **Special Requirements**:

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
3. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.

J. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the land use ordinance.

12.24 CE-2 Critical Environmental Zone

A. **Declaration of Legislative Intent**: The CE-2 Critical Environmental Zone includes mountainous and riparian lands within Utah County. The watershed area is environmentally fragile, and its preservation is of critical importance to the county.

Part of the territory included within this zone is capable of accommodating certain types of recreational and housing development without adverse effect on the quality of the watershed, provided that such developments are limited in size and are constructed and maintained under carefully regulated conditions.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the CE-2 Critical Environmental Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning as set forth in Utah Code § 17-27-102, as amended.
2. To protect water recharge areas, vegetation, soils, wildlife, and other natural resources
3. To limit the danger of flood, fire, other natural hazards, and to preserve the aesthetics of the mountain environment.
4. To ensure the development of adequate public facilities to match private

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development.

5. To permit certain types of development to take place in areas of environmental concern which will have a minimum impact on water recharge areas, vegetation, soils, wildlife, and other natural resources. The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. **Permitted Uses**: The following shall be permitted in the CE-2 Zone upon compliance with the standards and requirements as set forth in this ordinance:

1. The grazing and pasturing of domestic livestock; also barns, sheds, corrals, pens, and fields for the keeping and feeding of such livestock.
2. The production of fruits and crops in the field.
3. Agricultural structures for the storage and keeping of farm products and machinery.
4. Apiaries.
5. Fish hatcheries for the raising of game fish and fish for human consumption.
6. Plant and tree nurseries and greenhouses.
7. One-family dwellings and manufactured homes.
8. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
9. Home child care.
10. Churches and other structures for religious worship and churches with a parsonage.
11. Public parks and public park facilities and public historical monuments.
12. Landscape parks.
13. Man-made lakes, ponds, and dams, if such are under ten (10) acre feet in capacity, and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
14. Minor campgrounds, and appurtenant campsite facilities, for noncommercial use and where no fees are collected.
15. Fences, walls and landscaping, subject to the provisions of UCLUO 4.76.
16. Signs, subject to the provisions of UCLUO 8.24.
17. A Cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communication Commission

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or its successor agency.

18. Water wells, pipelines, pumps, and pump houses.
19. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
    a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
    b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
    c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.
20. Home occupations within the livable floor area of the dwelling, subject to the provisions of UCLUO 8.20, with the exception that no patrons or deliveries are permitted.
21. Camping on private property by property owners and their permitted guests.
22. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of UCLUO 8.116.

C. **Permitted Conditional Uses**: In the CE-2 zone the following shall not be permitted by the Zoning Administrator unless approval as a conditional use has been authorized in accordance with the zoning ordinance by the designated reviewing agency:

1. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
2. A landscape park recreational facility, within a landscape park, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.60 and UCLUO 16.
3. A major campground and appurtenant campsite facilities for noncommercial use, when approved as a conditional use by the Board of Adjustment according to the provisions of UCLUO 8.64 and UCLUO 16.
4. A planned subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions

of UCLUO 14.

5. A mountain home development which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.
6. A recreational resort which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.
7. Public primary school or public secondary school, when included as part of an approved Recreational Resort, Large-scale Development.
8. A dude ranch, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.92 and UCLUO 16.
9. A reception center, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.96 and UCLUO 16.
10. A cemetery, which is located within a recorded recreational resort plat and has been approved as a conditional use by the Board of Adjustment according to the provisions of UCLUO 8.72 and UCLUO 16.

D. **Area Requirements**: The minimum area of a zoning lot within the CE-2 zone shall be as follows:

1. Each one-family dwelling, planned subdivision, mountain home development, reception center, or major campground, shall be located on a lot containing at least twenty (20) acres of land.
2. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2) acres of land; each church with a parsonage shall be on a lot containing twenty (20) acres of land.
3. Each minor campground and its appurtenant campsite facilities shall be located on a lot containing at least five (5) acres of land.
4. Each landscape park containing approved recreational facilities and each public park containing approved concessions or facilities shall be located on a lot containing at least five (5) acres of land.
5. Each dude ranch shall be located on a lot containing at least forty (40) acres of land.
6. Each cemetery shall be located on a lot containing at least forty (40) acres of land within a recorded recreational resort plat.
7. For other permitted structures and uses, there shall be no minimum area

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requirement except as may be necessary to meet the other provisions of this ordinance.

E. **Width Requirements**: The minimum width of a zoning lot within the CE-2 zone shall be as follows:

1. For each one-family dwelling, church or other structure for religious worship, reception center, dude ranch, or church with parsonage, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.
2. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. **Location Requirements**: Except in recorded mountain home development, planned dwelling group, recreational resort, or seasonal home development plats where buildings shall be located according to the terms of approval of such plats, the minimum location requirements within the CE-2 zone shall be as follows:

1. **Front Setback**: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.
2. **Side and Rear Setback**: All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

G. **Height Requirements**: The height requirements within the CE-2 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

   Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

   Exception 2: For large-scale utility line structures, there shall be no maximum height.

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Exception 3: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

H. **Dwelling Size and Pattern**: For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of the ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, decks, patios, garages, unoccupied areas and non-habitable areas.

I. **Special Requirements**:

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
3. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.

J. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the land use ordinance.

12.28 M And G-1 Mining And Grazing Zone

A. **Declaration of Legislative Intent**: The M&G-1 Mining and Grazing Zone covers the dry mountain and desert areas of the county. Limitations imposed by climate, topography, soil capability, inadequate water supply, and the presence of economically significant mineral deposits has identified this zone as a place for the grazing of livestock on the open range, the mining of earth products, and the location of activities and industrial operations which are not appropriate near urban centers.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the M&G-1 Mining and Grazing Zone are:

1. To take advantage of and more fully implement the basic purposes for

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planning and zoning as set forth in Utah Code, as amended.

2. To promote the conservation of water, land, mineral, and other resources.
3. To foster livestock grazing and mining industries within the county.
4. To provide a location for certain types of uses which, due to odor, noise, danger, etc., are not compatible with urban development.
5. To ensure the development of adequate public facilities to match private development. The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. **Permitted Uses**: The following shall be permitted in the M&G-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. Mines (underground and open pit); sand, gravel, topsoil and earth-products pits; and the attendant screens, rock crushers, stockpiles and waste dumps located within the bonded boundary of the mine or pit, subject to the provisions of UCLUO 6.24 and UCLUO 6.28, except that a rock crusher shall not be located closer than 500 feet from any existing dwelling and shall not be located closer than 500 feet from the boundary of any existing residential zone, as designated by this land use ordinance.
2. A concrete batch plant, asphalt batch plant, mineral reduction plant or mineral processing plant, which is located within the bonded portion of the pit as described on the approved reclamation plan for which a reclamation bond has been filed with the County, or with the State Division of Oil, Gas and Mining (DOGM), and the majority of the earth products (rock, sand, gravel, minerals, and related products) are derived from within said pit boundaries, except that a concrete batch plant, asphalt batch plant, mineral reduction plant or mineral processing plant shall not be located closer than 500 feet from any existing dwelling and shall not be located closer than 500 feet from the boundary of any existing residential zone, as designated by this land use ordinance.
3. Office, equipment storage, and other non-residential structures that are accessory to a permitted mine, or sand, gravel or clay pit when located on the same lot or adjoining land in the same ownership as the mine or pit.
4. Oil, gas and water wells, and appurtenant pipelines, pumps and pump houses.
5. The care and keeping of domestic livestock and fowl; and barns, stables, corrals, feed yards, pens, coops, other structures for the keeping of such livestock or fowl, and ancillary agricultural wastewater treatment lagoons, and systems, and related facilities when associated with an approved fowl or domestic livestock operation and when such agricultural

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wastewater treatment is approved by the State Department of Environmental Quality, Division of Water Quality, or approved by other federal or state regulatory agencies with specific jurisdiction for agriculture wastewater.

6. The raising of mink and similar fur bearing animals, and the pens and sheds used in the raising of such animals.
7. The production of fruit and crops in the field, packing plants for fruit and vegetables raised on the premises, and office, restroom and shower facilities for such production of fruit and crops and packing plants.
8. Agricultural structures for the storage and keeping of farm products and machinery.
9. Buildings and other structures for the fabrication and portion control (killing, skinning, and meat cutting) of domestic livestock and poultry raised on the premise.
10. Dairy farms, milking barns including an office or an independent office structure on the same site as the dairy, for the exclusive use of the dairy operation, also restrooms, showers, and buildings and facilities for the process and packaging of milk produced on the premise.
11. Apiaries and establishments for extracting and processing honey.
12. Private dog kennels as an accessory use to the dwelling in which the owner of the kennel resides.
13. Fish hatcheries for the raising of game fish or fish for human consumption.
14. Plant and tree nurseries, greenhouses, and associated structures for the sale of plant stock grown on the premises.
15. Incidental produce stands, subject to the provisions of UCLUO 8.28.
16. The boarding of horses within a structure or in the open field.
17. One-family dwellings and manufactured homes.
18. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
19. Home child care and/or private preschools.
20. Churches and other structures for religious worship, and churches with a parsonage.
21. Home occupations, subject to the requirements of UCLUO 8.20.
22. Public parks, public park facilities and public historical monuments.
23. Man-made lakes, ponds, dams and other uncovered water impoundments; and covered water tanks and reservoirs which do not

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extend over two (2) feet above natural grade.

24. Marinas, subject to the provisions of UCLUO 8.32.
25. Minor campgrounds, and appurtenant campsite facilities, for noncommercial use and where no fees are collected.
26. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76.
27. A Cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communication Commission or its successor agency.
28. Signs, subject to the provisions of UCLUO 8.24.
29. Private roping and riding arenas that do not have lights.
30. Windmills.
31. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
    a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
    b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
    c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.
32. Equine reproduction and/or rehabilitation facility and accessory structures including animal shelters and enclosures, office, pools, laboratory, and arena.
33. Camping on private property by property owners and their permitted guests.
34. A hunting preserve or shotgun, pistol, or rifle shooting range and accessory structures and uses, subject to the provisions of UCLUO 8.112.
35. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of UCLUO 8.116.

C. **Permitted Conditional Uses**: In the M&G-1 zone the following shall not be permitted by the Zoning Administrator unless approval as a conditional use has been authorized in accordance with the zoning ordinance by the designated reviewing agency:

1. An automobile or motorcycle race track or race course which the Board of

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Adjustment has approved as a conditional use according to the provisions of UCLUO 16.

2. A correctional institution which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
3. An electrical power generation plant which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
4. A fairground, rodeo arena or horse race track, which is operated by a public agency and which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
5. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
6. A preschool, or primary school or secondary school, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
7. A livestock auction yard including livestock pens, auction facilities and structures, and public and livestock transport parking, for the sale of domestic livestock only, which has been approved by the Board of Adjustment as a conditional use, according to the provisions of UCLUO 16.
8. Private roping and riding arenas with lights and all commercial roping and riding arenas, when approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
9. A sanitary landfill, and any ancillary trucking, grinding, compacting or similar facility on the same site as the landfill, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
10. A helicopter pad, landing strip, flying field, or airport including terminal and aircraft storage facilities which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.48 and UCLUO 16.
11. A building or facility for the manufacture or storage of explosives plus appurtenant facilities, or explosives storage facility, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.52 and UCLUO 16.
12. A major campground and appurtenant campsite facilities for

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noncommercial use, when approved as a conditional use by the Board of Adjustment according to the provisions of UCLUO 8.64 and UCLUO 16.

13. A cemetery which has been approved as a conditional use by the Board of Adjustment according to the provisions of UCLUO 8.72 and UCLUO 16.
14. A nursing home which the Board of Adjustment has been approved as a conditional use according to the provisions of UCLUO 16.
15. A planned subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.
16. Commercial dog kennels as an accessory use to the dwelling in which the owner of the kennel resides, when approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.

D. **Area Requirements**: The minimum area of a zoning lot within the M&G-1 zone shall be as follows:

1. Each one-family dwelling, manufactured home, private or commercial dog kennel on the same parcel as the dwelling to which it is accessory, planned subdivision, roping and riding arenas, and major campground, shall be located on a lot containing at least fifty (50) acres of land.
2. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 1/2) acres of land; each church with a parsonage shall be on a lot containing at least fifty (50) acres of land.
3. Each minor campground and its appurtenant campsite facilities shall be located on a lot containing at least five (5) acres of land.
4. Equine reproduction and/or rehabilitation facility with or without a one-family dwelling shall be on a lot containing at least fifty (50) acres of land.
5. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this land use ordinance.

E. **Width Requirements**: The minimum width of a zoning lot within the M&G-1 Zone shall be as follows:

1. For each one-family dwelling, manufactured home, church or other structure for religious worship, or church with a parsonage, preschool, primary school or secondary school, roping and riding arena, or equine reproduction and/or rehabilitation facility with or without a one-family dwelling, the minimum width of the lot at any point between the frontage

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and the structure shall be three hundred thirty (330) feet.

2. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. **Location Requirements**: The minimum location requirements within the M&G-1 zone shall be as follows:

1. **Front Setback**: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

2. **Side and Rear Setback**: All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

G. **Height Requirements**: The height requirements within the M&G-1 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

   Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

   Exception 2: For large-scale utility line structures, there shall be no maximum height.

   Exception 3: The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.

   Exception 4: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

   Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

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H. **Dwelling Size and Pattern**: For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of the ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, decks, patios, garages, unoccupied areas and non-habitable areas.

I. **Special Requirements**:

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
3. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.

J. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the land use ordinance.

12.32 NC-1 Neighborhood Commercial Zone

A. **Declaration of Legislative Intent**: The NC-I Neighborhood Commercial Zone is found in unincorporated residential communities or agricultural areas which have increased in residential use.

It is anticipated that commercial needs not met in this zone are met in the commercial districts of incorporated municipalities where supporting services provide the base for a complete range of commercial establishments.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the NC-1 Neighborhood Commercial Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code, as amended.
2. To provide locations in outlying areas where commercial services are available to meet the day-to-day shopping needs of the residents.
3. To ensure the development of adequate public facilities to match private development. The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. **Permitted Uses**: The following shall be permitted in the NC-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. Restaurants, and retail food stores.
2. Grocery stores.
3. Stores for retail sales of goods and materials; but does not include automobile sales, recreational vehicles sales, vehicle parts sales, trailer or agricultural equipment sales, or wholesale establishments.
4. Convenience establishments and other personal or pet services.
5. Professional health care offices.
6. Preschools.
7. Commercial day care centers.
8. Gasoline service stations; automobile repair facilities; and car wash establishments.
9. Churches and other structures for religious worship, and churches with a parsonage.
10. Parking facilities, subject to the provisions of UCLUO 4.60 and UCLUO 6.64.
11. Signs, subject to the provisions of UCLUO 8.24.
12. Accessory structures when appurtenant to buildings and uses permitted in the zone.
13. Public parks, public park facilities and public historical monuments.
14. Landscape parks.
15. Fences, walls, and landscaping, subject to the provisions set forth in UCLUO 4.76.
16. Covered water storage tanks and reservoirs which do not extend over two (2) feet above grade, water wells and appurtenant pipelines, pumps and pump houses.
17. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
    a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
    b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.

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c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.

18. Commercial storage units.
19. Business Offices.
20. The pasturing of domestic livestock and the keeping of fowl for personal use, and the barns sheds, pens and coops connected with pasturing of said domestic livestock and fowl and the requirement that the total floor area of such structures shall not exceed 1,000 square feet per lot, unless the lot exceeds one (1) acre in area, which would allow a maximum cumulative floor area of 2,000 square feet per lot.
21. A one-family caretaker dwelling or dwelling unit subject to the provisions of UCLUO 8.24.
22. Greenhouses for the growing of plants and nursery stock which comply with the definition of "agricultural use" and "not for human occupancy" and which such structures qualify for the exemption from permit requirements of Utah Code § 15A.
23. Agricultural structures for the storage and keeping of farm products and farm machinery which comply with the definition of "agricultural use" and "not for human occupancy" and which such structures qualify for the exemption from permit requirements of Utah Code § 15A.

C. **Permitted Conditional Uses**: In the NC-1 Zone the following shall not be permitted by the Zoning Administrator unless approval as a conditional use has been authorized in accordance with the land use ordinance by the designated reviewing agency:

1. A covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
2. A primary school or secondary school, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
3. A nursing home which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
4. A planned nonresidential subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.

D. **Area Requirements**: The minimum area of a zoning lot within the NC-1 Zone shall be as follows:

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1. Each individual NC-1 Neighborhood Commercial Zone shall contain at least five (5) acres of land.
2. Each gasoline service station or automobile repair facility, preschool, commercial day-care center, nursing home, or planned nonresidential subdivision, shall be located on a lot that contains at least one (1) acre.
3. Each caretaker dwelling shall be located on a lot that contains at least one (1) acre of land including the required parking area and building area of the use to which such dwelling is appurtenant.
4. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 1/2) acres of land; each church with a parsonage shall be on a lot containing at least three and one-half (3 1/2) acres of land.
5. Each primary school or secondary school shall be located on a lot containing at least two and one half (2 1/2) acres of land.
6. For other permitted structures and uses, there shall be no minimum area requirements except as may be required under other provisions of this ordinance.

E. **Width Requirements**: The minimum width of a zoning lot within the NC-1 zone shall be as follows:

1. For each caretaker dwelling, preschool, commercial day-care center, nursing home, church, church with parsonage, or primary or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be one hundred (100) feet.
2. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. **Location Requirements**: The minimum location requirements within the NC-1 zone shall be as follows:

1. **Major Street Location**: All individual NC-1 Neighborhood Commercial Zones shall abut and gain access from a state road, or a county road that has been designated as a collector or arterial road by the currently adopted Utah County General Plan.
2. **Front Setback**: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

3. **Side and Rear Setback**: All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

G. **Height and Building Size Requirements**: The height and building size requirements within the NC-1 zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

   Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

   Exception 2: For large-scale utility line structures, there shall be no maximum height.

   Exception 3: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

   Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

2. The floor area of an accessory storage structure (or the total floor area of a group of accessory structures) shall not exceed the floor area of the main building on the lot.

H. **Special Provisions**:

1. The yards around buildings shall be kept free of junk, debris, refuse, weeds, and other flammable material.
2. Paved parking and loading areas shall be required for all permitted uses according to the provisions of UCLUO 4.60 and UCLUO 4.64.
3. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
4. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.

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l. **Site Plan Review**: An applicant for a building permit in the NC-1 zone shall submit a site plan to the Zoning Administrator with the contents listed below. The Zoning Administrator shall review the plan and shall issue a building permit pursuant thereto only if the standards of this and the other sections this land use ordinance are met.

1. **Contents**: Such site plan shall be drawn to scale and show:

   a. The names, addresses, and telephone numbers of the owner of the lot to be built on (subject lot), the developer of the project, and the architect or other designer.

   b. The property boundary lines, legal description and dimensions of the subject lot; the property lines of all adjoining lots (but only extending for a distance of two hundred feet away from the boundaries of the subject lot); and an identification on each lot of the name of the property owner.

   c. The location and use of all existing and proposed structures on the subject lot.

   d. The location and an identification of each use of land and each building adjacent to the boundaries of the subject lot.

   e. The location and names of all public and private streets.

   f. The location of all canals, power lines, gas lines and other utility lines on the subject lot and the boundaries of all recorded easements located on the lot.

   g. The location of any proposed landscaping, parking areas, access points, lighting, and loading areas.

   h. The location and cross-sectional drawing of proposed walls and fences.

   i. An identification of any areas where the subject lot has been graded by past cuts or fills; also contour lines, if the land has more than a five percent (5%) slope, and a grading plan if cuts or fills will be undertaken to prepare the site.

   j. An identification of any contaminated or unstable soils, fill material types, fault lines or other natural hazards affecting the subject property.

   k. North point.

2. **Limitation**: Upon approval of a final site plan by the Zoning Administrator, no buildings or uses of land other than those depicted on such plan shall be permitted.

J. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the land use ordinance.

12.36 HS-1, Highway Service Zone

A. **Declaration of Legislative Intent**: The HS-1 Highway Service Zone has been established for the purpose of providing compact, convenient roadside locations where the needs of the traveling public can be met.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the HS-1 Highway Service Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code, as amended.
2. To meet the needs of the traveling public in a convenient fashion.
3. To ensure the development of adequate public facilities to match private commercial development.
4. To more fully bring about the implementation of the county's general plan. The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. **Permitted Uses**: The following shall be permitted in the HS-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. Restaurants, and retail food shops.
2. Recreational rental establishments.
3. Stores for retail sales of goods and materials and convenience establishments.
4. Gasoline service stations.
5. Automobile towing and repair garages.
6. Parking facilities, subject to the provisions of UCLUO 4.60 and UCLUO 4.64.
7. Signs, subject to the provisions of UCLUO 8.24.
8. Accessory structures when appurtenant to buildings permitted in the zone.
9. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76.
10. Public parks and public park facilities and public historical monuments.

11. Covered water tanks and reservoirs which do not extend over two (2) feet above the natural grade, water wells, and appurtenant pipelines, pumps and pump houses.
12. Office uses incidental to a permitted use or approved permitted conditional use.
13. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
    a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
    b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
    c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.
14. The pasturing of domestic livestock and the keeping of fowl for personal use, and barns sheds, pens and coops connected with pasturing of said domestic livestock and fowl and the requirement that the total floor area of such structures shall not exceed 1,000 square feet per lot, unless the lot exceeds one (1) acre in area, which would allow a maximum cumulative floor area of 2,000 square feet per lot.
15. A one-family caretaker dwelling or dwelling unit subject to the provisions of UCLUO 8.84.
16. Landscape parks.

C. **Permitted Conditional Uses**: In the HS-1 zone the following buildings, structures, and uses of land shall not be permitted by the Zoning Administrator unless approval as a conditional use has been authorized in accordance with the land use ordinance by the designated reviewing agency:

1. A covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
2. A recreation vehicle court or commercial campground which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.68 and UCLUO 16.
3. A planned nonresidential subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.

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4. A landscape park recreational facility which the Board of Adjustment has approved as a conditional use within an existing landscape park or as part of a new landscape park according to the provisions of UCLUO 16.
5. Hotels, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 4, UCLUO 6, UCLUO 8 and UCLUO 16.

D. **Area Requirements**: The minimum area requirements within the HS-1 zone shall be as follows:

1. Each individual HS-1 Highway Service Zone shall contain at least five (5) acres of land.
2. Each gasoline service station or planned nonresidential subdivision, shall have a minimum lot area of one (1) acre.
3. Each caretaker dwelling shall be on a lot that contains at least one (1) acre of land including the required parking area and building area of the use to which such dwelling is appurtenant.
4. Each recreation vehicle court or commercial campground shall contain at least one (1) acre plus eleven hundred (1,100) square feet for each recreational vehicle or camp unit present.
5. For other permitted structures and uses, there shall be no minimum area requirements except as may be required under other provisions of this ordinance.

E. **Width Requirements**: The width requirements for the HS-1 zone shall be as follows:

1. The maximum length for the part of any individual HS-1 Highway Service Zone which lies adjacent to or astride a state or county road shall be 1,320 feet; except at the intersection of two distinctively numbered state or county roads, the maximum length shall be 2,640 feet.
2. For each caretaker dwelling the minimum width of the lot at any point between the frontage and the structure shall be one hundred (100) feet.
3. For other permitted structures and uses, there shall be no minimum width requirement except as may be required under other provisions of this ordinance.

F. **Location Requirements**: The minimum location requirements within the HS-1 zone shall be as follows:

1. **Highway Location**: All individual HS-1 Highway Service Zones shall abut a state road that provides direct access to the zone.

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2. **Front Setback**: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

3. **Side and Rear Setback**: All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

G. **Heights and Sizes of Buildings**: The height and size requirements within the HS-1 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

   Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

   Exception 2: For large-scale utility line structures, there shall be no maximum height.

   Exception 3: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

   Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

2. The floor area of an accessory storage structure (or the total floor area of a group of accessory structures) shall not exceed the floor area of the main building on the lot.

3. There shall be no other height or building size requirement except as may be required under other provisions of this ordinance.

H. **Special Provisions**:

1. The yards around buildings shall be kept free of junk, debris, refuse, weeds, and other flammable material.

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2. Parking shall be required according to the provisions of UCLUO 4.60 and UCLUO 4.64.
3. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
4. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.

I. **Site Plan Review**:

1. **Scope**: An applicant for a building permit in the HS-1 zone shall submit a site plan to the Zoning Administrator with the contents listed below. The Zoning Administrator shall review the plan and shall issue a building permit pursuant thereto only if the standards of this land use ordinance are met.
2. **Contents**: Such site plan shall be drawn to scale and show:
    a. The names, addresses, and telephone numbers of the owner of the lot to be built on (subject lot), the developer of the project, and the architect or other designer.
    b. The property boundary lines, legal description and dimensions of the subject lot; the property lines of all adjoining lots (but only extending for a distance of two hundred feet away from the boundaries of the subject lot); and an identification on each lot of the name of the property owner.
    c. The location and use of all existing and proposed structures on the subject lot.
    d. The location and an identification of each use of land and each building adjacent to the boundaries of the subject lot.
    e. The location and names of all public and private streets.
    f. The location of all canals, power lines, gas lines and other utility lines on the subject lot and the location of all recorded easements on the lot.
    g. The location of any proposed landscaping, parking areas, access points, lighting, and loading areas.
    h. The location and cross-sectional drawing of proposed walls and fences.
    i. An identification of any areas where the subject lot has been graded by past cuts or fills; also contour lines, if the land has more than a five percent (5%) slope, and a grading plan if cuts or fills

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will be undertaken to prepare the site.

j. An identification of any contaminated or unstable soils, fill material types, fault lines or other natural hazards affecting the subject property.

k. North point.

3. **Limitation**: Upon approval of a final site plan by the Zoning Administrator, no buildings or uses of land other than those depicted on such plan shall be permitted.

J. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of this land use ordinance.

12.40 I-1 Industrial Zone

A. **Declaration of Legislative Intent**: The I-1 Industrial Zone has been established for the purpose of providing places where manufacturing, processing, warehousing, fabricating, sexually oriented businesses, and wholesaling of goods and materials can be carried on with minimum conflict or deleterious effects upon surrounding properties. Goods, materials and other products that are manufactured, fabricated or produced on the site in the I-1 Zone may be sold at that site, except that an approved sexually oriented business may retail items identified within UCC 8.12, when in compliance with currently adopted building and safety codes.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the I-1 Industrial Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code, as amended.
2. To promote industry by providing locations where conflicts between neighboring business establishments and nonindustrial land uses are reduced.
3. To promote the economy of Utah County.
4. To ensure the development of adequate public facilities to match the needs of industrial development.
5. To implement the county's general plan.
   The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

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B. **Permitted Uses**: The following shall be permitted in the I-I Zone in compliance with the standards and requirements set forth in this ordinance:

1. Warehousing and storage in enclosed buildings and commercial storage units.
2. Buildings, facilities, and storage yards used in the manufacture of goods, materials, and other products.
3. Buildings, facilities, and storage yards used to mix asphalt, mix concrete or fabricate concrete products.
4. Buildings, appurtenant facilities, and yards for the recycling of concrete, asphalt, metal, and wood, not including the composting of organic materials.
5. Automobile wrecking and salvage yards, subject to the provisions of UCLUO 8.36.
6. Yards for the outdoor storage of licensed vehicles and licensed trailers, heavy equipment, portable structures, contracting equipment, lumber, or earth materials (rock, coal, sand).
7. Buildings and facilities for the storage or repair of vehicles and equipment within an enclosed building.
8. Yards and appurtenant facilities for petroleum storage tanks, (does not include the refining of petroleum and related products).
9. Buildings, facilities, and storage yards for the sorting, processing, packaging, freezing, canning and storage of farm products.
10. Mines, gravel pits, sand pits, clay pits, rock quarries, rock crushers, and appurtenant mine structures and temporary stockpiles, subject to the provisions of UCLUO 6.24 and UCLUO 6.28.
11. The pasturing of domestic livestock.
12. The production of fruits and crops in the field.
13. Agricultural structures for the storage and keeping of farm products and machinery.
14. Historical monuments.
15. Man-made lakes, ponds, dams and other uncovered water impoundments if such are under ten (10) acre feet in capacity and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
16. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76.
17. Signs, subject to the provisions of UCLUO 8.24.

18. A cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communications Commission or its successor agency.

19. Oil, gas and water wells, and appurtenant pipelines, pumps and pump houses.

20. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:

    a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.

    b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.

    c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.

21. Office structures, when appurtenant and incidental to a use listed as a permitted or permitted conditional use in the zone.

22. Sexually oriented businesses, which are classified as follows: Adult Arcades; Adult Bookstores, Adult Novelty Stores, Adult Video Stores; Adult Cabarets; Adult Motels; Adult Motion Picture Theaters; Adult Theaters; Escort Agencies; Semi-nude Model Studios; and Sexual Encounter Establishments, as such uses are defined in UCC 8.12, subject to the definitions, requirements and provisions, including location requirements, contained in UCC 8.12, and subject to the following location and distance requirements:

    a. No sexually oriented business shall operate or be established within 500 feet of any of the following:

        (1) churches, synagogues, mosques, temples, or other buildings used primarily for religious worship and activities;

        (2) public or private educational facilities including child day-care facilities, pre-schools, elementary schools, intermediate schools, and high schools, including school grounds and athletic facilities which are used primarily in connection with school-related activities;

        (3) public recreation areas or facilities including but not limited to parks, playgrounds, picnic areas, athletic fields or courts, libraries, public trail systems, community centers, and other analogous facilities;

(4) privately owned amusement parks or recreation facilities.

b. No sexually oriented business shall operate or be established within 500 feet of a boundary of a zoning district which allows residential use as a permitted use.

c. No sexually oriented business shall be located within 500 feet of any other sexually oriented business.

d. For purposes of these location requirements, measurements shall be made in a straight line, without regard to intervening structures, objects, or boundaries, from the nearest portion of the building or structure which houses the sexually oriented business to the nearest property line of the property in question.

23. Windmills.

C. **Permitted Conditional Uses**: In the I-1 zone the following shall not be permitted by the Zoning Administrator unless approval as a conditional use has been authorized in accordance with this land use ordinance by the designated reviewing agency.

1. A building or facility for the processing, manufacture and storage of chemical elements or chemical compounds, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16, provided:

   a. The standards of the currently adopted international Fire Code are met as certified by the County Fire Marshal;

   b. An inventory of hazardous materials, a scaled plot plan of their locations, and a brief explanation of the hazards involved are submitted for use by public safety officials.

2. A building or facility for the refining and processing of petroleum and related products, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.

3. A building or facility for the slaughtering and processing of livestock or poultry, not including rendering plants, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.

4. A building or facility for the smelting and refining of ferrous and nonferrous metals, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.

5. A single family residential accessory caretaker dwelling unit, not to exceed 900 square feet of gross floor area, which is attached to and part

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of a commercial storage unit facility, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.

6. A helicopter pad which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.48 and UCLUO 16.

7. A planned nonresidential subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.

8. A noncommercial facility for the composting of organic plant materials and food residuals, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16, when the Board finds that all of the following additional requirements are met:

    a. Organic plant materials shall refer to fruits and vegetables, leaves, grass and organic yard debris, pasta and breads, egg shells, and other by-products from food processing facilities.

    b. Food residuals shall refer only to all pre-consumer and post-consumer foods and food by-products, not including sewage or sewage sludge.

    c. An approval is granted from the Utah County Health Department for the composting facility.

    d. An access permit for road access from a paved county road, city street, or state road is approved by the County Engineer or other appropriate government agency.

    e. A site plan is submitted and approved by the Board which is drawn to scale by an engineer, architect, or land surveyor licensed by the State of Utah, showing all existing and proposed buildings, structures, composting areas, traffic circulation within the facility, individual parking spaces, liquid waste disposal facilities, solid waste collection, and other features of the facilities, consistent with the requirements and standards of all applicable sections of this land use ordinance.

    f. An operation plan is submitted and approved by the Board for the composting facility which contains the following:

        (1) The daily hours of operation, maximum noise levels which shall not exceed the parameters found in UCC 18 but may be more restrictive.

        (2) The maximum number and size of transport vehicles, travel routes, and covered loads.

        (3) Dust and odor control measures.

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(4) Outside composting containment areas shall be a minimum of 50 feet from any abutting property line; a greater distance may be established by the Board.

(5) Other items deemed appropriate by the Board of Adjustment to mitigate public health and safety concerns, and to address the standards of UCLUO 16.

g. All organic materials and food residuals shall be processed and covered immediately upon being received at the composting facility to eliminate odor and to absorb liquids.

h. Any mechanical operations for preparing compost for transport shall be located within an enclosed building.

i. Any mechanical heat source for composting is prohibited.

j. The composting of animal or human waste is prohibited.

k. The composting facility shall comply with all other applicable adopted Utah County codes and ordinances, including but not limited to, building codes, and fire safety codes. A Utah County Business License shall be obtained prior to operation of the composting facility.

l. Any other items deemed appropriate by the Board of Adjustment to mitigate public health and safety concerns, and to address the standards of UCLUO 16.

D. **Area Requirements**: The minimum area of a zoning lot within the I-1 zone shall be as follows:

1. Each planned nonresidential subdivision shall contain at least one (1) acre of land.

2. Each storage yard for the mixing of concrete or asphalt or the fabrication of concrete products; yard for recycling; yard for the outdoor storage of licensed vehicles, heavy equipment, portable structures, contracting equipment, lumber, or earth materials (rock, coal, sand, etc.); mine, gravel pit or other earth products pit or quarry; petroleum processing facility and refinery; chemical processing and manufacturing facility; facility for the slaughtering and processing of livestock and poultry; facility for the smelting and refining of ferrous and nonferrous metals; and facility for the noncommercial composting of organic plant materials and food residuals; shall be on a lot or parcel of land of not less than one (1) acre in area.

3. For other permitted structures and uses there shall be no minimum area requirement except as may be required under other provisions of this

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ordinance.

E. **Width Requirements**: The minimum width of a zoning lot within the I-1 zone shall be as follows:

1. For permitted structures and uses there shall be no minimum width requirement except as may be required under other provisions of this ordinance.

F. **Location Requirement**: The minimum location requirements within the I-1 zone shall be as follows:

1. **Front Setback**: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

2. **Side and Rear Setback**: All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback to be determined by the adopted building and fire codes, but shall not be less than fifteen (15) feet from any property line that abuts a county RR-5 or TR-5 zone, or that abuts a city boundary with existing residential development or abuts a city boundary where the property is zoned within that city for future residential development.

G. **Heights and Sizes of Buildings**: The height and size requirements within the I-1 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

   Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

   Exception 2: For large-scale utility line structures, there shall be no maximum height.

   Exception 3: The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.

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Exception 4: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

H. **Special Requirements**:

1. The yards around buildings shall be kept free of debris, refuse, weeds, and flammable material which may constitute a fire or health hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
3. The grade of driveways which serve an accessory dwelling unit or other occupied structure shall not exceed twelve (12) percent.

I. **Site Plan Review**:

1. **Scope**: An applicant for a building permit or a land use permit that is a listed permitted use or listed permitted conditional use for which a conditional use permit has been issued in the I-1, Industrial Zone, shall submit a site plan to the Zoning Administrator with the contents listed below. The Zoning Administrator shall review the plan and shall issue a building permit or land use permit thereto only if the standards of this and the other sections of the ordinance are met.

   Exception: The Zoning Administrator may reduce certain requirements of the site plan review for existing industrial facilities and sites that are amending existing approved site plans.

2. **Contents**: Such site plan shall be drawn to scale and show:

   a. The names, addresses, and telephone numbers of the owner of the lot to be built on (subject lot), the developer of the project, and the architect or other designer.

   b. The property boundary lines, legal description and dimensions of the subject lot; the property lines of all adjoining lots (but only extending for a distance of two hundred feet away from the boundaries of the subject lot); and an identification on each lot of the name and address of the property owner.

   c. The location and use of all existing and proposed structures on the subject lot.

d. The location and an identification of each use of land and each building adjacent to the boundaries of the subject lot.

e. The location and names of all public and private streets.

f. The location of all canals, power lines, gas lines and other utility lines on the subject lot and the boundaries of all recorded easements located on the lot.

g. The location of any proposed landscaping, parking areas, access points, lighting, and loading areas.

h. The location and cross-sectional drawing of proposed walls and fences.

i. An identification of any areas where the subject lot has been graded by past cuts or fills; also contour lines, if the land has more than a five percent (5%) slope, and a grading plan if cuts or fills will be undertaken to prepare the site.

j. An identification of any contaminated and unstable soils, fill material types, fault lines or other natural hazards affecting the subject property.

k. North point.

3. **Limitation**: Upon approval of a final site plan by the Zoning Administrator, no buildings or uses of land other than those depicted on such plan shall be permitted.

J. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of this land use ordinance.

12.44 NHO Natural Hazards Overlay Zone

A. **Declaration and Legislative Intent**: The NHO Natural Hazards Overlay Zone (NHO Zone) includes the territory of the unincorporated area of Utah County which was identified in a joint program of the Utah Geologic and Mineral Survey and the US Geological Survey as having a susceptibility for rockfall, debris flow, landslides, or surface fault rupture. In addition to the territory identified in the joint program, the NHO Zone includes other areas that have been identified by the County Commission as having a significant hazard. The zone shall not be construed to be all-inclusive of such hazards.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the NHO Natural Hazards Overlay Zone are:

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1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code, as amended.
2. To identify areas subject to geologic hazards and to reduce the risk therefrom.
3. To protect human life and health.
4. To reduce damage to public and private property and to public utilities and structures.
5. To assure that those who occupy the areas susceptible to geologic hazards assume responsibility for their actions regarding land use, construction, and grading.
6. To provide notification of areas of special hazard for rockfall, debris flow, landslide, or surface fault rupture to the public.
   In order to accomplish the stated purposes and intent, the following provisions shall apply:

B. **Scope**:

1. **Purview**: The natural hazards which are the purview of the NHO Zone are limited to: rockfall, debris flow, landslide, and surface fault rupture.
2. **Extent**: The provisions of this section shall apply to all areas having a susceptibility to the above-named hazards within the unincorporated area of Utah County, which are depicted on the Official Zone Map of Utah County, Utah, as lying within the NHO Zone. Such provisions shall not abrogate but shall be in addition to the requirements of the underlying zoning districts within the NHO Zone, pertaining to the property within the NHO Zone. Where the provisions of this section conflict with any other requirement, the more stringent restriction shall apply.
3. **Interpretation**: To determine which properties lie within the NHO Zone, the Zoning Administrator shall determine the boundaries of the zone by scaling the distances from the Utah County Zone Map. The Zoning Administrator may be aided by the Natural Hazards Overlay Map Series, or successor map series, Plates 14 and 19 of Elliott and Harty's 2010 Landslide Maps of Utah, 30' x 60' Quadrangle map series, or successor maps, and other data from the U.S. Geological Survey (USGS) and the Utah Geological Survey. Any adversely affected party contesting the location of the zone boundary shall comply with the procedures set forth under Utah Code § 17-27a, as amended. Such adversely affected party shall make a request to contest the location of the zone boundary within twenty (20) days of the date of the decision being contested.
4. **Compliance**: No structure or land use shall hereinafter be constructed, located, extended, converted, altered or otherwise developed without full

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compliance with this section.

C. **Permitted Uses**:

1. **Uses**: All structures and uses of land which are listed as permitted uses and permitted conditional uses in the underlying zoning districts shall also be permitted or approved as a conditional use in the territory covered by the NHO Zone if they meet the standards of both this section and the underlying zone.
2. **Clearance**: Before any permit is issued within the NHO Zone, the Zoning Administrator must first find that the land use, grading, construction, or other such development to be permitted therein complies with both the requirements of the NHO Zone and the underlying zone and issue a written clearance attesting to such finding. No land use, grading, construction or other development shall be commenced or altered within the territory of the NHO Zone until the clearance and the permit based on such clearance are granted.
3. **Large-scale Developments**: No large-scale development lying within the NHO Zone shall be approved without full compliance with the requirements of this Section.

   Exception: The portion of a large-scale development lying within the NHO Zone is exempt from the requirements of this Section when all the following requirements are met:

   a. The portion of a development lying within the NHO Zone is located and identified on the plat as being susceptible to natural hazards (the specific natural hazard[s], which is under the purview of the NHO Zone, only, shall be identified);

   b. The portion of the development to be exempted from the requirements of the NHO Zone is clearly located and identified on the plat;

   c. The plat includes the following note: "No occupied structure and habitable space, as defined in the currently adopted building codes, or critical facility (excluding communication, utility, and transportation lines and their non-occupied appurtenant structures) shall be constructed on the land in this plat identified hereon as susceptible to natural hazards and exempt from the requirements of the NHO Zone"; and

   d. The applicant provides a signed, dated, and stamped statement of support, which includes findings, for the Exception from a geologist or engineer licensed by the State of Utah, who has at least four (4) years of experience in a responsible position in the

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field of engineering geology. Such statement shall be reviewed and approved by the County.

This Exception can be used to completely exempt a development from the requirements of this Section, provided all portions of a development lying within the NHO Zone qualify for the Exception.

4. **Natural Hazards Assessment**:

a. A Natural Hazards Assessment that complies with the standards of this Section shall be required for every application for occupied structures and habitable spaces, as defined in the currently adopted building codes, critical facilities (excluding communication, utility, and transportation lines and their non-occupied appurtenant structures), and large-scale developments in the NHO Zone.

Exception: In consultation with the Utah County Zoning Administrator, the Utah County Engineer may determine that a permit application for the renovation, remodel, or repair of an existing occupied structure, habitable space, critical facility, or amendment of a large development plat, is exempt from the Natural Hazards Assessment requirements, if the proposed application does not expand the footprint or scale of the existing occupied structure, habitable space, critical facility, or large-scale development.

b. Natural Hazards Assessments shall meet the following requirements:

(1) The assessment shall be prepared by a geologist or engineer licensed by the State of Utah who has at least four (4) years of experience in a responsible position in the field of engineering geology. The assessment shall be signed, dated and stamped by the preparer and include the qualifications of the preparer.

(2) The assessment shall be a site-specific engineering geology study and shall identify all known or suspected potential geologic hazards, originating on-site or off-site, whether previously mapped or unmapped, which may affect the proposed structure or use of land.

(3) The assessment shall identify the degree to which the hazards affect the proposed structure or use of land and recommend mitigation measures to adequately protect persons and property, including occupants and property

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improvements related to the proposed structures and uses, and to meet the standards of this ordinance.

(4) The assessment shall contain a detailed site map of the subject area showing any site-specific mapping performed as part of the geologic investigation, and including boundaries and features related to any natural or geological hazards, topography, and drainage. The site map must show the location and boundaries of the hazard(s), delineation of any recommended setback distances from hazard(s), and recommended location(s) for structures. Recommended buildable and non-buildable areas shall be clearly identified.

(5) The assessment shall contain trench logs and test pit logs, boring logs, aerial photographs, references with citations, and other supporting information, as applicable.

(6) The County Engineer shall determine whether the Natural Hazards Assessment meets the standards of this Section. The County Engineer may reject the assessment if the County Engineer finds that the professional geologist or engineer has insufficient training or experience, or if the County Engineer finds that the assessment is insufficient in depth, scope, or detail. The County Engineer may require that a supplemental or revised assessment be submitted.

(7) All recommended mitigation measures identified in the Natural Hazards Assessment shall be incorporated into the design of the proposed structure or use of land. In the event that the Natural Hazards Assessment provides alternative mitigation measures, the applicant shall elect which mitigation measures to implement, and the applicant shall submit a supplemental Natural Hazards Assessment confirming that the elected mitigation measures are sufficient to adequately protect persons and property and to meet the standards of this ordinance. The applicant shall submit engineered plans for the proposed mitigation measures, which plans will demonstrate how the mitigation measures will be incorporated into the design of the applicable structure or use of land. These plans shall be prepared by a professional engineer who is licensed to practice in the State of Utah and is qualified to develop such plans. The County Engineer may reject the plans if the County Engineer finds that the professional engineer has insufficient training or experience, or if the County Engineer finds that the plans insufficiently describe the

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proposed mitigation measures or do not meet the other requirements of this Section. The County Engineer may require that supplemental or revised plans be submitted.

(8) The County Engineer shall determine if the submitted plans sufficiently describe the proposed mitigation measures.

c. Upon the determination by the County Engineer that the Natural Hazards Assessment meets the standards of this section, the Zoning Administrator shall issue a clearance which incorporates the uses, structures, and mitigation measures approved by the County Engineer.

D. **Standards**:

1. **General Standard**: The mitigation measures, which have been identified in the Natural Hazards Assessment, shall be implemented. The mitigation measures shall be sufficient to provide adequate protection to persons and property, including occupants and property improvements related to the proposed structures and uses, and to meet the standards of this ordinance.

2. **Site Investigation, Hazard Identification, and Mitigation Implementation**: Occupied structures and habitable spaces, as defined in the currently adopted building codes, critical facilities (excluding communication, utility, and transportation lines and their non-occupied appurtenant structures), and large-scale developments, shall not be placed in, an area subject to rockfall, debris flow, landslides, or surface fault rupture, unless the site for such structure or use of land is investigated in a site-specific Natural Hazards Assessment that meets the requirements of this Section and the mitigation measures identified in the Natural Hazards Assessment are all incorporated into the design of the structure or use of land and implemented, unless an exception is provided in this Section for such structure or use of land. If the Natural Hazards Assessment finds that no mitigating measures are needed, then no mitigating measures are required. In the case of debris flow hazards, if mitigation measures include discharge onto neighboring land, written permission is required from the owner of the neighboring land.

3. **No Covering Up**: No use, construction, or grading shall be permitted or performed in the NHO Zone which would conceal, misrepresent, or cause to be unrecognized the presence of any natural hazard which is within the purview of the NHO Zone.

E. **Variances**:

1. **Ability to Grant**: The Board of Adjustment, when deciding appeals for variances of distance or area within the NHO Zone shall follow both the standards of UCLUO 16 and the standards stated below.
2. **Items to Consider**: In deciding whether to grant a variance and what conditions to attach to its approval, the Board of Adjustment shall consider each of the following:
    a. The likelihood during a significant seismic or other geologic event that materials may be moved onto adjacent land areas, or that other impacts may disturb or destabilize adjacent land areas, causing property damage or injury to others.
    b. The degree of susceptibility to damage by seismic or other geologic activity for the building design or use proposed.
    c. The importance of the services of the proposed facility to the community and the need for the facility to be functional following a significant event of geologic activity.
    d. The necessity of the facility to be in the proposed location or proposed design, considering alternate locations and designs available.
    e. The ability of the community to provide emergency services to the facility in the event of a catastrophe.
    f. The degree of benefit received from the variance relative to the hazards posed to the facility's neighbors, visitors, and owners.
3. **Presumption Relative to Approval**:
    a. Generally, the standards of this section shall not be varied unless an equally safe method of use and construction can be approved.
    b. The amount of variance approved shall be only the minimum amount required to provide relief.
    c. A variance shall be granted only if it will not result in a threat to public safety, cause extraordinary public expense, or create a nuisance.
    d. In a continuum beginning with hay barns and agricultural structures and progressing to high rise apartment buildings and auditoriums, the difficulty in obtaining a variance shall be greater for structures having a higher percentage of time when the structure has human utilization, and greater for structures which are occupied by a larger number of people.

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F. **Special Requirements**:

1. **Certification by Engineer - Plans**: When this Section requires the preparation and submittal of engineered plans, such plans shall be prepared by a professional engineer licensed to practice in the State of Utah and who is qualified to prepare such plans through experience and training. The required engineered plans shall bear on it a certification by the engineer that the plans implement all of the recommended mitigation measures identified in the required Natural Hazards Assessment, and meet the standards and requirements of the NHO Zone. Prior to the Zoning Administrator issuing any clearance to commence construction, the County Engineer shall determine if the requirements of this section have been met.

2. **Certification by Geologist or Engineer - Natural Hazards Assessments**: When a Natural Hazards Assessment is required by this Section for a structure or use of land, the Natural Hazards Assessment shall bear the signed certification of the Utah State licensed geologist or engineer, who has at least four (4) years of experience in a responsible position in the field of engineering geology, that the recommended mitigation measures, which measures have been identified in the Natural Hazards Assessment, are sufficient to provide adequate protection to persons and property, including occupants and property improvements related to the proposed structures and uses, and are sufficient to meet the standards of this ordinance. Prior to the Zoning Administrator issuing any clearance to commence construction, the County Engineer shall determine if the requirements of this section have been met.

3. **Records**: The Zoning Administrator shall retain the Natural Hazards Assessments and engineered plans submitted with applications for permits issued under authority of this section.

4. **Maps Adopted by Reference**: The map series "Utah County Natural Hazards Overlay," dated April 1, 1990, and Plates 14 and 19 of Elliott and Harty's 2010 Landslide Maps of Utah, 30' x 60' Quadrangle map series are hereby adopted by reference in book form. One copy of "Utah County Natural Hazards Overlay," dated April 1, 1990, and Plates 14 and 19 of Elliott and Harty's 2010 Landslide Maps of Utah, 30' x 60' Quadrangle map series, are hereby ordered to be placed in the office of the Utah County Clerk. They may be used in the administration of the NHO Zone as required therein, along with other data from the U.S. Geological Survey (USGS) and the Utah Geological Survey.

G. **Disclosure**:

1. Whenever a Natural Hazards Assessment is required under this Section, the owner of the parcel shall record a signed notice running with the land,

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in a form satisfactory to the County, prior to the approval of any use of land or structure. The required notice shall include the following:

a. Notice that the parcel is located within an area susceptible to natural hazards, which hazards are the purview of the Natural Hazards Overlay (NHO) Zone, as shown on the Official Zone Map of Utah County, Utah; and

b. Notice that a Natural Hazards Assessment was prepared and is available for public inspection in the Utah County Community Development office.

2. When the land, or portion thereof, of a development plat lies in an area susceptible to natural hazards, which hazards are the purview of the Natural Hazards Overlay (NHO) Zone, as shown on the Official Zone Map of Utah County, Utah, such plat shall contain notification of 1) the hazards area, 2) any natural hazards assessments prepared in connection with development approval, and 3) the mitigation measures incorporated into the development plan.

H. **Warning and Disclaimer**: The degree of protection from geologic hazards intended to be provided by this Section is considered reasonable for regulatory purposes. The original language of the NHO Zone was based on accepted geologic and scientific methods of study. Amendments have been made to this Section since its inception. The major amendments of this Section have been generally reviewed by experts in the field of engineering geology. This section is intended to reduce the danger, cost, and impact from geologic hazards. Therefore, known or unknown geologic conditions, or natural or man-made changes in conditions, may contribute to future damages even though a structure or use of land has been properly permitted within the NHO Zone. Furthermore, the provisions of this Section shall not imply that areas within or outside the NHO Zone will be free from the impact of geologic hazards. This Section shall not create a liability on the part of or be a cause of action against the County or any officer or employee thereof for any personal or property damage that may result from reliance on the regulations of the NHO Zone, or from damages occurring in areas which for any reason have not been designated in the NHO Zone.

12.48 A-40 Agricultural Zone 1

A. **Declaration of Legislative Intent**: The A-40 Agricultural Zone covers that portion of Utah County which historically has been utilized for production agriculture and commercial farming operations. It includes that area of the county where the combination of irrigation, large parcel size, and cultivation make the land most appropriately suited for agricultural use. With the exception of utilities and certain public facilities that must pass through the zone, the commercial

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agriculture use of the land is protected by relegating non-farm uses to other zones and limiting the zone to farm and farm-related uses.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the A-40 Agricultural Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code, as amended.
2. To preserve the county's production agriculture land.
3. To foster and protect agriculture from adjacent incompatible land uses.
4. To encourage the cultivation of crops and the raising and keeping of livestock and related uses within this zone.
5. To provide governmental services at the least cost to commercial agriculture operations. The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. **Permitted Uses**:

1. The care and keeping of domestic livestock and fowl; and barns, stables, corrals, feed yards, pens, coops, other structures for the keeping of such livestock or fowl, and ancillary agricultural wastewater treatment lagoons, and systems, and related facilities when associated with an approved fowl or domestic livestock operation and when such agricultural wastewater treatment is approved by the State Department of Environmental Quality, Division of Water Quality, or approved by other federal or state regulatory agencies with specific jurisdiction for agriculture wastewater.
2. The raising of mink and similar fur bearing animals, and the pens and sheds used in the raising of such animals.
3. The production of fruit and crops in the field, packing plants for fruit and vegetables raised on the premises, and office, restroom and shower facilities for such production of fruit and crops and packing plants.
4. Agricultural structures for the storage and keeping of farm products and farm machinery.
5. Buildings and facilities for the fabrication and portion control (killing, skinning, and meat cutting) of domestic livestock and poultry raised on the premise.
6. Dairy farms, milking barns including an office or an independent office structure on the same site as the dairy, for the exclusive use of the dairy operation, also restrooms, showers, and buildings and facilities for the process and packaging of milk produced on the premise.

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7. Apiaries and establishments for extracting and processing honey.
8. Private dog kennels as an accessory use to the dwelling in which the owner of the kennel resides.
9. Fish hatcheries for the raising of game fish or fish for human consumption.
10. Plant and tree nurseries, greenhouses, and associated structures for the sale of plant stock grown on the premises.
11. Incidental produce stands, subject to the provisions of UCLUO 8.28.
12. The boarding of horses within a structure or in the open field.
13. Buildings and facilities for a licensed veterinarian engaged in the practice of treating domestic livestock.
14. Farm caretaker dwellings when permitted subject to the provisions of UCLUO 8.84.
15. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
16. Man-made lakes, ponds, dams and other uncovered water impoundments if such are under ten (10) acre feet in capacity; and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
17. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76.
18. Signs, subject to the provisions of UCLUO 8.24.
19. A cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communications Commission or its successor agency.
20. Oil, gas, and water wells, and appurtenant pipelines, pumps and pump houses.
21. Private roping and riding arenas that do not have lights.
22. Windmills.
23. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
    a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
    b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
    c. Office buildings housing the administrative and governmental

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activities of the agency; group assembly rooms; and post offices.

24. One-family dwellings and manufactured homes.
25. Residential accessory structures, when located on the same parcel as the dwelling to which such structures are appurtenant.
26. Migrant Agricultural Worker Housing.
27. Camping on private property by property owners and their permitted guests.
28. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of UCLUO 8.116.

C. **Permitted Conditional Uses**: In the A-40 zone the following shall not be permitted by the Zoning Administrator unless approval as a conditional use has been authorized in accordance with the zoning ordinance by the designated reviewing agency:

1. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
2. Private roping and riding arenas with lights and all commercial roping and riding arenas, when approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
3. A hunting preserve or shotgun shooting range and incidental accessory structures which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16, subject to the applicant submitting a site plan and providing adequate evidence of safe setback, location layout, noise reduction, and continuing management.
4. A helicopter pad, landing strip, flying field, or airport including terminal and aircraft storage facilities which is appurtenant to a farming operation in the zone and for which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.48 and UCLUO 16.
5. A planned subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.

D. **Area Requirements**: The minimum area of a zoning lot within the A-40 zone shall be as follows:

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1. Each planned subdivision and roping and riding arena shall be located on a lot containing at least forty (40) acres of land.
2. Each Migrant Agricultural Worker Housing structure and each Migrant Agricultural Worker Housing manufactured home shall be located on a parcel of land with an area of not less than 40 acres, or located on adjacent parcels of land in the same ownership as described in a recorded Declaration of Farm Unit consisting of not less than 40 acres, which Declaration of Farm Unit must be approved by the Land Use Authority. If more than one Migrant Agricultural Worker Housing structure or manufactured home is located within an approved Declaration of Farm Unit, each such structure or manufactured home shall have an area of not less than 40 acres.
3. Each private dog kennel shall be on a parcel with a minimum area of forty (40) acres and on the same parcel as the dwelling to which it is accessory.
4. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

E. **Width Requirements**: The minimum width of a zoning lot within the A-40 zone shall be as follows:

1. For a farm caretaker dwelling on a single parcel of land or for all farm caretaker dwellings clustered on one parcel of land, and for a migrant agricultural worker housing structure or migrant agricultural worker housing manufactured home, and for a roping and riding arena, the minimum width of the lot at any point between the frontage and the structure/s shall be three hundred thirty (330) feet.
2. For other permitted uses and structures, there shall be no minimum width requirement, except as may be necessary to meet under other provisions of this ordinance.

F. **Location Requirements**: The minimum location requirements within the A-40 zone shall be as follows:

1. **Front Setback**: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.
2. **Side and Rear Setback**: All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least

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fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

G. **Height Requirements**: The height requirements within the A-40 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

   Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

   Exception 2: For large-scale utility line structures, there shall be no maximum height.

   Exception 3: The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.

   Exception 4: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

   Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

H. **Dwelling Size and Pattern**: For any building containing a dwelling unit permitted in the zone:

1. The minimum habitable floor area of the ground level story shall be not less than eleven-hundred (1100) square feet.

I. **Special Requirements**:

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire or health hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
3. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.

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J. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of this land use ordinance.

12.52 APO Airport Overlay Zone

A. **Intent**: The APO Airport Overlay Zone is created to protect property adjacent to airports from hazards of aircraft which take off and land in the vicinity of the airport runways, and to protect operating aircraft from the hazards of tall structures.

B. **Scope**: The building and structures in the APO Zone shall be subject to the standards and regulations contained in UCLUO 4, UCLUO 6, and UCLUO 8.

C. **Permitted Uses**: All structures and uses of land which are listed as permitted uses and permitted conditional uses in the underlying zoning districts shall also be permitted uses or approved conditional uses in the territory covered by the APO Zone if they meet the standards of both the APO Zone and the requirements of the underlying zone.

12.56 PF-Public Facilities Zone

A. **Declaration of Legislative Intent**: The PF-Public Facilities Zone is found in unincorporated areas which are conducive to the location of public facilities. It is hereby declared that the specific purposes and intent of the County Commission in establishing the PF-Public Facilities Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code, as amended.
2. To provide locations where public facilities can be located to meet the needs of the residents of Utah County.

The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. **Permitted Uses**: The following shall be permitted in the PF-Public Facilities Zone upon compliance with the standards and requirements as set forth in this ordinance:

1. The pasturing of domestic livestock.
2. The production of fruit and crops in the field.
3. Agricultural structures for the storage and keeping of farm products, farm machinery, and protection of domestic livestock.
4. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76.

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5. Signs, subject to the provisions of UCLUO 8.24.
6. Cellular telephone, radio, television, or other microwave transmission facilities which have a license from the Federal Communication Commission or its successor agency.
7. Oil, gas, and water wells, and appurtenant pipelines, pumps and pump houses.
8. Windmills.
9. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
    a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
    b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operations of roads, utility systems and other functions of a governmental entity.
    c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.
10. Accessory structures when appurtenant to buildings and uses permitted in the zone.
11. Composting operations (green waste only) which are owned and operated by a governmental agency on land owned by a governmental entity (including storage and sale of compost materials).

C. **Permitted Conditional Uses**: In the PF-Public Facilities Zone the following shall not be permitted by the Zoning Administrator unless approval as a conditional use has been authorized in accordance with the land use ordinance by the designated reviewing agency:

1. A water treatment plant or sewage treatment plant owned by and operated by a governmental entity, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
2. Garbage, waste and refuse transfer, recycling and sorting facilities, and any ancillary trucking, shredding, crushing, grinding, and compacting facilities located on the same site, all of which must be owned by and operated by a governmental entity and must be entirely enclosed within a structure, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.

D. **Area Requirements**: The minimum area of contiguous land which is located

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within the PF-Public Facilities Zone shall be ten (10) acres.
For permitted structures and uses within the PF-Public Facilities Zone, there shall be no minimum area requirements, except as may be required under other provisions of this land use ordinance.

E. **Width Requirements**: The minimum width of a zoning lot within the PF-Public Facilities Zone land use shall be as follows:
For permitted structures and uses, there shall be no minimum width requirements, except as may be required under other provisions of this land use ordinance.

F. **Location Requirements**: The minimum location requirements of the PF-Public Facilities Zone shall be as follows:

1. **Front Setback**: All buildings, structures, compost areas or other operational areas, shall be set back from the right-of-way line of a county road (as designated by the Utah County General Plan and the Department of Public Works, Utah County Development Standards), city street or state road a minimum distance of one hundred (100) feet.

2. **Side and Rear Setback**: All buildings, structures, compost areas or other operational areas, shall have a side and rear set back of fifteen (15) feet, unless a greater setback is required by UCLUO 4, UCLUO 6, and UCLUO 8 or by adopted building and fire codes.

G. **Height Requirements**: The height requirement with the PF-Public Facilities Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

   Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than ten (10) feet.

   Exception 2: For large-scale utility line structures, there shall be no maximum height.

   Exception 3: The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.

   Exception 4: Otherwise, a height in excess of forty (40) feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

H. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of this land use ordinance, and other applicable law.

12.60 Transfer Of Development Rights Sending Overlay Zone And Transfer Of Development Rights Receiving Overlay Zone

A. **Purpose**: The goals of the Transfer of Development Rights Sending Overlay Zone and the Transfer of Development Rights Receiving Overlay Zone are:

1. To encourage the preservation of agriculture, and open space by allowing the transfer of density from such property.
2. To preserve agricultural lands for continued agriculture production and for future open space, trails and park systems.
3. To provide compensation to the owners of property from which development rights are transferred.
4. To preserve recharge areas for underground water aquifers

B. **Definitions**:

"Base Zoning" means existing zoning without the addition of the overlay zones.

"Conservation Easement" means an easement, covenant, restriction, or condition in a deed, will, or other instrument signed by or on behalf of the record owner of the underlying real property for the purpose of preserving and maintaining land or water areas predominantly in a natural state, scenic, or open condition, or for recreational, agricultural, cultural, wildlife habitat, or other use or condition consistent with the protection of open land. Conservation easement(s) granted under this Ordinance shall be subject to The Land Conservation Easement Act, Utah Code § 57-18-1 (et seq.), as amended.

"Development Approval" means final plat approval by the County Commission for large-scale developments.

"Development Credit" means a credit measured in residential units that denotes the amount of density on sending site property which may be transferred. Development credits represent all the development potential on the site.

"Development Credit Certificate" means the certificate issued by the Utah County Community Development Department that represents the total number of development credits recognized for and derived from the sending site that may be transferred.

"Development Right" means the right held by a fee simple property owner to build on a legally established parcel of real property. This right is limited by applicable zoning ordinances.

"Receiving Site (TDR-R)" means a parcel of real property located in the Transfer of Development Rights Receiving Overlay Zone which also meets all of the criteria of this land use ordinance for a receiving site. A receiving site is the site to which development credits may be transferred.

"Sending Site (TDR-S)" means a parcel of real property located in the Transfer of Development Rights Sending Overlay Zone which also meets all of the criteria of this land use ordinance for a sending site. A sending site is the site from which development credits may be transferred.

"Transfer" means any action which results in the sale of development credits.

C. **Sending Site Eligibility**: All properties located within the Transfer of Development Rights Sending Overlay Zone which meet all of the criteria of this land use ordinance for a sending site are eligible to transfer development credits. The sending site shall not be located within an existing large-scale development, shall meet the definition of a "zoning lot", shall be in private ownership, shall have retained all water, water rights, and water shares historically used to irrigate the property, and shall meet the area requirements as described in this land use ordinance.

D. **Development Credit Determination**:

1. The total number of development credits available to an eligible sending site parcel shall be determined as follows:

    a. Parcel with CE-1 base zoning in private ownership that is at least fifty (50) acres in area in one parcel or by parcels in the same ownership that are contiguous and abutting and comprise at least fifty (50) acres:

        (1) Development credits shall be one per each fifty (50) acres of property, provided that the parcel is not currently encumbered with a dwelling or other permanent buildings (not including structures used only for production agriculture).

    b. Parcel with RA-5 base zoning in private ownership that is at least

five (5) acres in area in one parcel or by parcels in the same ownership that are contiguous and abutting and comprise at least five (5) acres:

(1) Development credits shall be one per each five (5) acres of property, provided that the parcel is not currently encumbered with a dwelling or other permanent buildings (not including structures used only for production agriculture).

2. The calculation of development credits will be made by the Community Development Department of Utah County, and will be evidenced by a Development Credit Certificate. If the calculation results in a fraction it shall be rounded down to the nearest whole number. Development Credit Certificates shall only be issued for whole development credits. If the sending site is divided by a zoning boundary, the development credits shall be calculated separately for each such zoning classification. All Development Credit Certificates issued by Utah County shall be valid for a period of two (2) years from the date of issuance. Thereafter, the certificates shall be null and void. After the expiration of a Development Credit Certificate, the Sending Site owner may reapply for a certificate following the application process contained herein, including the payment of a new application fee.

E. **Sending Site Procedure**:

1. TDR-S property owners may choose to develop their property under base zoning, or they may choose to sell, or transfer their development rights.
2. TDR-S fee property owners must request a Development Credit Certificate from the Zoning Administrator to become eligible for the transfer program. The Development Credit Certificate will state the number of development credits available for sale or transfer. The property owner shall complete and submit to the Community Development Department a Development Credit Certificate application signed by all property owners which includes the following information:
    a. A title report for each sending parcel;
    b. A record of survey map prepared by a Utah licensed engineer or surveyor showing property boundaries, area, legal description, zoning boundaries, all existing structures, easements, rights of way, trails, waterways, lakes, endangered species of plant or animal locations, riparian habitat, the location of any land that is contiguous to or abuts the shoreline of Utah Lake, wetlands, submerged lands, and any areas already in a conservation easement;

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c. A description of the current use of the properties;

d. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to a public or private nonprofit agency;

e. A description of and proof of water rights historically utilized on the properties;

f. A completed density calculation worksheet for estimating the number of available base residential development rights to be transferred;

g. The name of the proposed holder of the conservation easement and a copy of the proposed conservation easement; and

h. The application fee.

3. TDR-S fee property owners must certify to the County that they are in compliance with all statutes, rules, and regulations pertaining to the wetlands on their property. Any noncompliance with applicable regulations shall remain the responsibility of the property owner and shall be resolved prior to approval of the property as a sending site.

4. Upon receipt of a Development Credit Certificate a TDR-S property owner is eligible to negotiate the sale, or transfer of the development credits. The owner, and any subsequent owner, shall also have the right to voluntarily terminate the development credits, by delivery of the development credit certificates to Utah County and recording of the conservation easement, after which the development credits shall be terminated and thereafter cannot be used for any purpose.

5. A development credit may be sold, conveyed, or otherwise transferred for the purpose of increasing density on a receiving site on the records of the Utah County Community Development Department by the owner(s). The sale, conveyance, or transfer shall occur upon surrender of the development certificate which authorizes the Zoning Administrator, or designee, to transfer the Development Credit Certificate to the stated transferee by reissuing the Development Credit Certificate in the transferee's name, and recording the re-issue certificate in the real property records of Utah County.

6. Prior to the approval of a development on a receiving site which utilizes the development credits from the sending site, or at the time that the owner voluntarily terminates the development credits, a conservation easement shall be recorded covering the entire sending site, or if only a portion of the available development credits are being utilized or terminated then the easement shall cover a pro-rata portion of the sending

site, as determined by the Zoning Administrator, or designee, selecting the portion deemed to be the most beneficial in accomplishing the purposes of this chapter. Use of development credits should be aggregated, to reduce the need to record conservation easements for small properties.

7. With regard to the sending site, after the conservation easement is recorded, no uses other than those enumerated in the conservation easement are allowed.
8. The final transfer of development credits will be completed upon development approval on a receiving site, or upon voluntary termination of the development credits.
9. Prior to the use of any development credit, the TDR-S property owners shall provide to the Utah County Community Development Department a current title report showing that the sending property and the related development credits are free and clear of all liens and encumbrances, or that such liens and encumbrances are subordinate to the conservation easement and to the development credits.
10. TDR-S property owners shall be responsible for notification of the county tax assessor regarding possible changes in property value.

F. **Receiving Site Eligibility**: All properties located within the Transfer of Development Rights Receiving Overlay Zone which meet all of the criteria of this land use ordinance for a receiving site are eligible to receive development credits. The receiving site shall not be located within an existing large-scale development, shall not be located within any property subject to vested development rights, shall meet the definition of a "zoning lot", and shall be in private ownership. Any person or legal entity eligible to hold title to real property shall have the right to purchase development credits.

G. **Receiving Site Procedures**:

1. If any development within the Transfer of Development Rights Receiving Overlay Zone requests a density greater than the density allowed in the underlying zone, the increased density shall be realized through development credits from a sending site. Any development requesting the higher densities shall bring evidence of development credits from a sending site in the form of ownership, or the legal option to purchase, at the time of development application. The applicant must provide proof of ownership of development credits from the sending site prior to final approval of the development. Development of a receiving site shall be subject to all of the provisions of the base zoning and all of the provisions of this land use ordinance, except that additional density may be approved through the transfer of development rights to the receiving site. A receiving site may accept development rights from one or more sending

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sites, up to the maximum density permitted.

2. The number of development credits required shall be equal to the difference between the proposed density and the density allowed by the base zoning, up to the maximum percentage increase in density.
3. Any large-scale development approval process, using development credits, shall follow the standard procedures as prescribed in this land use ordinance.
4. The maximum percentage increase in density from the density allowed in the base zoning, through the use of development credits, shall be 100%.
5. No development approval will be final until a sending site permanent conservation easement is recorded in the records of the Utah County Recorder for the number of development credits used to achieve the higher density for the project. The conservation easement shall be in a form acceptable to Utah County, and shall prohibit any future development of the sending site property, even if the zoning of the sending site is changed to allow greater density or more intense use. The conservation easement shall also require that all water, water rights, and water shares historically used to irrigate the property be permanently retained and used on the sending site. The easement shall be held by a non-governmental non-profit entity acceptable to Utah County. The easement shall require that the easement area be maintained as it exists when the easement is created, including natural areas, wildlife preserves, trails, or other identified environmental or open land resources, or that it be used for its present agricultural production, for recreation use, for wild land conservation, for open space, or for other agreed upon non-residential and non-urban land use, as approved by the Board of Commissioners of Utah County and the holder of the conservation easement, as described in the easement. The easement shall include a reference to the extinguishment of the development rights transferred from the sending site. If additional rights are transferred after the recordation of a conservation easement, the easement shall be amended to reflect the extinguishment of those additional rights and shall be recorded thereafter. All parties who have an interest in the property must sign the conservation easement. The conservation easement must be approved by Utah County, as reflected by an approved as to form signature of the Board of County Commissioners. If the holder of a conservation easement proposes to transfer the easement to another entity, the recipient of any transferred interest shall meet the requirements of this section and shall be approved, in advance, in writing, by Utah County. Any instrument purporting to convey a conservation easement pursuant to this section, without the written approval by Utah County on the instrument, is void.

H. **Scope and Permitted Uses**:

1. Unless specifically exempted by this the provisions of this Section, uses within the Transfer of Development Rights Sending Overlay Zone and uses within the Transfer of Development Rights Receiving Overlay Zone shall also be subject to the standards and regulations contained in UCLUO 4, UCLUO 6, and UCLUO 8, the standards and regulations contained in this land use ordinance, and the standards and regulations of the base zoning.
2. All structures and uses of land which are listed as permitted uses and permitted conditional uses in the base zoning districts shall also be permitted uses or approved conditional uses in the territory covered by the Transfer of Development Rights Sending Overlay Zone and the Transfer of Development Rights Receiving Overlay Zone if they meet the standards of both the Transfer of Development Rights Sending Overlay Zone and the Transfer of Development Rights Receiving Overlay Zone and the requirements of the base zoning.

I. **Agriculture Protection Area Exception**: Any property located in an agriculture protection area as of the effective date of the ordinance enacting this Section, which has not provided to the Community Development Office, in a format acceptable to the Zoning Administrator, a written consent signed by all property owners located within the agriculture protection area, agreeing to be bound by and consenting to all of the provisions of this Section 5-16 and the creation of and zoning of properties to the Transfer of Development Rights Sending Overlay Zone and the Transfer of Development Rights Receiving Overlay Zone, shall not be included in the Transfer of Development Rights Sending Overlay Zone or the Transfer of Development Rights Receiving Overlay Zone, shall not be subject to this Section, and shall not qualify as a sending site nor as a receiving site until such property owner provides to the Community Development Office, in a format acceptable to the Zoning Administrator, a written consent signed by all property owners located within the agriculture protection area, agreeing to be bound by and consenting to all of the provisions of this Section and the creation of and zoning of properties to the Transfer of Development Rights Sending Overlay Zone and the Transfer of Development Rights Receiving Overlay Zone, or such property owner withdraws from the agriculture protection area, and the County thereafter enacts an ordinance including such property in the Transfer of Development Rights Sending Overlay Zone or the Transfer of Development Rights Receiving Overlay Zone.

12.64 Goshen Valley Planned Community (P-C) Zone

A. In recognition of the desirability of holistic long-range planning within the area of the Goshen Valley Specific Area Plan portion of the Utah County General Plan, the Goshen Valley Planned Community Zone (P-C Zone) establishes a process for landowners and the County to work together to determine and plan the

potential capacity, intensity, and general types of uses early in the planning process for large-scale developments, while allowing flexibility to respond to changes in market forces and technology over long build-out periods, with provision for allowance of interim uses, such as agriculture and mining.

B. It is hereby declared that the specific purposes and intent of the County Commission in establishing the P-C Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code, as amended.
2. To promote economic development.
3. To implement the Goshen Valley Specific Area Plan portion of the Utah County General Plan.
4. To facilitate investment in infrastructure for economic and community development.
5. To provide predictability for landowners in development planning and implementation.
6. To promote long-range planning for large-scale development that:
    a. Provides employment centers and other employment opportunities balanced over time with appropriate residential uses so as to facilitate a desirable jobs/housing balance with the intent of reducing vehicle miles traveled;
    b. Establishes mixed-use centers in appropriate locations and sizes to meet the needs of residents within close proximity to their homes, with suitable design to shorten auto trips and facilitate walking, biking, and transit use;
    c. Establishes neighborhoods that provide a variety of housing types and that also provide ready access to facilities for the social, religious, educational, and recreational needs of the residents;
    d. Plans to accommodate sufficient density in appropriate locations to support future fixed-guideway transit;
    e. Establishes a network of parks, trails, open space, recreational facilities, and civic facilities to provide recreational opportunities, gathering places, cultural opportunities, and government services to residents;
    f. Establishes a viable nucleus for future incorporation as a sustainable community.

C. **Zone Area**: The P-C Zone is intended to be used over time to facilitate urban development only within the Goshen Valley Specific Area Plan. Each P-C Zone

application shall be made by a single owner, except that contiguous land parcels owned by multiple owners may be combined by such owners for zoning, planning, and development purposes through a common development plan. All such owners shall be parties to a Master Development Agreement for such parcels. No land may be included in a P-C Zone Plan or a Community Structure Plan without the consent of the landowner. If a proposed P-C Zone is smaller than 1,000 acres, an applicant shall be required to demonstrate consistency and coordination with already-approved development plans on nearby properties so as to form a unified development layout. Notwithstanding the foregoing, an owner of property that is already zoned as P-C Zone may apply to expand such P-C Zone by applying for rezoning of contiguous property as P-C Zone and for amendment of the adopted P-C Zone Plan, if any, to accommodate such additional property. In acting on requests to apply the P-C Zone to a particular area, the County Commission shall consider, among other factors which the County Commission deems appropriate, phasing of growth and general consistency with the Goshen Valley Specific Area Plan.

D. **Permitted Uses**: Except for those uses listed as prohibited uses herein, the following uses shall be permitted in the P-C Zone if consistent with the land use designations and Development Standards of an approved Community Structure Plan ("CSP") (or if permitted under Paragraph J entitled "Existing Uses"), if conducted in compliance with the standards and requirements of the P-C Zone, and, where County Commission review is required hereunder, if found by the County Commission to both further the Goshen Valley Specific Area Plan and to be in compliance with the standards and requirements set forth for approval hereunder:

    1. Residential uses of all types on a range of lot or parcel sizes, including, without limitation, single-family detached; single-family attached; multi-family residential; town homes; loft and mother-in-law apartments; residential units above ground floor retail, commercial, or office uses; condominiums; group homes as required by law; and any accessory structures or uses which are ancillary to any of the foregoing;

        a. Retail, service, office, hotel, restaurant, day care, entertainment, and all other commercial uses of any type;

        b. Public uses, quasi-public uses, and civic uses;

        c. Mix of permitted uses (including, without limitation, office/commercial, office/residential, and retail/residential) within individual structures, including home-based businesses following the provisions of the County Code;

        d. Open space, including, without limitation, landscaped areas and areas in natural vegetation, agricultural areas, golf courses, parks, trails, reservoirs and recreational areas and facilities;

e. Mining, reclamation, grading, dikes, berms, sand and gravel extraction, and similar activities on an interim basis;

f. Industrial, manufacturing, and energy production and distribution;

g. Utility and transportation facilities and systems, including water and sewer treatment and transmission facilities;

h. Agricultural uses of all kinds;

i. Auxiliary and ancillary uses.

Specific standards for location, compatibility, types, and spatial arrangement of specific uses within a Community Structure Plan shall be proposed by the applicant as part of a Development Standards application and shall be subject to the Development Standards review and approval processes described herein. The County Commission may disapprove or modify a proposed standard during the Development Standards approval process if the County Commission finds that the proposed standard or use (i) is inconsistent with the criteria established in this Ordinance for approval of Development Standards; (ii) is not generally consistent with the Goshen Valley Specific Area Plan; (iii) is not appropriate at a particular location due to incompatibility with other surrounding existing or approved uses; (iv) is not supported by sufficient capital facilities or demonstrated ability to fund and provide all necessary public facilities and services; (v) does not promote efficient use of public capital facilities; or (vi) is contrary to the health, safety, or general welfare of the citizens of Utah County. In addition, the above permitted uses are subject to the Community Structure Plan, subdivision, and site plan review and approval requirements and standards in this ordinance and the requirements of other applicable County ordinances.

E. **Prohibited Uses**: Notwithstanding anything to the contrary herein, the following uses shall be prohibited within the P-C Zone:

1. Automobile wrecking and salvage yards;
2. A sexually oriented business, as such term is defined in UCC 8.12;
3. A building or facility for the refining and processing of petroleum and related products;
4. A building or facility for the fabrication, portion controls (killing, skinning, and meat cutting), slaughtering and processing of domestic livestock or poultry, including rendering plants;
5. A building or facility for the smelting and refining of ferrous and nonferrous metals;
6. A sanitary landfill, and any ancillary trucking, shredding, crushing,

grinding, compacting or similar facility, unless such landfill and ancillary uses are approved as a conditional use;

7. Garbage, waste and refuse transfer stations, except for such stations that are approved as a conditional use;
8. Recycling and sorting facilities which are not contained within an enclosed structure, unless such facilities are approved as a conditional use;
9. Correctional institutions;
10. A building, facility or appurtenant structure for the manufacture or storage of explosives; and
11. The raising of mink and similar fur-bearing animals.

F. **Special Requirements**:

1. Only permitted, conditional or accessory uses as set forth in this chapter may be conducted in the P-C Zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
2. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
3. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
4. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.
5. All uses in the P-C Zone shall be conducted within fully enclosed buildings, except those uses customarily conducted in the outdoors, including, but not limited to, outdoor eating establishments, agricultural uses, mining and earthwork, Christmas tree lots, golf courses, gardens, nurseries and parks, solar energy collection and storage systems, and energy distribution operations and facilities.
6. Accessory uses may be conducted in the P-C Zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, home occupations, recreational facilities, swimming pools, gardens, garages, sheds, parking lots and terraces, properly screened utility and loading areas, satellite dishes and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
7. There shall be no open storage of trash, debris, used materials or commercial goods, or wrecked or neglected materials, equipment or vehicles in the P-C Zone. No commercial materials, inventory, or

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equipment may be stored in the open, except as otherwise approved by this chapter or by the County Commission. The foregoing restriction shall not be construed as to prevent the placement and use of equipment necessary to facilitate those uses customarily conducted in the outdoors, as described in this Paragraph.

8. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, unlicensed, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the P-C Zone for longer than 72 hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building.

9. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within completely enclosed, lawfully constructed buildings or within opaque fence enclosures at least six (6) feet tall and at least six (6) feet behind the front line and the street side of the main building on the lot or parcel in a P-C Zone, except that said vehicles may be stored temporarily in front or side yards for no longer than 24 hours. Travel trailers, campers and motor homes may not be occupied as living quarters in the P-C Zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year.

G. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled "Supplementary Requirements and Procedures Applicable Within Zones," and all other provisions of this land use ordinance, except as such requirements and/or provisions are overridden by County Commission-approved Community Structure Plans or Development Standards, as set forth herein.

H. **Land Use Designations**: The land use pattern of the P-C Zone is focused on an organized hierarchy of mixed-use environments (called "centers"), which are the primary organizing elements of the P-C Zone and include a range of intensities of uses and combinations of housing types and sizes, jobs, civic amenities and services. The P-C Zone also contains areas of more uniform development (but potentially containing areas of mixed use) including different categories of residential areas, employment areas, and agricultural areas. Under the P-C Zone, an area shall be considered mixed use if it contains residential, commercial, retail, industrial, office, civic, religious, educational and/or any other uses of land, or any combination thereof, so long as it includes two or more uses.

Development (other than development permitted under Paragraph J entitled "Existing Uses") within the P-C Zone shall consist of the land uses set forth

below, which provide the organizational planning components for different areas within the P-C Zone. Various uses proposed in the P-C Zone may only be established in conformance with the provisions of this Section. General locations of the various land use designations are established through the Community Structure Plan process. In computing the densities in the types of land use designations set forth below, "net residential acreage" includes all acres utilized for residential uses in the localized area designated with that land use designation, in addition to open space and local rights of way located within the residential development. "Gross acreage" includes all acres utilized or intended to be utilized for any purpose in the localized area designated with that land use designation, including, without limitation, all areas of civic, religious, open space, public, quasi-public, commercial, office, recreational, manufacturing, industrial, retail, residential, rights-of-way, and all other uses within the localized land use designation area.

1. **Mixed-Use Centers**: Mixed-use centers span a variety of scales, with Urban Centers providing the highest intensities and mix of uses, and Neighborhood Centers the lowest intensities. The mixes of uses described herein are intended as descriptions of typical uses that might occur in such centers, and all described uses need not be included in any one mixed-use center. A mixed-use center may over time evolve into a more intense type of mixed-use center; for example, a Village Center may evolve into a Town Center.

    a. **Neighborhood Center**: Neighborhood Centers combine a range of housing types, including single-family and multi-family units, with civic uses and perhaps a small amount of retail services. The civic focus forms a crossroads for larger groupings of residential neighborhoods. Neighborhood Centers typically combine educational, civic, and/or recreational uses. A neighborhood green or other form of gathering place is also typical of the Neighborhood Center. Housing densities in the Neighborhood Center range from 4 to 15 dwelling units per net residential acre. The Neighborhood Center is generally accessible by foot, bicycle, or short auto trips.

    b. **Village Center**: The Village Center is a major organizing land use component typically consisting of a grocery store or other anchor accompanied by smaller shops and restaurants. This retail core is typically supported by 5,000 to 10,000 homes. The Village Center integrates civic uses into its development mix, and street connectivity is emphasized to maximize the accessibility of local services and destinations by foot, bicycle, transit or short auto trip. Housing densities in the Village Center range from 7 to 20 dwelling units per net residential acre.

    c. **Town Center**: The Town Center is designed for high density

mixed-use development that emphasizes office, commercial and recreational uses, but also includes residential (single and multi-family), public/semi-public, industrial, and open space uses. The Town Center may serve as an important local and regional transit node, with both housing and employment organized to facilitate easy pedestrian access to the transit system and provide essential services and amenities within walking distance for residents and employees. Housing densities in a Town Center range from 15 to 30 dwelling units per net residential acre.

d. **Urban Center**: The Urban Center is the most intense of the mixed-use centers and is designed to serve as a major regional destination, with a strong retail and employment focus. Higher density housing complements the rich mix of commercial opportunities, and streets are organized to facilitate connections among uses and destinations within the Urban Center. Major regional and local transit facilities may serve as an essential focus of the Urban Center, and major roadways provide excellent regional auto access to the households, jobs, and services in the center. Housing densities in the Urban Center range from 25 to 50 dwelling units per net residential acre.

Individual structures within mixed-use centers, including Neighborhood Centers, Village Centers, Town Centers, and Urban Centers, may contain mixed uses.

2. **Residential Categories**: Each of the residential categories set forth below typically will, but need not where geographical or other conditions dictate otherwise, be clustered around any of the mixed-use center types in order to provide a wide variety of unique residential opportunities.

    a. **Cluster Residential**: Cluster Residential areas feature lower density single-family homes in a cluster pattern. Cluster Residential areas are intended to be located near significant habitat or Open Space areas to provide a transition and buffer from more intensive development. Housing densities in Cluster Residential range from .25 to 4 dwelling units per gross acre included in the entire Cluster Residential area.

    b. **Hillside Residential**: Foothill Residential areas are generally accommodated within sloped areas. Instead of typical sites with flat developable pads, the slope offers terraced private yards, common shared greens, and views over adjacent homes. Housing densities in Foothill Residential range from .25 to 6 dwelling units per gross acre included in the entire Foothill Residential area.

    c. **Neighborhood Residential**: Neighborhood Residential areas contain a variety of housing choices mixed together with areas

designated as Open Space. Housing densities in Neighborhood Residential range from 2 to 10 dwelling units per gross acre included in the entire Neighborhood Residential area.

d. **Village Residential**: Village Residential areas are typically located near the more intense mixed-use centers and along transit corridors and provide for small-lot single-family residential as well as multi-family areas with row houses, condominiums, and apartment buildings. Housing densities in Village Residential range from 4 to 20 dwelling units per gross acre included in the entire Village Residential area.

3. **Employment Categories**: The P-C Zone focuses on an eventual balance of jobs and housing, and the close integration of higher density housing within and adjacent to employment centers.

    a. **Office Employment**: Office Employment areas are designated for locations adjacent to mixed-use centers and residential areas, providing employment opportunities in close proximity to homes and amenities. Additionally, Office Employment areas are served by excellent transit and/or auto access. Office Employment areas have a gross floor to area ratio of at least 0.35.

    b. **Industrial Employment**: Industrial Employment areas consist of light, medium and heavy industrial uses including warehousing, shipping facilities, and manufacturing.

    c. **Flex Districts**: Flex Districts are intended to provide a variety of research and other employment opportunities and will typically consist of light industrial, office, warehousing, and research and development uses as well as personal services and supportive retail uses. Flex Districts are typically, where feasible, located near regional road and rail corridors and have a gross floor to area ratio of 0.20 or more.

    d. **Portal Districts**: Portal Districts are intended to be located in areas highly accessible to the automobile, such as near a freeway interchange or at an intersection of two major arterials. Portal Districts provide a variety of retail, office, and/or hotel opportunities and are an appropriate location for large-format retail establishments and other businesses for whom visibility and automobile access is critical.

l. **Open Space**: Open Space is a publicly or privately owned or managed area which is landscaped or natural, or developed for recreational uses. Open Space shall not include the Utah Lake bed owned by the State of Utah (below the

ordinary high-water mark). The County Commission may require that certain Open Space be subject to a management plan approved by the County Commission. Management plans may include agricultural uses such as grazing, field crops, silviculture, necessary husbandry practices, and other compatible uses. Each P-C Zone Plan area shall contain not less than the sum of the following percentages of gross acreage in Open Space at buildout:

1. 10 percent of the gross acreage of Industrial Employment, Flex District, and Portal District land use designations;

2. 20 percent of the gross acreage of Office Employment, Village Center, and Town Center land use designations;

3. 25 percent of the gross acreage of Cluster Residential, Hillside Residential, Neighborhood Residential, and Urban Center land use designations; and

4. 30 percent of the gross acreage of Village Residential and Neighborhood Center land use designations. The County Commission may require that up to 50 percent of the required Open Space be dedicated to the County, or a County designee that is required to maintain the Open Space as Open Space. If lands adjacent to a Community Structure Plan are owned as public open space by one or more public agencies, appropriate access, including maintenance of existing access, will be provided to that public open space in coordination with the public agency(ies). Open Space areas need not be spaced uniformly throughout the P-C Zone Plan area but can be focused or concentrated in certain distinct areas. Nevertheless, when Community Structure Plans for a total of twenty percent (20%), forty percent (40%), sixty percent (60%), eighty percent (80%), or one hundred percent (100%) of the gross acreage of a P-C Zone Plan area have been approved, the aggregate of the approved Community Structure Plans must meet the required Open Space percentages listed above unless the applicant demonstrates and provides adequate assurances to the County Commission's satisfaction that the Open Space will be reserved and accommodated in one or more alternate locations. In addition, each CSP containing any residential use shall include Open Space that is not less than 15 percent of the gross acreage of residential and mixed-use center land use designations contained in the CSP. The Open Space shall include an integrated design to provide for community and regional parks, together with related and interconnecting trails, walkways, and parkways. Open Space may, but need not, be recorded as all or portions of lots or common areas. Open Space shall be preserved and properly maintained by one or more public owners, by one or more private owners through taxing districts or owners' associations with power to assess and collect fees for maintenance, or through another mechanism acceptable to the County Commission. Open Space may not include private residential lots or

individually owned residential yard areas. Open Space shall include:

a. parks;

b. sports fields;

c. playgrounds;

d. lakes, not including Utah Lake bed;

e. water features, canals, and drainageways;

f. storm water retention areas, if designed and open for public or community use;

g. slope protection areas;

h. natural habitat;

i. pedestrian, bicycle, and equestrian trails and walkways (other than sidewalks that are included within the street right-of-way);

j. streetscape or landscape buffer areas beyond the minimum required by County Code;

k. open common areas on lands owned by a not-for-profit community owners' association, including such common areas utilized for agricultural uses; and

l. other similar areas if approved by the County Commission.

J. **Existing Uses**: It is anticipated that buildout of an area designated as P-C Zone will occur over many years. Therefore, existing legal uses may continue within the P-C Zone after rezoning to P-C. In addition, uses may be conducted within the P-C Zone in accordance with the requirements of the A-40 zone prior to, and if not inconsistent, after the approval of a Community Structure Plan for an area. The following uses shall also be permitted prior to approval of a Community Structure Plan for an area, if approved as a conditional use: mines (underground and open pit); sand, gravel, topsoil and earth-products pits; the attendant screens, rock crushers, stockpiles, and waste dumps located within the bonded boundary of the mine or pit; and other ancillary uses; temporary motion picture and television locations and related uses incidental to film and television production; solar energy collection and storage systems; and energy distribution operations and facilities; provided, however, that such solar operations are conducted within the area designated as all of the real property located within the P-C Zone east of State Route 68 and within Township 9 South, Range 1 West, SLM, all subject to the provisions of UCLUO 4, UCLUO 6, and UCLUO 8. Upon approval of a Community Structure Plan, that Community Structure Plan and accompanying Development Standards may specify under what terms agricultural, temporary film locations and related uses, mining uses, solar energy

collection and storage systems, and energy distribution operations and facilities may continue, if at all, on the property subject to the Community Structure Plan. The County Commission may require, as a condition of approval of a Community Structure Plan, buffers, transitions, alternate access routes, or other measures to ensure compatibility with adjacent interim uses.

K. **Bulk Requirements**: General bulk requirements are established as follows:

1. Within residential land use designations (Cluster Residential, Hillside Residential, Neighborhood Residential, and Village Residential), buildings shall be spaced at least six (6) feet apart, with a minimum front setback of ten (10) feet and a minimum setback from any side streets of ten (10) feet. Such minimum spacing and setbacks shall not apply within mixed-use centers except as established in approved Development Standards.

2. Within employment land use designations (Office Employment, Industrial Employment, Flex Districts, and Portal Districts), buildings shall have a minimum front setback of at least 20 feet. Such minimum setback shall not apply within mixed-use centers except as established in approved Development Standards.

L. **P-C Zone Development Approval Process**: For uses other than existing or interim agriculture, grazing, and mining uses specified above, development within the P-C Zone will require a series of plans to be prepared and submitted for approval. The purpose of this process is to establish the development plans for property within the P-C Zone while recognizing the large-scale nature of the development and the need for and benefits of integrated planning combined with long-term flexibility. The process is outlined as follows:

1. **Rezoning**: The first step is the rezoning of the property as P-C Zone, which may be initiated by the County Commission or by property owner application. No property will be zoned to the P-C Zone unless a Master Development Agreement is concurrently entered into between the property owner and the County. The Master Development Agreement shall be recorded in the records of the Utah County Recorder. The Master Development Agreement shall establish the infrastructure and services required for development to the degree of detail appropriate to the size and nature of the proposed P-C Zone area, the vesting of development rights, if any, as well as other items as required by the County Commission, and shall constitute restrictive covenants which shall run with the land. The Master Development Agreement shall provide that certain infrastructure and services, or adequate assurance of provision thereof, must be provided before development (other than development permitted under Paragraph J entitled "Existing Uses") may occur. If a P-C Zone Plan is processed concurrently with rezoning, the Master Development Agreement may be processed with the P-C Zone Plan.

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2. **P-C Zone Plan**: The first step following rezoning is the preparation and approval of a P-C Zone Plan that establishes the development program and general development footprint for the portion of the P-C Zone included in the P-C Zone Plan and, if vested development rights are granted in the associated Development Agreement, includes the total residential dwelling units and total floor area square footage of nonresidential uses for the portion of the P-C Zone located within the P-C Zone Plan area. Approval of the P-C Zone Plan does not vest the entitlement to develop the P-C Zone Plan area property in accordance with the P-C Zone Plan, unless vested development rights are granted in the associated Development Agreement. If vested development rights are granted in the associated Development Agreement, approval of the P-C Zone Plan vests the entitlement to develop the P-C Zone Plan area property in accordance with the P-C Zone Plan, subject to all conditions of approval, subject to the terms of all related Development Agreements, subject to any infrastructure and service requirements, and in accordance with the procedures set forth in this Section. Application for a P-C Zone Plan may be made concurrently with the rezoning process. No application for a P-C Zone Plan shall be approved unless a Development Agreement has been entered into between the property owner and the County, or is approved by the County Commission concurrent with approval of the P-C Zone Plan. The Development Agreement shall be recorded in the records of the Utah County Recorder. The Development Agreement shall establish the infrastructure and services required for development of the area covered by the P-C Zone Plan to the degree of detail appropriate to the size and nature of the proposed P-C Zone Plan, as well as other items as required by the County Commission, and shall constitute restrictive covenants which shall run with the land. The Development Agreement shall provide that certain infrastructure and services, or adequate assurance of the provision thereof, must be provided before development (other than development permitted under Paragraph J entitled "Existing Uses") may occur. If the area and boundaries of the P-C Zone Plan are identical to the area and boundaries of the property covered by a previously approved Master Development Agreement, the Master Development Agreement may constitute the Development Agreement for the P-C Zone Plan area. If a P-C Zone Plan is processed concurrently with rezoning, the Master Development Agreement may constitute the Development Agreement for the P-C Zone Plan area and be submitted and processed with the P-C Zone Plan.

3. **Community Structure Plan**: Following approval of a P-C Zone Plan, the next step for each Community or Communities is the preparation and submission of a Community Structure Plan (CSP). A Community is any portion of a P-C Zone Plan area that has a common land use pattern, street system, open space system or other infrastructure system. A CSP

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may be submitted and approved at any time following, or concurrent with, approval of a P-C Zone Plan. Communities need not be developed simultaneously and may be sequenced. Each CSP shall establish the unifying systems for the development such as open space and transportation corridors and envelopes for the locations of the land use designations (e.g., mixed-use centers, residential areas, employment areas, Open Space). Each CSP shall also establish the infrastructure and services required for development of the CSP area to the degree of detail appropriate to the size and nature of the proposed CSP. Approval of a CSP does not vest the entitlement to develop the Community Structure Plan area in accordance with the CSP, unless the Master Development Agreement for the property encompassing the CSP area states that vested development rights shall be automatically granted for all subsequent CSPs within such property or unless vested development rights for the CSP are granted in another Development Agreement relating to or encompassing the CSP area. If vested development rights for the CSP are so granted in the Master Development Agreement, or another Development Agreement, approval of the CSP vests the entitlement to develop the CSP in accordance with the CSP, subject to all conditions of approval, subject to the terms of all related Development Agreements, subject to any infrastructure and service requirements, and in accordance with the procedures set forth in this Section; provided, however, that no such condition of approval or requirement may limit, restrict, or abridge the vested development rights granted in the Master Development Agreement or any earlier Development Agreement. An applicant may over time submit CSPs with different levels of specificity for the same Community or Communities or any portion thereof. In conjunction with a CSP, an applicant shall submit Development Standards for review and approval.

4. **Subdivision Plat, Site Plan, etc.**: Prior to commencing development, the applicant must receive any subdivision, condominium, building permit, or similar approvals required by County Code. In addition, a site plan shall be required in conjunction with an application for a building permit for a non-residential or mixed-use building as set forth herein.

The P-C Zone planning and approval process is summarized in the following table:

APPROVAL STEP	SCALE (AREA COVERED BY APPLICATION)	WHAT IS DESCRIBED AND APPROVED	APPROVAL LEVEL
STEP 1			

Rezoning	Total land area to be rezoned P-C.	Land area to be rezoned; Master Development Agreement dealing with vesting of development rights and infrastructure and services required for development.	Planning Commission Recommendation and County Commission Approval
STEP 2			
P-C Zone Plan	P-C Zone Plan area.	If vested development rights are granted in the Development Agreement, a land use table outlining number of dwelling units and square feet of nonresidential development, subject to all related conditions and development agreements; Development Agreement dealing with infrastructure and services required for development.	Planning Commission Recommendation and County Commission Approval
STEP 3			
	Any portion of the	A land use table outlining number of dwelling units and square feet of nonresidential development, specific systems for the Community	

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Community Structure Plan	P-C Zone Plan area that has a common land use pattern, street system, open space system or other infrastructure system.	such as collector and larger roadways, open space networks; envelopes for location of mixed-use centers, residential areas, and employment areas; Development Standards; all subject to all related conditions and development agreements.	Planning Commission Recommendation and County Commission Approval
STEP 4			
Subdivision plat, site plan, condominium, etc.	One or more phases of development.	As required by County Code.	As required by County Code.

In acting on requests for approval of an application under the P-C Zone Development Approval Process, the County Commission may, to the extent permitted by applicable laws and upon finding that such action is required to further the intent and purposes of this zone and the Goshen Valley Specific Area Plan, override any limitations on intensity of use, use restrictions and limitations, development standards or similar limitations on development or construction contained in other portions of the County Land Use Ordinance or elsewhere in the County Code. In deciding such matters, the County staff, Planning Commission, and County Commission shall

a. make such decisions in accordance with this Section and in connection with the applicable request for approval,

b. take into account the purposes of the Goshen Valley Specific Area Plan and of the P-C Zone and the intensities of use, uses and mix of uses permitted herein, and

c. ensure adequate provision to protect health, safety, and general welfare. Should an application approved by the County pursuant to the P-C Zone Development Approval Process or a development agreement vary from prior applications submitted and approved, the terms of such subsequent application or development

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agreement shall apply.

A P-C Zone Plan, a Community Structure Plan, Development Standards, or associated approvals may be amended from time to time following the same process as required for initial approval, including application and County Commission approval.

M. **P-C Zone Plan**:

1. A P-C Zone Plan shall be submitted for review and recommendation by the Planning Commission and approval by the County Commission for any portion of property zoned P-C Zone. A P-C Zone Plan may, but need not, be processed and approved concurrently with rezoning of property as P-C Zone. The plan shall govern development within the P-C Zone Plan area, as set forth in this Section. Any requirements of this Section considered by the Zoning Administrator to be non-applicable may be waived or altered in writing by the County at the request of the applicant. The following information shall be provided on one or more dated 24" x 36" sheets (6 copies of each) and an 11" x 17" reduced copy of each page unless otherwise required by the Zoning Administrator:

    a. Name of planned development;

    b. Names, addresses and phone numbers of applicant and owners;

    c. P-C Zone Plan area parcel location, legal description, acreage, boundary, scale and north arrow;

    d. If vested development rights are granted in the associated Development Agreement, a land use table showing the number of dwelling units and areas (in floor area square footage) of the various non-residential land uses proposed in the P-C Zone Plan area;

    e. Major existing land uses, roads, waterways, and utilities, and easements and flood boundary;

    f. Unless the area and boundaries of the P-C Zone Plan are identical to the area and boundaries of the property covered by a previously approved Master Development Agreement, a proposed Development Agreement outlining the infrastructure and services required for development of the area covered by the P-C Zone Plan to the degree of detail appropriate to the size and nature of the proposed P-C Zone Plan as approved by the County Commission. If a P-C Zone Plan is processed concurrently with rezoning, the Master Development Agreement may constitute the Development Agreement for the P-C Zone Plan area and be submitted and processed with the P-C Zone Plan;

g. Adjacent parcels, owners, owners' addresses, and existing uses;

h. Topography and significant features on or adjacent to the property; and

i. Other aspects of the development program for the property as desired by the applicant. An applicant may submit the required information and documentation electronically as the County directs.

2. A P-C Zone Plan must include all the elements required by this section. The Planning Commission shall review a proposed P-C Zone Plan and make a recommendation to the County Commission. The Planning Commission and County Commission shall review a P-C Zone Plan for consistency with the standards, requirements, and purposes of this zone as set forth herein, as well as general consistency with the Goshen Valley Specific Area Plan. The County Commission may approve, conditionally approve, or deny an application for a P-C Zone Plan. If necessary to ensure the construction and maintenance of needed infrastructure and the provision of governmental services, the County Commission may require as a condition of the approval of a P-C Zone Plan certain requirements regarding provision of infrastructure and services, which conditions may be memorialized in a development agreement. Approval of the P-C Zone Plan does not vest the entitlement to develop the P-C Zone Plan area property in accordance with the P-C Zone Plan, unless vested development rights are granted in the associated Development Agreement. If vested development rights are granted in the associated Development Agreement, approval of the P-C Zone Plan vests the entitlement to develop the P-C Zone Plan area property in accordance with the P-C Zone Plan, subject to all conditions of approval, subject to the terms of all related Development Agreements, subject to any infrastructure and service requirements, and in accordance with the procedures set forth in this Section. The applicant shall not be required to construct the number of dwelling units and the square footage of nonresidential uses as reflected in the P-C Zone Plan.

N. **Community Structure Plan**:

1. Upon approval of the P-C Zone Plan, Community Structure Plans (CSPs) for a Community or Communities may be submitted at any time to the Planning Commission for review and recommendation and to the County Commission for approval. A Community may include an entire P-C Zone Plan area or a portion thereof. A CSP must be submitted for each Community, although all CSPs for the various Communities need not be submitted simultaneously. An applicant may over time submit CSPs with different levels of specificity for the same Community or Communities or

any portion thereof. A CSP may also address issues related to areas adjacent to, but not within, the P-C Zone, if those areas contain elements expedient for establishing connections to infrastructure, transit, nearby open lands, or adjacent communities.

2. Any requirements of this Section considered by the Zoning Administrator to be non-applicable may be waived or altered in writing by the County at the request of the applicant. The Community Structure Plan shall be submitted on one or more dated 24" x 36" sheets (16 copies of each) and on one or more dated l1" x 17" sheets and shall show the following:

    a. Name of Community;

    b. Names, addresses and phone numbers of applicant and owners;

    c. Community location, acreage, general legal description, boundary, scale and north arrow,

    d. Location of land use designations (mixed-use centers, residential areas, and/or employment areas), boundaries, and acreage;

    e. A table showing the number of dwelling units, gross Open Space acreage, and floor area square footage of the various non-residential land uses;

    f. A master circulation system plan;

    g. Existing and proposed waterways and water bodies, major utilities and easements, flood boundary, and flood control facilities;

    h. Adjacent parcels, owners, and uses;

    i. Topography and significant features on or adjacent to the property, including any man-made or natural hazards;

    j. Open space plan that provides general description and approximate locations of major open space;

    k. Existing and proposed major infrastructure systems, including water, sanitary sewer, storm drainage, and collector and larger street improvements; service adequacy analysis; infrastructure required for development of the CSP area to a level of detail sufficient to provide adequate assurances that all of the required infrastructure and services will be provided; the unifying systems for the development such as open space and transportation corridors, and envelopes for the locations of the land use designations (e.g., mixed-use centers, residential areas, employment areas, Open Space);

    l. Proposed Development Standards; and

    m. Other information as needed and consistent with the level of detail

corresponding to a given Community Structure Plan.

An applicant may submit the required information and documentation electronically as the County directs.

3. Each CSP that includes an area that is depicted in the Goshen Valley Specific Area Plan as a location for a freeway, fixed-guideway transit, or major arterial corridor shall include a corridor of adequate width to accommodate such future right-of-way unless the County Commission is satisfied and adequately assured that such corridor will be accommodated in an alternate, better location that is consistent with the concepts of the Goshen Valley Specific Area Plan. After approval of the CSP no development that is inconsistent with the use of the corridor for the intended purpose shall occur within the corridor until such time as the County is satisfied that the corridor is no longer needed.

4. A Community Structure Plan must include all the elements required by this Section. The Planning Commission shall review a proposed Community Structure Plan and make a recommendation to the County Commission. The Planning Commission and County Commission shall review a CSP for (i) consistency with the standards, requirements, and purposes of this zone as set forth herein, (ii) capability of the proposed master circulation system and other infrastructure to adequately serve the Community which is the subject of the Community Structure Plan, (iii) consistency with the approved P-C Zone Plan, (iv) compatibility of adjacent uses, (v) whether there are satisfactory proposed mechanisms for funding needed infrastructure and governmental services, and (vi) whether the CSP is consistent with good planning practices and a well-ordered overall plan for the Goshen Valley area in general conformity with the Goshen Valley Specific Area Plan. The County Commission may approve, conditionally approve, or deny an application for a CSP. If necessary to ensure the construction and maintenance of needed infrastructure and the provision of governmental services, the County Commission may require as a condition of the approval of a CSP certain requirements regarding provision of infrastructure and services, which conditions may be memorialized in a development agreement. Approval of a CSP does not vest the entitlement to develop the Community Structure Plan area in accordance with the CSP, unless the Master Development Agreement states that vested development rights shall be automatically granted for all subsequent CSPs within such property or unless vested development rights for the CSP area are granted in another Development Agreement relating to or encompassing the CSP area. If vested development rights for the CSP are so granted in the Master Development Agreement, or another Development Agreement, approval of the CSP vests the entitlement to develop the CSP area in accordance with the CSP, subject to all conditions of approval, subject to the terms of

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all related Development Agreements, subject to any infrastructure and service requirements, and in accordance with the procedures set forth in this Section; provided, however, that no such condition of approval or requirement may limit, restrict, or abridge the vested development rights granted in the Master Development Agreement or any earlier Development Agreement. The applicant shall not be required to construct the number of dwelling units and the square footage of nonresidential uses as reflected in the CSP.

O. **Site Plan**: An applicant for a building permit for a non-residential or mixed-use building in the P-C Zone shall submit a site plan to the Community Development Department with the contents listed below. The Community Development Department shall review the plan and shall issue a building permit pursuant thereto only if the standards of this and the other sections of this land use ordinance are met, including compliance with the approved CSP and Development Standards.

1. **Contents**: Such site plan shall be drawn to scale and show:

   a. The names, addresses, and telephone numbers of the owner of the lot to be built on (subject lot), the developer of the project, and the architect or other designer.

   b. The property boundary lines, legal description and dimensions of the subject lot, the property lines of all adjoining lots (but only extending for a distance of two hundred feet away from the boundaries of the subject lot); and an identification on each lot of the name of the property owner.

   c. The location and use of all existing and proposed structures on the subject lot.

   d. The location and an identification of each use of land and each building adjacent to the boundaries of the subject lot.

   e. The location and names of all public and private streets.

   f. The location of all canals, power lines, gas lines and other utility lines on the subject lot and the boundaries of all recorded easements located on the lot.

   g. The location of any proposed landscaping, parking areas, access points, lighting, and loading areas.

   h. The location and cross-sectional drawing of proposed walls and fences.

   i. Design and detail for infrastructure, including power, water, sanitary sewer, storm drainage, and street improvements; and service adequacy analysis specific to site plan.

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j. An identification of any areas where the subject lot has been graded by past cuts or fills; also contour lines, if the land has more than a five percent (5%) slope, and a grading plan if cuts or fills will be undertaken to prepare the site.

k. An identification of any contaminated or unstable soils, fill material types, fault lines or other natural hazards affecting the subject property.

l. North point.

2. **Limitation**: Upon approval of a final site plan by the Zoning Administrator, no buildings or uses of land other than those depicted on such plan shall be permitted, unless an amended site plan is first approved by the Zoning Administrator.

P. **Subdivision Approvals**: Prior to commencing development, a developer within the P-C Zone shall comply with any applicable subdivision requirements set forth in the County Code, including those requirements set forth in UCLUO 14, entitled Large-scale Developments, as applicable. Notwithstanding the foregoing, in acting on requests for approval of an application under the P-C Zone Development Approval Process, to the extent permitted by applicable law, and if the County Commission finds that such action is required to further the intent and purposes of this zone and the Goshen Valley Specific Area Plan, the County Commission may override any limitations on intensity of use, use restrictions and limitations, development standards or similar limitations on development or construction contained in other portions of the County Land Use Ordinance or elsewhere in the County Code, in which case the developer shall comply with the requirements approved as part of the P-C Zone Development Approval Process rather than with the overridden requirements of the County Code.

Q. **Development Standards**:

1. Community Structure Plan application must include proposed Development Standards. Development within a P-C Zone will be governed by the Development Standards, which shall be reviewed and recommended by the Planning Commission and approved by the County Commission. The Planning Commission and County Commission shall review proposed Development Standards for (i) consistency with the standards, requirements, and purposes of this Chapter as set forth herein, (ii) consistency with the applicable approved P-C Zone Plan and Community Structure Plan, (iii) avoidance of incompatible adjacent uses and significant risks to health or safety; (iv) consistency with good planning practice; (v) adequate provision to ensure a well-planned, high-quality, and aesthetically pleasing community environment; and (vi) whether the proposed Development Standards promote the health, safety,

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and general welfare of the citizens of Utah County. The County may approve, conditionally approve, or deny an application for approval of Development Standards.

The approved Development Standards shall be recorded in the office of the Utah County Recorder as restrictive covenants that run with the land or shall be referred to in recorded restrictive covenants that run with the land. The Development Standards shall address (at a minimum) the following:

a. Minimum lot dimensions and areas;

b. Minimum yard requirements and restrictions;

c. Building placement restrictions;

d. Building height restrictions;

e. Parking, driveways and access;

f. Streets and alleys;

g. Walkways and trails;

h. Permitted, prohibited, and conditional uses;

i. Other use restrictions; and

j. Other items required by the County Commission.

R. **Development Agreements**:

1. **Authority**: The County may enter into Development Agreements related to the P-C Zone in accordance with Utah Code § 17-27a-102(1)(b) and other relevant provisions of law. The anticipated long-term nature of the Goshen Valley Specific Area Plan makes it desirable for a heightened level of predictability and certainty to attend this project for both the county and the developer(s). Development Agreements between the county and developer(s) addressing matters contemplated by Utah Code § 17-27a-102(1)(b), including, but not limited to, vested rights and infrastructure obligations of the developer, shall accommodate comprehensive planning and cost predictability for this unique area.

2. **Master Development Agreement**: A Master Development Agreement governing general principles and terms of development shall be executed between the County and the landowner prior to or concurrent with the zoning of any property to the P-C Zone.

3. **P-C Zone Plan and CSP Development Agreements**: If the P-C Zone Plan is processed concurrently with rezoning or if the area and

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boundaries of the P-C Zone Plan are identical to the area and boundaries of the property covered by the Master Development Agreement, the Master Development Agreement may constitute the Development Agreement for the P-C Zone Plan area. Otherwise, unless waived by the County Commission, each P-C Zone Plan application and each CSP application shall include a proposed Development Agreement. Unless so waived, the County and the landowner shall enter into a Development Agreement as a condition of P-C Zone Plan and CSP approval.

4. **Notice and Hearing**:

    a. By Planning Commission. A public hearing shall be held by the Planning Commission to review whether the Planning Commission should recommend to the County Commission any proposed Development Agreement. The Planning Commission shall give public notice of a hearing on a proposed Development Agreement in the same manner as public notice required for the adoption or amendment of a land use ordinance.

5. **Approval**:

    a. The Planning Commission shall review each proposed Development Agreement and shall make a recommendation to the County Commission as to whether the proposed Development Agreement should be approved. The Planning Commission's recommendation may include suggested revisions to the proposed Development Agreement.

    b. Approval of a Development Agreement shall be adopted by the County Commission by ordinance as a legislative act.

6. **Recordation of Development Agreements**: All Development Agreements entered into pursuant to this chapter shall be recorded with the Office of the County Recorder.

7. **Vesting of Development Rights**: No vesting of development rights shall occur until the applicant has submitted a complete application for a specific land use on a specific site (site plan approval for a specific use or subdivision plat approval for a subdivision of land) unless otherwise expressly provided in the Master Development Agreement, or another Development Agreement. Neither approval of a P-C Zone Plan nor approval of a CSP shall vest the entitlement to develop the P-C Zone Plan area property in accordance with the P-C Zone Plan or the CSP area property in accordance with the CSP, unless vested development rights are expressly granted in the Master Development Agreement, or another Development Agreement. If vested development rights are granted in the Master Development Agreement, or another Development

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Agreement, vested development rights shall be subject to all conditions of approval, subject to the terms of all related Development Agreements, subject to any infrastructure and service requirements, and in accordance with the procedures set forth in this Section; provided, however, that no such condition of approval or requirement may limit, restrict, or abridge the vested development rights granted in the Master Development Agreement or any earlier Development Agreement. Any vesting of development rights or entitlement granted to the applicant, developer, or owner under the terms of this Chapter or a Development Agreement shall be subject to such amendments, changes, or additions to this Chapter, and other applicable County, State, and Federal laws and requirements as are or would be enforceable as applied to a vested right under Utah law.

12.68 G-1 Grazing Zone

A. **Declaration of Legislative Intent**: The G-1 Grazing Zone covers the dry mountain and desert areas of the county. Limitations imposed by climate, topography, soil capability, and inadequate water supply has identified this zone as a place for the grazing of livestock on the open range and the location of activities and land uses which are not appropriate near urban centers.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the G-1 Grazing Zone are:

1. To take advantage of and more fully implement the basic purposes for planning and zoning as set forth in Utah Code, as amended.
2. To promote the conservation of water, land, mineral, and other resources.
3. To foster livestock grazing, agriculture, and associated industries within the county.
4. To provide a location for certain types of uses which, due to odor, noise, danger, etc., are not compatible with urban development.
5. To ensure the development of adequate public facilities to match private development. The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. **Permitted Uses**: The following shall be permitted in the G-1 Zone upon compliance with the standards and requirements as set forth in this ordinance:

1. The care and keeping of domestic livestock and fowl; and barns, stables, corrals, feed yards, pens, coops, other structures for the keeping of such livestock or fowl, and ancillary agricultural wastewater treatment lagoons, and systems, and related facilities when associated with an approved

fowl or domestic livestock operation and when such agricultural wastewater treatment is approved by the State Department of Environmental Quality, Division of Water Quality, or approved by other federal or state regulatory agencies with specific jurisdiction for agriculture wastewater.

2. The raising of mink and similar fur bearing animals, and the pens and sheds used in the raising of such animals.
3. The production of fruit and crops in the field, packing plants for fruit and vegetables raised on the premises, and office, restroom and shower facilities for such production of fruit and crops and packing plants.
4. Agricultural structures for the storage and keeping of farm products and machinery.
5. Buildings and other structures for the fabrication and portion control (killing, skinning, and meat cutting) of domestic livestock and poultry raised on the premise.
6. Dairy farms, milking barns including an office or an independent office structure on the same site as the dairy, for the exclusive use of the dairy operation, also restrooms, showers, and buildings and facilities for the process and packaging of milk produced on the premise.
7. Apiaries and establishments for extracting and processing honey.
8. Oil, gas and water wells, and appurtenant pipelines, pumps and pump houses.
9. Private dog kennels as an accessory use to the dwelling in which the owner of the kennel resides.
10. Fish hatcheries for the raising of game fish or fish for human consumption.
11. Plant and tree nurseries, greenhouses, and associated structures for the sale of plant stock grown on the premises.
12. Incidental produce stands, subject to the provisions of UCLUO 8.28.
13. The boarding of horses within a structure or in the open field.
14. One-family dwellings and manufactured homes.
15. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
16. Home child care and private preschools.
17. Churches and other structures for religious worship, and churches with a parsonage.
18. Home occupations, subject to the requirements of UCLUO 820.

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19. Public parks, public park facilities and public historical monuments.
20. Man-made lakes, ponds, dams and other uncovered water impoundments; and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
21. Marinas, subject to the provisions of UCLUO 8.32.
22. Minor campgrounds, and appurtenant campsite facilities, for noncommercial use and where no fees are collected.
23. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76
24. A Cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communication Commission or its successor agency.
25. Signs, subject to the provisions of UCLUO 8.24.
26. Private roping and riding arenas that do not have lights.
27. Windmills.
28. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
    a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
    b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
    c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.
29. Equine reproduction and/or rehabilitation facility and accessory structures including animal shelters and enclosures, office, pools, laboratory, and arena.
30. Camping on private property by property owners and their permitted guests.
31. A hunting preserve or shotgun, pistol, or rifle shooting range and accessory structures and uses, subject to the provisions of UCLUO 8.112.
32. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of UCLUO 8.116.

C. **Permitted Conditional Uses**: In the G-1 Zone the following shall not be permitted by the Zoning Administrator unless approval as a conditional use has

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been authorized in accordance with the land use ordinance by the designated reviewing agency:

1. An automobile or motorcycle race track or race course which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
2. An electrical power generation plant which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
3. A fairground, rodeo arena or horse race track, which is operated by a public agency and which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
4. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
5. A preschool, or primary school or secondary school, which the Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 16.
6. A livestock auction yard including livestock pens, auction facilities and structures, and public and livestock transport parking, for the sale of domestic livestock only, which has been approved by the Board of Adjustment as a conditional use, according to the provisions of UCLUO 16.
7. Private roping and riding arenas with lights and all commercial roping and riding arenas, when approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO 16.
8. A major campground and appurtenant campsite facilities for noncommercial use, when approved as a conditional use by the Board of Adjustment according to the provisions of UCLUO 8.64 and UCLUO 16.
9. A cemetery which has been approved as a conditional use by the Board of Adjustment according to the provisions of UCLUO 8.72 and UCLUO 16.
10. A planned subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.
11. Commercial dog kennels as an accessory use to the dwelling in which the owner of the kennel resides, when approved by the Board of Adjustment as a conditional use according to the provisions of UCLUO

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16.

D. **Area Requirements**: The minimum area of a zoning lot within the G-1 Zone shall be as follows:

1. Each one-family dwelling, manufactured home, private or commercial dog kennel on the same parcel as the dwelling to which it is accessory, planned subdivision, roping and riding arenas with or without a one-family dwelling, and major campground, shall be located on a lot containing at least fifty (50) acres of land.
2. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 ½) acres of land; each church with a parsonage shall be on a lot containing at least fifty (50) acres of land.
3. Each minor campground and its appurtenant campsite facilities shall be located on a lot containing at least five (5) acres of land.
4. Equine reproduction and/or rehabilitation facility with or without a one-family dwelling shall be on a lot containing at least fifty (50) acres of land.
5. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this land use ordinance.

E. **Width Requirements**: The minimum width of a zoning lot within the G-1 Zone shall be as follows:

1. For each one-family dwelling, manufactured home, church or other structure for religious worship, or church with a parsonage, preschool, primary school or secondary school, roping and riding arena with or without a one-family dwelling, or equine reproduction and/or rehabilitation facility with or without a one-family dwelling, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.
2. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. **Location Requirements**: The minimum location requirements within the G-1 Zone shall be as follows:

1. **Front Setback**: All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by

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UCLUO 4, UCLUO 6, and UCLUO 8.

2. **Side and Rear Setback**: All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

G. **Height Requirements**: The height requirements within the G-1 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

   Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

   Exception 2: For large-scale utility line structures, there shall be no maximum height.

   Exception 3: The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.

   Exception 4: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of UCLUO 16.

   Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

H. **Dwellings Size and Pattern**: For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of the ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, decks, patios, garages, unoccupied areas and non-habitable areas.

I. **Special Requirements**:

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.

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2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
3. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.

J. **Supplementary Regulations**: Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the land use ordinance.

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14 LARGE-SCALE DEVELOPMENTS

14.04 General Provisions
14.08 Planned Unit Development
14.12 Planned Subdivisions
14.16 Mountain Home Developments
14.20 Recreational Resorts
14.24 Planned Nonresidential Subdivision
14.28 Appendix A Developmental Impact Statement Checklist

14.04 General Provisions

A. The intent and purposes of the large-scale development section are:

1. To provide a means for the efficient and orderly residential, commercial and industrial development of the county in accordance with the county general plan.
2. To facilitate the appropriate use of water, soil, scenic vistas, recreational amenities, and natural resources.
3. To facilitate an economic arrangement of buildings, circulation systems, land use, drainage, and utilities.
4. To provide for various types of residential styles and living environments.

B. **Minimum Requirements**: The requirements and conditions set forth in this ordinance pertaining to each type of large-scale development are the minimum requirements which must be imposed in order to achieve the intent and purpose as set forth above, and are not designed to be varied. Where an applicant finds the requirements unsuited to his particular property, he may use the land for one of the other land uses permitted within the zone.

C. **Scope**:

1. **Essential Requirements**: Any person, partnership, firm, or corporation wishing to construct a large-scale development in Utah County shall file an application with the Zoning Administrator and shall comply with all the requirements set forth in this land use ordinance.
2. **Types of Large-scale Developments**: The following types of large-scale developments may be constructed, but only in the zones as indicated:

   Planned Unit Developments: (PC)

   Planned Subdivisions: (RA-5, RR-5, TR-5, CE-1, CE-2, M&G-1, A-40, PC)

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Planned Nonresidential Subdivisions: (NC-1, HS-1, I-1, PC)

Mountain Home Developments: (CE-2)

Recreational Resorts: (CE-2)

D. **Plan Coordinating Committee Created**: In order to facilitate the process of plan consideration and approval, there is hereby created a Plan Coordinating Committee composed of representatives from:

1. Utah County Community Development (Community Development)
2. Utah County Health Department (Health Department)
3. Utah County Public Works Department (Public Works Department)
4. Utah County Fire Marshal's Office (Fire Marshal)
5. Utah County Attorney's Office (County Attorney)
6. Utah County Recorder's Office (Recorder's Office)
7. Any other party having pertinent information, when requested by the Zoning Administrator.

E. **Procedures**: Any person wishing to obtain approval to construct a large-scale development shall comply with the following procedure.

1. **Initial Conference with Community Development Staff**: A prospective developer shall obtain from Community Development staff, information concerning the procedures, requirements, and documents relating to the approval of a large-scale development.
2. **Developer Prepares for Preliminary Application Conference**:
    a. **Preliminary Application Conference as Prerequisite**: A preliminary application conference shall be held before any application for a large-scale development can be filed. Said conference shall consist of a meeting between the developer or agent and the designated members of the Plan Coordinating Committee along with any other entities requested by the Zoning Administrator. The purpose of the conference shall be to convey to the developer or agent information pertaining to the procedure, requirements, and standards relating to approval of a large-scale development and to help define the most expeditious way of obtaining approval.
    b. **Plan and Other Written Documents**: After meeting with Community Development staff, the developer prepares the

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following documents to be available at the preliminary application conference:

(1) A plan showing the location and layout of the proposed development, including the proposed lots, roads, existing structures, waterways and proposed drainage, common areas, etc.

(2) Method of bonding for required improvements, land ownership, and water right ownership and quantity.

(3) Potential environmental, social, and domestic impacts, which the development might have on the land within the development and on the county as a whole.

3. **Preliminary Application Conference**:

a. Upon the request of the developer, Community Development shall schedule a preliminary application conference and shall invite the designated members of the Plan Coordinating Committee and any other needed parties to attend. The developer should attend with its project engineer or surveyor. During the conference, the developer shall make a presentation to the committee of its sketch plan and other materials; and the committee shall provide information regarding procedures, requirements, and standards that relate to the development proposed. In no way shall this conference be construed to constitute approval of the plan.

b. Where the developer owns or controls more land than it wishes to file a plat for immediately, the Zoning Administrator may require the developer to prepare a concept plan of the whole area, in which case the developer shall indicate on the plan the portion to be developed immediately and the portion to be held for future development.

c. The sole purpose in holding the conference is to aid the developer in the preparation of its plans and documents. Responses from members of the committee shall not be deemed to substitute for, or relieve the developer of the necessity of complying with the provisions of this ordinance.

4. **Developer Prepares Application for Plan Coordinating Committee Review**: After the preliminary application conference has been held, the developer shall complete an application using the forms furnished by Community Development staff and shall prepare the maps, plats, drawings and other documents for submission to the Plan Coordinating Committee for review (the "submittal"). The submittal shall include all of

the maps, plats, drawings, documents, and other information required under the applicable type of large-scale development, as set forth in this Ordinance. Prior to submission of the submittal to Community Development for dissemination of the submittal to the Plan Coordinating Committee, or those members of the Plan Coordinating Committee, as set forth in this Ordinance, the applicant shall meet with the Public Works Department, the Health Department, and the Fire Marshal and shall submit all documentation to these respective departments or offices that may be required to begin a development review process with their department or office.

5. **Submission to the Plan Coordinating Committee for Review**: Copies (four [4] hard copies and one [1] electronic copy) of the submittal (excluding the conditional use permit application and fee, title report, and statements from the Fire Marshal, Health Department, and Public Works Department) shall be submitted by the developer to Community Development who will forward the submittal to the Fire Marshal, Health Department, and Public Works Department for review and comment. Each recipient shall review the submitted materials and issue a written and/or electronic statement regarding whether the development complies with the standards within the purview of such party, or what deficiencies exist. These written and/or electronic review statements will be forwarded to Community Development who will forward all the review comments from the Plan Coordinating Committee to the applicant. Because the development cannot be approved if the County Commission finds that it is not in compliance with the standards of approval, the developer must remedy any deficiencies before proceeding.

6. **Submittal of Complete Application to Community Development**: After review by the Plan Coordinating Committee, the developer shall submit to Community Development one (1) hard copy and one (1) electronic copy of the complete submittal, including the conditional use permit application, title report and statements from the Fire Marshal, Health Department, and Public Works Department (the "submittal"), together with a review fee in the amount set by the County Commission. The complete submittal, and supporting documents, must be received by Community Development at least forty-five (45) days prior to the regularly scheduled meeting of the Planning Commission at which the application is requested to be considered. Corrections or revisions of the submittal must be pursued diligently. Those applications found needing corrections or revisions ninety (90) days after submittal shall be returned to the applicant(s) and such applications shall not be accepted for resubmittal until all required corrections and revisions are accomplished. Applications which have not been approved by the County Commission within one (1) year from the date of submittal shall expire and no review fee shall be refunded.

7. **Community Development Review**: The submittal shall be reviewed by Community Development to determine if the submittal appears to be complete. If the submittal does not appear to be complete, the matter will be postponed until the next submission deadline. If the submittal appears to be complete, Community Development shall do the following:

    a. Distribute the submittal to the County Attorney for review and comment.

    b. Review and coordinate recommendations pertaining to the development which have been received from the Plan Coordinating Committee members.

    c. Confer with the developer to address deficiencies in the submittal. The developer may submit corrected and/or supplemental documents until fifteen (15) days prior to the Planning Commission meeting at which the application is requested to be considered. In order for the development to be placed on the Planning Commission agenda, Community Development staff must determine that all issues raised in their review, County Attorney's review, and Committee Reports have been resolved, or, if not resolved, that the issues remaining should be submitted to the Planning Commission for consideration.

    d. Prepare a staff report, which includes findings and recommendations, for consideration by the Planning Commission.

    e. Provide the submittal for public review.

8. **Review by County Attorney**: The submittal shall be reviewed by the County Attorney who shall offer his/her written opinion on whether the submittal is in compliance with the requirements of this ordinance and other applicable law. The County Attorney shall prepare a written opinion detailing the findings of his/her review and forward this opinion to Community Development. The submittal shall not be calendared for any requested Planning Commission meeting unless Community Development receives the written opinion from the County Attorney at least twenty (20) days prior to any requested Planning Commission meeting.

9. **Planning Commission Recommendation**: At the meeting, the Planning Commission shall review the application, the Community Development staff report, hear any presentation from the applicant, and may receive any public comments. The Planning Commission may recommend approval of the application to the County Commission if it finds all requirements have been met, it may recommend approval to the County Commission subject to certain conditions being identified, as permitted by

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applicable law, it may continue the applicant's proposal to a date certain for additional information, or it may recommend disapproval, based on findings. A recommendation of disapproval shall be supported by findings, which findings may include any of the following:

a. The plans, documents, or statements were incomplete, ambiguous, unclear, erroneous, or inconsistent with one another.

b. The development proposal was found to be inconsistent with either the requirements of this land use ordinance, or other applicable requirements, regulations, codes, ordinances or statutes.

10. **Conditions and Limitations to be Placed on Plat**: The Planning Commission may recommend to the County Commission certain binding conditions and limitations, as permitted by applicable law, which are to be written on the recorded plat.

11. **Effect of the Planning Commission Recommendation**: The recommendation of the Planning Commission is a recommendation only and does not constitute an approval and does not create any vested rights.

12. **Community Development Transmits the Application and the Planning Commission's Recommendation to the County Commission**: After the Planning Commission has made a recommendation regarding the application, Community Development shall transmit the application and recommendation from the Planning Commission to the County Commission.

13. **County Commission Agenda**: Upon receipt of the application and Planning Commission recommendation from Community Development, the County Commission shall place the matter on its agenda for review and action.

14. **County Commission Review**: The County Commission shall review the application and Planning Commission recommendation. The County Commission may refer the matter back to the Planning Commission, or other appropriate department or official, to address issues, may state a time to bring the matter back for further review, or may take action to approve or deny the application.

15. **Final Action by County Commission**: The County Commission may approve the development, approve the development subject to specified conditions and requirements, as permitted by applicable law, which shall be placed on the plat, accept improvement bonds, accept dedication ofstreets, easements, and other places or rights in behalf of the public, and authorize and sign all related documents, if it finds that all

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requirements have been met; or it may disapprove the development. A disapproval shall be supported by findings, which findings may include any of the following:

a. The plans, documents, or statements were incomplete, ambiguous, unclear, erroneous, or inconsistent with one another.

b. The development proposal was found to be inconsistent with either the requirements of this land use ordinance, or other applicable requirements, regulations, codes, ordinances or statutes.

16. **Minor Subdivisions**:

a. The County Commission is authorized to take action on minor subdivisions, as follows:

(1) Approve minor subdivisions if they find that all requirements have been met;

(2) Approve minor subdivisions subject to specified conditions and requirements, as permitted by applicable law, which conditions and requirements shall be placed on the plat, if they find that all requirements have been met; or

(3) The County Commission may disapprove the development. A disapproval shall be supported by findings, which findings may include any of the following:

(A) The plans, documents, or statements were incomplete, ambiguous, unclear, erroneous, or inconsistent with one another.

(B) The development proposal was found to be inconsistent with either the requirements of this land use ordinance, or other applicable requirements, regulations, codes, ordinances, or statutes.

b. A minor subdivision application is exempt from the timing requirements for submittals relative to being calendared for a Planning Commission meeting and the Planning Commission review and recommendation requirements of UCLUO 14, unless the County Commission requires the application to be forwarded to the Planning Commission for review and a recommendation because the application does not meet the requirements for approval as a minor subdivision.

c. A minor subdivision shall not be a part or phase of a larger

planned subdivision. All of the land involved in an approved and recorded planned subdivision plat, including excluded areas, shall not be allowed to be further divided through the minor subdivision process, beyond the two (2) lot maximum, for a period of five (5) years commencing on the date of approval of the minor subdivision plat.

17. **Limited Period of Viability**:

a. The approval of the development by the County Commission shall be valid for a period of one year from the date of the County Commission's approval. The plat must be recorded within such one-year period. If the plat is not recorded within such one year period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, automatically expire and become null and void.

EXCEPTION ONE: In the event than any person or entity files an appeal or legal action challenging the County Commission's approval of the development, the one-year period during which the plat may be recorded and during which the approval remains viable shall not commence on the date of the County Commission's approval, but shall commence on the date that the appeal or legal action is finally resolved. This Exception One shall apply to any development approved by the County Commission on or after January 1, 2014.

EXCEPTION TWO: The County Commission, may, for good cause shown, extend the one-year period during which the plat may be recorded and during which the approval remains viable. Any such extension of time must be approved by the County Commission prior to the expiration of the one-year period. This Exception Two shall apply to any development approved by the County Commission on or after January 1, 2014.

EXCEPTION THREE: In planned unit developments only, the developer may request approval of a phased planned unit development by complying with all of the following requirements:

(1) The developer shall request approval of a phased planned unit development in the initial application filed with Community Development.

(2) In the request for approval of a phased planned unit development, the developer shall describe, as to each

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proposed phase, the size in area of each phase (which size of the initial phase shall not be less than twenty acres and each phase after the initial phase shall not be less than ten acres), the number and type of dwelling units in each phase, the order of phasing, the projected time for recording the plat for each phase, a description and estimated cost for all required improvements for each phase, a detailed description of how the initial phase independently meets all of the requirements for a planned unit development, and how each subsequent phase, together with the previously recorded phases, will meet all of the requirements for a planned unit development.

(3) For phased planned unit developments, the approval of the County Commission for the initial phase plat and for all other phase plats shall automatically expire and become null and void if the initial plat is not recorded within eighteen months from the date of the County Commission approval. After the eighteen month period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, for the phased planned unit development (including the initial phase plat and all other phase plats), automatically expire and become null and void.

(4) For all phase plats subsequent to the initial phase plat, the approval of the County Commission for all unrecorded phase plats shall automatically expire and become null and void eighteen months from the date of the recording of the most recently approved phase plat, unless the next phase plat is approved and recorded prior to the end of said eighteen month period. After the eighteen month period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, as to all unrecorded phase plats, automatically expire and become null and void.

(5) Each phase must be submitted, reviewed, approved, and recorded in the order of phasing established in the initial approval process. No phase plat can be recorded unless the preceding phase plat has been recorded.

(6) The initial bond amount shall be set for only the plat for the first phase to be recorded. The bond amount for each subsequent phase shall be determined prior to the recording of the plat for each such phase.

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(7) No plat shall be approved or recorded for the initial phase unless the initial plat meets all of the requirements of this land use ordinance for a planned unit development, except the minimum size for the initial plat may be reduced to not less than twenty acres.

(8) No plat shall be approved or recorded for any subsequent phase unless the subsequent phase plat, together with the previously recorded phase plats, meets all of the requirements of this land use ordinance for a planned unit development, except the minimum size for any subsequent phase plat may be reduced to not less than ten acres.

(9) No plat shall be approved or recorded for any subsequent phase unless all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, and the developer is not in violation of any provision of this land use ordinance.

(10) The application process described in this land use ordinance for planned unit developments, including the payment of all related fees, shall apply to all submitted plats.

(11) When the developer desires to record a plat for the subsequent phase, in compliance with the approved order of phasing, the developer shall pay the applicable fee, shall meet with the Zoning Administrator and shall submit the following:

(A) A title report with an effective date not earlier than thirty (30) days prior to the submittal date, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have

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previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Partial deeds of re-conveyance shall be provided, reviewed, approved and recorded, to release all liens, including all trust deeds and mortgages, from the portion of property being dedicated for streets, easements, common areas, and public areas. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.

(B) A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to the phase plat.

(C) A tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed phase plat perimeter boundary have been paid, including greenbelt rollback taxes.

(12) If the Zoning Administrator finds that the approval of the proposed phase plat has not expired, that any title, bond and tax issues have been resolved, that all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, that the developer is not in violation of any provision of this land use ordinance, and that the proposed phase plat meets all of the requirements of this section for a phased planned unit development, the Zoning Administrator shall transmit the materials and the proposed plat for the phase to the County Commission for review and consideration. The County Commission shall approve the phase plat if the County Commission finds that the approval of the proposed phase plat has not expired, that any title, bond and tax issues have been resolved, that all requirements,

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conditions of approval, and agreements related to any previously recorded phase plat have been met, that the developer is not in violation of any provision of this land use ordinance, and that the proposed phase plat meets all of the requirements of this section for a phased planned unit development, unless the County Commission, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the proposed phase plat.

b. After approval by the County Commission, the Zoning Administrator shall keep the signed plat and documents to be recorded until the time the applicant records them, to insure compliance with this section.

18. **Construction of Required Improvements**:

a. After receiving final approval from the County Commission, the developer shall execute a subdivision improvement and warranty agreement, in the form approved by the County, and

(1) prior to recording the plat and prior to any development activity, the developer shall, within a period of time not to exceed one year from the date of the approval of the development by the County Commission, or within such extended period of time during which the approval of the development remains viable as provided in Paragraph E,16, construct and complete all required improvements and post a cash warranty bond with the County; or

(2) upon request by the developer, the developer may post a cash construction bond with the County before recording the plat, in an amount equal to 125% of the estimated cost of the required improvements, as determined by the County Engineer, to guarantee the installation of the required improvements without cost to Utah County, and a cash warranty bond.
The final plat shall not be recorded until the developer has executed a subdivision improvement and warranty agreement, in the form approved by the County, and the improvements are either constructed or the construction bond and the warranty bond are delivered to and approved by the County. The construction bond, however, shall not limit the liability of the developer to install improvements, for the developer shall be obligated to the full extent of the cost of installing the improvements required by this

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ordinance. Private parties shall not be deemed third-party beneficiaries of the construction bond or of the warranty bond.

b. All required improvements shall be constructed in accordance with approved plans and Utah County development standards and inspected by the County Engineer. The developer shall pay an inspection fee to the County in the amount set by the County.

19. **Duration of Bonds**: The bonds required under the provisions of this ordinance shall not expire.

20. **Default**: In the event the developer fails to satisfactorily construct the required improvements within the period required, fails to pay all costs of materials and labor for the improvements, or otherwise fails to comply with the subdivision improvement and warranty agreement, Utah County may send a notice of default, take action to collect the bonds, and install or cause the required improvements to be installed, using the proceeds from the bonds to defray the expense thereof.

21. **Timing of Construction**:

    a. All required improvements shall be constructed and completed by the developer within one (1) year from the date of the approval of the development by the County Commission, or within such extended period of time during which the plat may be recorded and during which the approval of the development remains viable as provided in Paragraph E,16. However, the County Commission may require the developer to install what it determines to be critical improvements on all or part of an approved large-scale development within a time period which is less than the maximum time period specified.

    b. The County Commission may, upon the favorable written recommendation of the County Engineer, who shall consult with the owner of the applicable utility poles, allow for a period of time in excess of one (1) year from the date of the approval of the development by the County Commission, but not more than ten (10) years from the date of the approval of the development by the County Commission, unless a further extension of time is subsequently approved by the County Commission, to relocate existing utility poles from their current location to the newly created lot line, if the County Engineer and the County Commission find that all of the following conditions exist:

        (1) The large-scale development is a one or two lot subdivision;

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(2) The owner of the poles has provided a written statement to the County indicating that the pole relocation is not necessary at the present time;

(3) The County Engineer has provided a written statement to the County that the delayed relocation of the poles will not constitute any additional hazard to public safety than what currently exists;

(4) The developer has posted a cash bond with the County in an amount of not less than 125% of the estimated cost to relocate the poles, if the poles were being relocated at the time that the poles prior to the subdivision location and after the subdivision location were also being relocated to a single alignment; provided however, that the County Commission may waive the bond requirement, upon favorable recommendation of the County Engineer, if the County Commission finds that it is improbable that the poles will need to be relocated in the near future; and

(5) The developer and the owner of the property have executed a Restrictive Covenant and Lien Agreement, in a form acceptable to the County, agreeing to indemnify and hold the County and its agents, officials, and employees harmless from any claim or liability related to or arising out of, directly or indirectly, the failure to relocate the poles, including defense costs and attorney's fees, and further agreeing to relocate the poles, at developer's and owner's sole expense, to the lot line upon the earliest to occur of (I) sixty (60) days from the date of written demand by the County to relocate the poles, (ii) the date established by the County Commission for completion of the relocation, and (iii) ten (10) years from the date of the approval of the development by the County Commission, unless a further extension of time is subsequently approved by the County Commission, which Restrictive Covenant and Lien Agreement shall run with the land, shall be recorded in the records of the County Recorder, and shall be secured by a first position Trust Deed on the subdivision lots with the developer providing to Utah County a Lender's Extended Policy of Title Insurance in an amount not less than the fair market value of the lots. The Restrictive Covenant and Lien Agreement shall preclude any human occupancy of the development property if the poles are not timely relocated.

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c. An extension of time for construction of required improvements (including the relocation of existing utility poles) may be granted by the County Commission upon application by the developer and good cause shown. Any request for an extension shall be in writing, shall be accompanied with a processing fee in such sum as determined by the County Engineer to cover the costs associated with the review and processing of the request for extension, but not less than the minimum processing fee of $100.00, and shall be supported by a then current estimate prepared and signed by the Developer's engineer, or the applicable utility company, which describes the improvements which remain to be constructed, and the estimated cost to construct the remaining improvements. The request shall be supported by such other documentation as the County Engineer deems necessary. If an extension of time is granted, the County Commission shall require that the bond amount be increased to reflect the increased cost of the remaining improvements; provided however, that the County Commission may waive the bond requirement for the relocation of existing utility poles, upon favorable recommendation of the County Engineer, if the County Commission finds that it is improbable that the poles will need to be relocated in the near future.

22. **Construction to be in Accordance with Plats, Plans and Documents**: All large-scale developments shall be constructed in accordance with the approved final plats, plans, and documents, and all final plats, plans, and documents shall be binding on the developer, its successors, grantees, and assigns and shall limit the use of the land and structures in the development as set forth in the approved plans and the recorded plats, and documents. In the event that the developer or its successors, grantees, or assigns performs construction or uses the land in a way which is not in accordance with approved final plats, plans or documents, or fails to perform according to the agreements or covenants required by UCLUO 14 for plat approval, compliance may be obtained through the use of the funds of the improvement bond and warranty bond, and/or through legal action.

23. **Plan and Documents to be Recorded**: The Zoning Administrator shall verify that the developer has recorded the plat and documents with the County Recorder in the form in which such were approved. No lot or building (or interest therein) shall be sold, no building permit shall be issued, and no occupancy permits shall be issued for any buildings within a large-scale development until the final plans and documents have been approved and recorded as set forth in this ordinance.

24. **Warranty Bond**:

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a. As an assurance that the developer shall warrant the improvements for the warranty period, the developer shall deposit with the County a cash warranty bond, as approved by the County Engineer, in the amount of up to 10% of the lesser of the:

   (1) original estimated cost of completion of the required improvements, as determined by the County Engineer, or

   (2) developer's reasonable proven cost of completion of the required improvements.

b. The developer shall be responsible for the installation of all required improvements and for the quality of all labor, materials, and workmanship used therein. Upon completion of the improvements, the developer shall submit a written request to the County Engineer to make an inspection of the improvements. After the inspection of the improvement, the County Engineer shall submit a report to the County Commission, setting forth the condition of the improvements. If all improvements have been constructed in strict conformance with the approved plans and Utah County development standards, and to a quality and standard not less than generally accepted construction standards, no liens have been filed, all costs of labor and materials have been paid, lien releases have been provided and all other requirements have been satisfactorily completed, the County Commission shall formally accept the improvements and authorize the commencement of the warranty period, which warranty period shall be for one year after final acceptance of the improvement or warranty work; or two years after final acceptance of the improvement or warranty work, if the County:

   (1) determines for good cause that a one year period would be inadequate to protect the public health, safety, and welfare; and

   (2) the County has substantial evidence on record, of:

      (A) prior poor performance by the developer; or

      (B) that the area upon which the infrastructure will be constructed contains soil that has

         (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;

         (b) bedrock units with high shrink or swell susceptibility; or

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(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features; and the County has not otherwise required the developer to mitigate the suspect soil.

c. Developer shall repair, within sixty days from the date of written notice by the County to the Developer, any defects, normal wear and tear excepted, which, in the opinion of the County Engineer, have developed in the improvements during the warranty period.

25. **Partial Release of Construction Bond**: Partial releases of the construction bond may be made when a portion of the required improvements have been satisfactorily installed, but only if the amount of the bond which is retained is equal to or greater than one-hundred twenty five percent (125%) of the cost of installing the uncompleted improvements. Any request for a partial release shall be in writing, shall be accompanied with a processing fee in such sum as determined by the County Engineer to cover the costs associated with the review and processing of the request for partial release, but not less than the minimum processing fee of $100.00, and shall be supported by an estimate prepared and signed by the developer's engineer which describes the improvements which have been constructed, the cost to construct the improvements which have been completed, and the estimated cost to construct the remaining improvements. The request shall be supported by actual invoices for materials and installation costs, together with such other documentation as the County Engineer deems necessary. Submission of invoices by developer shall constitute an express warranty by developer to County that the items described on the invoices have been completely installed on the project and will not be removed by the developer (materials delivered to the site but not installed shall not be included). Any such partial release shall be made after inspection by the County Engineer, and authorization by the County Commission. If at the end of the one-year construction period, the required improvements are not complete, or if the improvements at the end of the warranty period show defects, unusual depreciation, do not comply with the applicable standards, or if any outstanding costs or liens are not paid, Utah County may send a notice of default and take action to collect the bonds and/or action against the developer to remedy the deficiency.

26. **Continuing Obligation**: It shall be the obligation and duty of the developer and its successors and assigns to carry out the conditions

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made applicable to the development. In case of failure or neglect to comply with any and all of the conditions and regulations as herein established, and as made applicable to a specific large-scale development, the Zoning Administrator shall not issue a certificate of zoning compliance for the development. Such failure or neglect to comply with the requirements or to maintain the buildings and premises in accordance with the conditions of approval of the plans and documents shall also be deemed to be a violation of this ordinance.

27. **Amendments to Large Scale Development Plats**:

    a. Amendments to plats shall comply with the following requirements and procedures:

        (1) Amendments to recorded plats shall comply with the procedure and requirements contained in the Utah Code for plat amendments.

        (2) No plat amendment shall be approved that violates the current development requirements, standards, and conditions of this Ordinance. However, submittal of a plat amendment application does not subject the existing development to a new, full development review. Only those elements of the development proposed to be amended shall be considered in the plat amendment application and subject to current development requirements, standards, and conditions. The current requirements, standards, and conditions of mountain home developments shall be used for review of applications to amend an element of a Planned Dwelling Group or Seasonal Homes Development (nonconforming development types). However, previously approved or required occupancy limitations or restrictions for lots in a development (i.e., the occupancy limitations related to a Seasonal Homes Development) shall not be changed through a plat amendment application. Further, the requirements of this Paragraph shall not preclude the combining of existing platted lots or the addition of land to platted lots, nor shall such requirements render an existing platted lot unbuildable because it does not meet the lot area or width requirements of the current development requirements.

        (3) No such plat amendment can be approved which would increase the number of dwelling units in the plat, increase the number of lots in the plat, or increase the number of lots available for residential use in the plat.

        (4) The application shall be submitted to the Utah County

Commission for final action, however, the County Commission may require an application that includes more than two (2) lots to be reviewed by, and receive a recommendation from, the Planning Commission.

(5) Modification of large scale development plats—prior to recording of the plat, but after plat approval—must be approved by the County Commission; however, minor modifications to notations on the plat are permissible, as determined by the Zoning Administrator.

b. **Minimum Requirements**: Notwithstanding the forgoing plat amendment requirements, all plat amendment applications shall include the following documentation and shall not be waived by the Zoning Administrator:

(1) A petition that meets the requirements of Utah Code § 17-27a, as amended, or successor code, for vacating or amending a subdivision plat.

(2) A standard conditional use permit application shall be obtained from Community Development and shall be completed and submitted with the required fee. The application shall be completed and signed by all owners of record, or applicant shall establish and provide documentary proof that applicant has a right to purchase the property.

(3) A recent policy of title insurance or preliminary report of title verifying the owners who executed the owners' dedication on the plat have sufficient control to effectuate the dedication without boundary exceptions. All easements and other title restrictions shall be located and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Lien holder consent and subordination shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review.

(4) A reproducible plat drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100') or as directed by the Zoning Administrator, and shall show the following:

(A) Perimeter boundary of the development and the location of all required survey monuments.

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(B) The location of all lot lines and/or building site areas, and the identifying number for each lot, block, and building site in the development.

(C) The name, location, and extent of all streets and the location and nature of all other parcels of land dedicated to the public or reserved for common use by the residents of the development.

(D) The location and identification of all easements and their specific use.

(E) The location and extent of all parcels within the development which are subject to deed restrictions or any other limitations, or which are subject to conditions of approval written on the plat.

(F) Statements of limitations or conditions of approval required to be written on the plat by the County Commission, and other statements or information required by this land use ordinance, or other applicable law.

(G) The following certifications:

(a) The certificate of survey accuracy by the surveyor or engineer preparing the plat.

(b) The owner's dedication of land for public use, and the owner's conveyance of easements and parcels for utilities or other special use.

(c) The acknowledgment of the owner's dedication by a Utah Notary Public (or an equivalent officer authorized to acknowledge conveyances of real estate if the owner is out of state).

(d) The County Commission's approval of the development and its acceptance of dedication of streets, easements, etc., along with the attesting signature of the County Clerk/Auditor.

(e) Certifications required by State Law and other certifications if required by the County Commission.

(5) Written statements from the following County agencies or officials that address the proposed plat amendment and identify any requirements or recommendations relative to the proposal:

(A) County Health Department

(B) County Engineer

(C) County Fire Marshal

(6) Written statements from the electrical service provider, and natural gas service provider where available, which service the land described on the plat, which statements address the proposed plat amendment and identify any recommendations relative to the proposal. If recommendations are received from an electrical or natural gas service provider, the County Commission, based on the findings of the County Engineer, shall determine whether the recommendations will be incorporated into the proposal.

(7) A tax clearance for each parcel serial number identified in or by the title report. The tax clearance shall include all property taxes due as of the date of the filing of the application.

(8) A restrictive covenant, on a form approved by the Utah County Attorney's Office, to bind the plat to all previously recorded declarations, covenants, conditions, restrictions, maintenance agreements, and all other recorded documents and agreements related to the original development. A note shall be included on the plat that gives notice of the restrictive covenant, required by this Paragraph of the Ordinance, and that explains the restrictive covenant has been recorded in the Utah County Recorder's Office.

c. A proposed plat amendment that includes the adjustment of a lot line shall not be required to also meet the lot line adjustment requirements found in this Land Use Ordinance.

28. **Lot Line Adjustments**:

a. The owners of record of adjacent lots that are described by either a metes and bounds description or by a recorded plat may exchange title to portions of such lots and/or make lot line adjustments by complying with the provisions of the Utah Code,

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as amended, and the regulations of this ordinance, including the submittal of the following documents:

(1) A lot line adjustment application shall be obtained from Community Development and shall be completed and submitted with the required fee. The application shall be completed and signed by all owners of record, or applicant shall establish and provide documentary proof that applicant has a right to purchase the property.

(2) A metes and bounds description of each lot prior to and after the exchange of title and/or lot line adjustment.

(3) A recent policy of title insurance or preliminary report of title, one for each lot, verifying the owners who will execute the notice of approval of exchange of title and/or lot line adjustment have sufficient control to effectuate such without boundary exceptions. Lien holder consent shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review.

(4) Written statements from the following County agencies or officials that address the proposed exchange of title and/or lot line adjustment and identify any requirements or recommendations relative to the proposal:

(A) County Health Department

(B) County Engineer

(C) County Fire Marshal

(5) Written statements from the electrical service provider, and natural gas service provider where available, which service the lots included in the lot line adjustment application, which statements address the proposed exchange of title and/or lot line adjustment and identify any recommendations relative to the proposal. If recommendations are received from an electrical or natural gas service provider, the County Commission, based on the findings of the County Engineer, shall determine whether the recommendations will be incorporated into the proposal.

(6) A site plan that has been dated, stamped, and signed by a land surveyor licensed in the State of Utah showing the current and proposed configuration of each lot; the location of all structures; the front, side, and rear setback requirements applicable to the lots; the width of the lots

along the frontage of the road(s); the location of all wells; the location of septic tanks and leach fields; the location of any buried or above ground LPG tanks; the location of utility lines and utility easements; the location of irrigation water lines, facilities, and irrigation easements; and the location of drainage lines.

(7) The document that will be used to convey title, which document reflects the lot line adjustment.

(8) Any additional information or documentation requested by the Planning Commission or County Commission, only if the lot line adjustment application must be forwarded to the Planning Commission for a recommendation and to the County Commission for approval or denial.

b. The Zoning Administrator shall approve a lot line adjustment application under this Paragraph if such will not result in a violation of this Land Use Ordinance. However, the Zoning Administrator may require a lot line adjustment application to be forwarded to the Planning Commission for a recommendation and to the Utah County Commission for approval or denial, if he/she determines the proposed adjustment may impact the health, safety, or welfare of the public.

c. If a lot line adjustment application is approved under this Paragraph:

(1) A notice of approval shall be recorded in the office of the County Recorder which:

(A) is executed by each owner included in the exchange of title and/or lot line adjustment and by the County land use authority;

(B) contains an acknowledgment for each party executing the notice in accordance with the applicable provisions of the Utah Code, as amended; and

(C) recites the descriptions of both the original lots and the lots created by the exchange of title; and

(2) A document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder.

29. **Building Permits**: No building permit shall be issued until the plat is

recorded. After the plat is recorded, no building permit shall be issued for any structure within the development, other than utility related structures, until:

a. all of the roads, streets, street signs, traffic control signs and devices, and information signs, have been constructed, inspected, and approved;

b. the central culinary water system, if one is proposed or required for the development, is constructed, inspected, approved and is operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction;

c. the private culinary well, if one is proposed or required for the lot, has been drilled, tested, and approved as a culinary water source, meeting all applicable requirements for use, flow, quantity, and quality;

d. the central sewer system, if one is proposed or required for the development, is constructed, inspected, approved and is operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction; and

e. all other required utility systems have been constructed, inspected, approved and are operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction, provided that if the sewer treatment method is by private septic systems entirely located on each lot, the permit for the construction of the dwelling may be issued concurrent with the issuance of the required permits for construction of the private septic system serving that dwelling.

14.08 Planned Unit Development

A. **General Provisions**:

1. **Declaration of Legislative Intent**: The intent of this section is to establish guidelines which will facilitate the approval of a proposed planned unit development plat.

2. **Scope**: The owner of a tract of land containing the required amount of land as set forth in the zones in which planned unit developments are permitted may construct a planned unit development thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.

a. **Requirements Minimum**: The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned unit developments.

b. **Standards May Be Increased**: The County Commission reserves the right to approve a development subject to certain conditions and limitations that will be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of the planned unit development until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:

   (1) The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the planned unit development upon the County;

   (2) The creation of additional on-site and/or off-site facilities and improvements necessary for the planned unit development and/or the expansion of the proposed community;

   (3) The creation of additional utility easements within the development;

   (4) Additional requirements for moderate income housing units;

   (5) Additional restrictions on the location and slopes of roadways, and;

   (6) Any other additional condition or limitation necessary to ensure the implementation of generally accepted principles of good planning necessary for the health, safety, and welfare of County residents.

c. **Exemption from Rules of Property**: The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

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B. **Permitted Uses**: Uses permitted in planned unit developments shall be limited to the residential, recreational, and supportive facilities listed below:

1. One-, two-, three-, and multiple-family dwellings, including residential condominium projects; town homes; manufactured home parks; and manufactured homes.
2. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
3. Family day-care centers, residential facilities for handicapped persons, and residential facilities for elderly persons.
4. Primary and secondary schools and preschools.
5. Churches and other structures for religious worship.
6. Common indoor storage areas and screened or walled common outdoor storage areas.
7. Common areas and common recreational facilities for use of the residents.
8. Convenience establishments.
9. Driveways, streets, fences, walls, new underground utilities, utility distribution lines and facilities, solid waste collection areas, sewage treatment facilities, ponds, landscape features, and similar uses and structures incidental to the main use.

C. **Application Requirements**: The application shall consist of the following elements.

1. **Application and Fee**: A standard conditional use permit application shall be obtained from the Planning Commission staff and shall be completed and submitted with the required fee. The application shall be completed and signed by all owners of record, or applicant shall establish and provide documentary proof that applicant has a right to purchase the property.
2. **Developmental Impact Statement**: The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See UCLUO 14.28 Appendix A for a complete list of items that shall be addressed in this statement.
3. **Layout Map**: A layout map (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Zoning Administrator, and shall show all of the

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following items. If any of the specified items do not exist, the layout map shall list the item and state "none exist":

a. Type of development.

b. Name and address of developer.

c. Name and address of designer.

d. Date.

e. North point, scale, and vicinity map.

f. Township, range, and section lines.

g. Zone designation.

h. Perimeter boundary of the development.

i. Name and address of adjacent property owners.

j. Contour intervals.

k. Location of all existing buildings and structures within the perimeter boundary, and the location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and any area within the boundary of the development in a 100 year or greater flood area.

l. Existing water and sewer mains and lines--location and size.

m. Source of water and place of sewage disposal.

n. Proposed lot and location layout for the development, including lots, building sites, open space, parks, common areas, common facilities, common storage areas, common recreational facilities and structures.

o. Number of dwelling units within each building.

p. Dimensioned parking layout showing the location of parking stalls and all areas of ingress or egress.

q. Proposed pedestrian walkways, streets and roads--location and identification.

r. Cross-section of proposed streets and roads, as per county standards.

s. Proposed underground power lines, gas lines, water lines, bridges, utilities, and utility easements.

t. Intended source of water, location of proposed fire hydrants, and location of proposed lighting systems.

u. Place of sewage disposal and location of solid waste collection points.

v. Landscape layout and irrigation system.

w. Any additional information which the Plan Coordinating Committee may require.

4. **Tabulations**: A list of tabulations shall be individually listed on the plat and shall include:

a. Total number of acres in the proposed development (including any road dedication areas).

b. Total number of lots or building sites.

c. Number of lots for one and two-family detached dwellings.

d. Number of lots for multiple-family dwellings.

e. Total number of dwelling units.

f. Total number of dwelling units for moderate income housing.

g. Percentage of each of the proposed dwelling types.

h. Number of off-street parking spaces.

i. Percentage of area to be used for off-street parking.

j. Percentage of area and acres to be devoted to roadways.

k. Percentage of area to be devoted to open space (twenty percent minimum).

l. Percentage of area covered by buildings.

m. Percentage of total area covered with impermeable surfaces.

5. **Engineering Drawings**: The following engineering drawings, unless deemed to be inapplicable by the County Engineer, shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:

a. Plan and profile drawings pertaining to the water system, fire suppression system, sewage system, street system, drainage system, irrigation system, utilities, and any other engineered drawings required by the County Engineer in order to determine compliance with the County Public Works standards, this ordinance, or other applicable requirements. Engineered drawings

shall be reviewed and approved by the County Engineer.

6. **Documentation**: The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:

    a. Executed articles of incorporation and bylaws of the property owners' association.

    b. A fiscal impact report consisting of an analysis of projected revenues and costs to Utah County for governmental services, on-site improvements, off-site improvements, including county road usage to the nearest state or federal road or highway and the utilization of Utah County mandated fire and life safety services.

    c. An executed (except by Utah County) open space preservation and maintenance agreement among the developer, the property owners' association, and Utah County, based on the Utah County format. (These must be recorded at the time the plat is recorded.)

    d. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Lien holder consent, subordination, and if applicable, release, shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.

e. If the proposed central water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. Water right documentation shall establish the approved type of use of the water, the authorized quantity of acre feet, and authorization to use the water within the area of the planned dwelling unit.

f. An engineering study signed, dated, and stamped by a professional engineer licensed by the State of Utah demonstrating that the applicable standards of this ordinance for water supply, water source, and water system will be met (see Paragraph D). The County Engineer shall determine whether the engineering study meets the applicable standards of this Section.

g. A drainage and flood plan shall be dated, stamped and signed by an engineer licensed by the State of Utah, and shall include the following:

(1) An analysis of the nature and extent of hazard from floods originating off the premises and a plan indicating how such flooding hazard will be accommodated within the development (said analysis and plan may be waived by the County Engineer when ample information already exists for the area).

(2) An analysis of the nature and extent of the drainage and flood problems which will be created by the development, including an analysis of the amount of water generated as a result of the covering of absorption areas and a plan indicating how the drainage and flood waters will be accommodated.

(3) The location and size of any ditches, culverts, drains, sumps, percolation basins, curbs and gutters, and other proposed structures and facilities.

(4) A method of handling all runoff on site when an existing storm water system is not available. If all surface drainage water is proposed to be retained on-site, the engineer must certify all surface water can be maintained on-site.

(5) A statement of acceptance of the drainage waters from the appropriate entity where excess surface drainage from the development will flow into an irrigation channel or into a public street or otherwise be directed off the premises. However, the County Engineer shall determine that no statement of acceptance is required for a natural or well-established drainage—which drainage has been identified

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in the drainage and flood plan and flowed off-site prior to development activity, and will continue to do so—if the County Engineer finds that the drainage and flood plan demonstrates such drainage has not and will not be substantially altered, and drainage water volumes have not and will not be increased, through development activity.

(6) A method of covering, fencing, or similar safety treatment of canals and waterways traversing the development.

The drainage and flood plan shall be reviewed and approved by the County Engineer. A note shall be placed on the plat that briefly describes the method for handling all runoff for the development.

h. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to the development. The cost estimate shall include the cost of all improvements, including but not limited to all irrigation plan facilities and improvements to independently irrigate each lot, any fire-break clearing, surface water facilities, canal covering, road improvements, utility relocation, inspections, utilities, and survey monument costs.

i. A statement addressing the proposed bonding method or a statement that the applicant will construct all improvements prior to plat recordation.

j. A statement from the County Health Department certifying that the proposed central water supply and central sewage disposal system conforms to the pertinent state and county health regulations.

k. A statement from the County Engineer certifying that the proposal conforms to the pertinent provisions of the Utah County development standards ordinance and the road and other improvement standards of the land use ordinance.

l. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance.

m. A tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed development perimeter boundary have been paid, including greenbelt rollback taxes.

7. **Plat**: The plat shall be reproducible and drawn in accordance with county

standards at a scale of one-inch equals one hundred feet (1"=100') or as directed by the Zoning Administrator, and shall include the following:

a. Perimeter boundary of the development, including any road dedication areas, and the location of all required survey monuments.

b. The location of, all lot lines and setback lines, and/or building site areas, and the identifying number for each lot, block, and building site in the development.

c. The location and identification of the building sites of common facilities, recreational structures and service buildings.

d. The name, location, and extent of all streets and the location and nature of all other parcels of land to be dedicated to the public or reserved for common use by the residents of the development.

e. The location and identification of all easements and their specific use.

f. The location and extent of all parcels within the development which are subject to the restrictions imposed by the open space preservation agreement or any limitations and conditions of approval written on the plat.

g. Statements of limitations or conditions of approval required to be written on the plat by the County Commission, and other statements or information required by this land use ordinance, or other applicable law.

h. The following certifications:

(1) The certificate of survey accuracy by the surveyor or engineer preparing the plat.

(2) The owner's dedication of land for public use, the owner's conveyance of easements and parcels for utilities or for common use by the residents of the development, and the owner's acceptance of the limitations or conditions of approval.

(3) The acknowledgment of the owner's dedication by a Utah Notary Public (or an equivalent officer authorized to acknowledge conveyances of real estate if the owner is out of state).

(4) The County Commission's approval of the development and its acceptance of dedication of streets, easements, etc., along with the attesting signature of the County Clerk/Auditor. The plat shall include the following signature

block for these purposes:

ACCEPTANCE BY COUNTY COMMISSION	
The County Commission of Utah County approves this planned unit development and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this _____ day of _____ A.D. ____.	
_____ *Commissioner*	_____ *Commissioner*
_____ *Commissioner*	*Attest:* _____ *Clerk/Auditor*

(5) The County Engineer's certification and stamp that the approved plans for the development conform to the Utah County standards and requirements for roads and other improvements. The plat shall include the following signature block for these purposes:

COUNTY ENGINEER CERTIFICATION	
The County Engineer of Utah County certifies the plans for this development conform to the Utah County standards and requirements for roads and other improvements.	
_____ __, *Sign*	_____ *Date*

(6) The culinary water and sanitary sewer authority's approval of the culinary water and sanitary sewer facilities of the development. The plat shall include the following signature blocks for these purposes:

APPROVAL BY THE CULINARY WATER AUTHORITY
The undersigned culinary water authority approves this plat for culinary water purposes, subject to the conditions stated on this

plat.	
_____ ___, *Sign*	_____ *Date*

APPROVAL BY THE SANITARY SEWER AUTHORITY	
The undersigned sanitary sewer authority approves this plat for sanitary sewer purposes, subject to the conditions stated on this plat.	
_____ ___, *Sign*	_____ *Date*

(7) The utility owners' and/or operators' approval of the applicable underground utilities, other utility facilities, easements, rights-of-way, etc., of the development; however, Utah County shall not require the plat to be approved or signed by a person or entity who does not provide a utility or other service directly to the lots within the development, unless provided or required by the Utah Code, as amended. The plat shall include the following signature block for this purpose:

APPROVAL BY OWNERS AND OPERATORS OF UNDERGROUND UTILITIES AND OTHER UTILITY FACILITIES	
The undersigned owners or operators of the underground utilities and other utility facilities located on this plat hereby approve the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; hereby approve the location of existing underground and utility facilities; and hereby approve the conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the development, as shown on this plat.	
_____	_____

_ *Utility Provider*	*Utility Provider*
_ *Utility Provider*	_ *Utility Provider*

(8) Certifications required by State Law and other certifications if required by the County Commission, as permitted by this land use ordinance or other applicable law.

Exception: The County Commission in consultation with the Attorney's Office may approve modifications to the required certifications, as needed, to address the individual circumstances of applications.

8. A certification that lands being subdivided are free from invasive noxious weeds or have undergone appropriate noxious weed control treatment, shall be submitted with the application. The list of invasive noxious weeds shall be recommended by the Utah County Weed Control Board and approved by the County Commission. A certification is considered valid if it has been signed and dated by an individual who is competent in the identification of noxious weeds, which person has been approved by the Utah County Weed Control Board. Such competent individual (Inspector) shall inspect the subject land and ensure the appropriate treatment has been applied to it, as necessary, prior to issuing the certification. The certification shall remain viable for a period of two (2) years from the date applied to the certification by the Inspector. Inspections supporting certification shall be made during the period from April 1 through September 30. In lieu of certification, a two (2) year bond may be approved by the County Commission in the amount of $500.00 per acre with a maximum bond amount of $5000.00. A certification shall be submitted within two (2) years after the date of approval or the bond will be forfeited to Utah County to be used for weed control purposes.

D. **Standards and Conditions**: All planned unit developments shall conform to all of the requirements of this land use ordinance and the following standards and conditions.

1. **Design**:

a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.

b. The developer is encouraged to stagger the front setback of

individual lots as shown on the plat, to create a diversified streetscape.

c. Spacing of development clusters, dwelling units and residential structures is encouraged to allow for uninterrupted common area and the utilization of integrated open space; and each development cluster shall be not less than 200 feet from an adjacent development cluster as measured between the nearest structures.

d. At least ten (10) percent of the dwellings or units shall meet the moderate income housing criteria, as defined in the Utah Code.

e. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the convenience of access, the preservation of bodies of water, and other significant features are factors to consider in the design of the development.

f. Individual building lots within the planned unit development shall average a minimum of 10,000 square feet per lot.

2. **Landscape Layout**:

a. All areas not included within designated open space and not covered by buildings, off-street parking or driveways, shall be landscaped and shall be maintained in accordance with good landscape practice, or maintained in natural vegetation found on the site. The layout shall include both existing and proposed landscape areas and shall specify the general types of plants and architectural features to be used.

b. The installation of permanent sprinkler or irrigation systems are required when necessary to sustain planted areas.

3. **Open Space, Parks, Playgrounds, and Facilities**:

a. At least twenty percent (20%) of the area in the proposed development shall be designated for open space. The land covered by vehicular roads, off-street parking, yard areas around the dwellings, common storage facilities, and service buildings shall not be included in the area used to meet the open space requirement.

b. As assurance that the designated area will remain in open space, the developers shall execute an open space preservation and maintenance agreement with the county in which the developer and the home owner's association to maintain the open space and agree to refrain from constructing dwellings or other structures on the designated open space areas.

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c. The open space shall not be a separate or unimproved parcel of land, but shall be fully integrated into the design of the development in a manner which is most useful and convenient for the residents of the development; a minimum of at least twenty-five percent (25%) of the total open space shall be landscaped and suitable for both active and passive recreational use.

d. All flood plain areas, if any, natural or man-made streams, ponds or other water features or any riparian habitat shall be identified and preserved as common open space.

e. Construction of all common areas and facilities shall be provided by the developer and shall be maintained by the property owners' association.

f. A lot for a commercial convenience establishment may be permitted if approved by the County Commission.

4. **Size**: The minimum acreage required to qualify for a planned unit development shall be twenty (20) acres. The maximum size of a planned unit development shall be seventy-five (75) acres.

5. **Density**: The dwelling units may be situated in one or more buildings and the building locations are encouraged to be clustered, provided that the total number of dwelling units within the development shall not exceed two (2) times the number of acres within the development. The ratio of dwelling units per acre may be increased from two (2) times the number of acres in the development to three (3) times the number of acres in the development by the County Commission, if any of the following are provided in the development:

    a. the amount of open space is increased from the minimum of twenty percent (20%) of the area of the development to at least thirty percent (30%) of the area;

    b. where the number of moderate income housing units is increased from the minimum of ten percent (10%) of the total dwelling units to at least twenty percent (20%) of the total dwelling units; or

    c. the open space is open for the use of the general public and provides amenities to the general public, such as a trail that is part of an adopted state or county trail system.

6. **Paved Road Access**: All planned unit developments shall abut on and shall have access to a hard-surfaced public street that is part of the paved official county, state or municipal road system. However, a planned unit development that is an extension of a previously approved plat may obtain paved road access through said prior plat.

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7. **Street System**:

a. All public streets shall conform to the official road standards for public streets as adopted by Utah County, including the full width of pavement for county roads bordering the development.

b. In the event that the land within the proposed development is traversed by a proposed street that is shown on the transportation element map of the county general plan, a note shall be placed on the plat that (1) explains that the development is traversed by a proposed street shown on the transportation element map of the county general plan, (2) establishes that dwellings shall not be constructed within fifty (50) feet of the proposed street, and (3) strongly discourages the construction of any permanent structure within one-hundred (100) feet of the proposed street.

c. The street system of the development shall conform to the officially approved county standards for planned unit developments with respect to width, alignment, grades, length of cul-de-sacs, size of turnarounds, and other features of design.

d. The street system should be designed in such a way as to avoid, where possible, the fronting of residential dwellings on collector or arterial streets.

e. No vehicular road shall have a grade of more than eight (8) percent.

Exception: A grade of ten (10) percent may be approved, upon recommendation of the County Engineer, when the County Commission finds all of the following criteria are met:

(1) The grade is necessary to eliminate extra cuts, fills, or circuitous routes.

(2) No section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length.

(3) The total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development.

(4) Police, fire, ambulance, snow removal, and other essential services can be provided at an equal level of quality.

(5) No section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.

f. All vehicular roads in the development shall be paved with a three (3) inch asphaltic surface over a six (6) inch crushed gravel base, and suitable sub-base, or the equivalent in concrete surfacing, in accordance with the Utah County development standards ordinance.

g. Each intersection shall bear permanent street name signs sufficient in design for easy identification for emergency vehicles and others

h. The maximum length of any dead-end road or cul-de-sac shall be seven hundred and fifty (750) feet, measured from the nearest edge of right-of-way from the connecting through road to the center of the cul-de-sac or turn-around, except that an additional 750 feet may be approved by the Utah County Fire Marshal when the design of such extension is in compliance with currently adopted fire codes.

i. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.

j. If access is on a state highway, a letter shall be provided from UDOT granting the access onto the state highway, with the location of the access shown on the plat. The County Engineer must approve the plans.

8. **Curbs, Gutters and Sidewalks**: Curbs, gutters, and sidewalks meeting the Utah County development standards shall be constructed by the developer along county roads located within the development and along the abutting side of county roads adjoining the development. Curbs, gutters, sidewalks, and walkways not along or abutting county roads shall be provided within the development according to the developer's circulation plan and storm drainage plan as approved by the County Commission.

   The applicable standards of the next three (3) Paragraphs (Water Supply, Water Source, and Water System) are those that must be addressed in the engineering study referenced above in Paragraph C.

9. **Water Supply**:

   a. **Water Rights**: The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

      (1) Culinary-quality water for use inside the dwelling shall be provided to each dwelling unit at a flow rate of at least .015

cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per dwelling unit. Where the development is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.

(2) Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided at the rate of at least 1 acre-foot per year per occupied structure (including dwellings) and building site, which water shall be available from April 30 to October 1 annually.

(3) Water for irrigation shall be provided as follows:

(A) Irrigation water shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot and parcel of the development beyond the first 10,000 square feet of area of each lot and parcel, which quantity of water must be available from April 30 to October 1 annually. However, at the applicant's request, the County Commission may adjust the required quantity of irrigation water if it makes any one of the following findings:

(a) that more or less water is needed to establish and to meet the green plant needs of alfalfa due to the depth of the water table.

(b) that less water is needed for each lot because of an average slope of eight (8)-percent or greater on each lot and environmental conditions are not suitable for cultivation and irrigation of crops on at least 45-percent of each lot.

(c) that less water is needed because of the incorporation of water conservation techniques into the irrigation plan for each lot or parcel.

(B) If an applicant requests an adjustment of the required quantity of irrigation water, the engineering study shall (1) recommend the quantity of irrigation water needed for each lot and parcel, (2) examine the following for the land included in the proposed

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development: depth of the water table, annual precipitation, topography, cultivation suitability, the incorporation of any water conservation techniques in the irrigation plan, and any applicable fire codes, and (3) examine impacts to the aquifer(s) supplying water to the development should the adjustment be granted.

(C) Prior to adjusting the required quantity of irrigation water, the County Commission shall obtain the recommendation of the County Engineer regarding adjusting the required amount of irrigation water.

(D) The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water cannot be applied to the entire area of the lot.

b. **Water Quality**:

(1) Culinary water for use inside the dwelling and water for fire protection shall be provided by a central water system, approved as a public water system by the Utah Department of Environmental Quality, Division of Drinking Water.

c. **Types and Duration of Rights**:

(1) The developer must present an engineering study demonstrating that the standards of this ordinance for water rights and water systems will be met.

(2) Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

10. **Water Source**:

a. The engineer shall confirm that the proposed source water has been tested and found to comply with all applicable, adopted Utah County standards for delivery, flow, and quality, and shall provide his/her opinion on the water system's ability to meet Utah County standards when the project is complete. The engineer's opinion

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shall be based on best available data.

b. If wells are proposed to provide the water for a central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity of water, as per the applicable, adopted Utah County standards.

11. **Water System**:

    a. All planned unit developments shall have a central water system that supplies culinary quality water for culinary use and provides flow for fire protection, which system meets the applicable, current Series 500 rules of Title R309 of the Utah Administrative Code, and any other current, applicable State of Utah drinking water rules and policies, as well as the applicable, adopted county fire codes. If a central water system is proposed to service a planned unit development, but has not yet been constructed, plat application approval shall not occur until water system plan approval has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water; the central water system shall not be put into service until an operating permit has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water.

    b. Irrigation systems need not have a central storage facility, but must be designed to provide the required irrigation water flows and coverage.

12. **Sewage Disposal**: Each planned unit development shall be provided with and served by a central sewage disposal system which is approved by the State of Utah and the County Health Department.

13. **Fire Protection**: Fire hydrants and other fire protection shall be determined by the Fire Marshal using applicable adopted codes.

    a. The proposed development shall provide two off-street parking spaces for each dwelling unit.

    b. Additional off-street parking spaces for visitors shall be provided at a ratio of one-half parking space per dwelling unit, which shall be located within 400 feet from the dwelling unit it is intended to serve.

    c. Additional off-street parking spaces for other uses shall also be required as set forth in this land use ordinance.

14. **Off-Street Parking**:

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a. The proposed development shall provide two off-street parking spaces for each dwelling unit.

b. Additional off-street parking spaces for visitors shall be provided at a ratio of one-half space per dwelling unit, which shall be located within 400 feet from the dwelling unit it is intended to serve.

c. Additional off-street parking spaces for other uses shall also be required as set forth in this land use ordinance.

15. **Utilities**:

a. All new utilities shall be installed underground. Existing above-ground utilities that must be relocated are not required to be placed underground, unless required by the utility provider in writing.

b. Easements of not less than ten (10) feet in width shall be required for all utility lines, the location of which may vary depending upon the design of the development.

c. No structure shall be placed within the designated easements except utility structures.

d. A renewable source energy production plant such as solar or geothermal may be installed if more than sixty percent (60%) of the energy produced is consumed within the development and if the County Commission finds that the appearance of the plant is compatible with the overall design of the planned unit development.

16. **Location Requirements for Buildings and Structures**: The location of all buildings and structures not located on a separate platted lot shall be shown on the plat, along with the building's proposed use. Where the developer elects to plat separate lots, setback lines shall be shown on the final plat, along with the specified use for the separate lots. Setback distances shall conform to the following standards:

a. **Front and Rear Setback**: All buildings and structures shall have a combined front and rear setback of at least thirty (30) feet, but not less than ten (10) feet from the front and ten (10) feet from the rear unless a greater setback is be required by UCLUO 4.68 of this land use ordinance. The developer/builder is encouraged to stagger the front setbacks to create a diversified streetscape.

b. **Side Setback**: All buildings and structures shall be set back from a side property line a distance of at least five (5) feet. The side setback from any street shall be not less than ten (10) feet unless

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a greater setback is required by UCLUO 4.68 of this land use ordinance. Townhomes with a common wall between units shall be construed as a single structure for setback calculations.

17. **Outdoor Storage Facility**: A common outdoor storage area may be provided for the planned unit development and designed in accordance with the following standards:
    a. The facility shall be enclosed within a sight-obscuring fence or wall not less than six (6) feet in height
    b. The facility shall be readily accessible from the street system of the planned unit development.

E. **Required Improvements**: All improvements which are required under the terms of this ordinance shall be shown on the layout map, engineered drawings, or recorded plat. Such improvements shall be constructed by the developer in accordance with the Utah County Development Standards Ordinance and inspected by the County Engineer. For planned unit developments, the required improvements include all improvements required by the terms of this land use ordinance, and the following:

1. Streets, driveways, and parking areas which shall be graded, graveled, and hard-surfaced as per the approved street plan and street cross-sections.
2. Walkways, street signs, and traffic control devices.
3. An approved surface water, drainage, and flood control system, including both off-site and on-site facilities.
4. An approved central culinary water and fire suppression water supply system, including both off-site and on-site facilities.
5. An approved central sewer system, including both off-site and on-site facilities.
6. Fire hydrants.
7. Permanent survey monuments.
8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.
9. Landscaping in common areas.
10. An approved landscape watering and irrigation system, including both off-site and on-site facilities.
11. Coverings or fencing for safety of canals and streams, when applicable.

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12. All facilities and amenities shown for common use, including all fences, walls and other common area improvements and structures.
13. Other improvements required by the County Commission.

14.12 Planned Subdivisions

A. **General Provisions**:

1. **Declaration of Legislative Intent**: The intent of this section is to establish requirements for the approval of a proposed planned subdivision plat.
2. **Scope**: The owner of a tract of land containing the required amount of land as set forth in the zones in which planned subdivisions are permitted may construct a planned subdivision thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.
    a. **Requirements Minimum**: The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned subdivisions.
    b. **Standards May Be Increased**: The County Commission reserves the right to approve a development subject to certain conditions and limitations, as permitted by applicable law, which conditions and limitations shall be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of a subdivision plat until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:
        (1) The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the planned subdivision upon the County;
        (2) The creation of additional on-site and/or off-site facilities and improvements necessary for the planned subdivision;
        (3) The creation of additional utility easements within the development;
        (4) Additional requirements for moderate income housing

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units; and

(5) Additional restrictions on the location and slopes of roadways.

c. **Exemptions from Rule of Property**: The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

B. **Permitted Uses**: A planned subdivision shall consist of the platting of real property into one or more lots, parcels, or other division of land, following the procedure outlined in this ordinance. Land uses permitted on the lots of a subdivision shall be limited to those listed as permitted uses or permitted conditional uses for the zoning district in which the subdivision plat is located.

C. **Application Requirements**: The application shall consist of the following elements.

1. **Application and Fee**: A standard conditional use permit application shall be obtained from Community Development and shall be completed and submitted with the required fee. The application shall be completed and signed by all owners of record, or applicant shall establish and provide documentary proof that applicant has a right to purchase the property.

2. **Developmental Impact Statement**: The statement shall be dated, stamped and signed by an engineer licensed by the State of Utah. See UCLUO 14.28 Appendix A for a complete list of items that shall be addressed in this statement.

3. **Layout Map**: A layout map that has been dated, stamped and signed by an engineer or land surveyor licensed by the State of Utah (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Zoning Administrator, and shall show all of the following items. If any specified item does not exist, or is not applicable, a brief explanatory note shall be placed on the layout map explaining that the item does not exist or why it is not applicable:

a. Type of development.

b. Name and address of developer.

c. Name and address of designer.

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d. Date.

e. North point, scale, and vicinity map.

f. Township, range, and section lines.

g. Zone designation.

h. Perimeter boundary of the development.

i. Name and address of adjacent property owners.

j. Contour intervals.

k. Location of all existing buildings and structures within the perimeter boundary, and the location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and any area within the boundary of the development in a 100 year flood area.

l. Existing water and sewer mains and lines--location and size.

m. Source of water and place of sewage disposal.

n. Proposed lot and location layout for the development including lots, streets, street names, utility easements, building sites, common areas, common recreational facilities and structures, and building setback lines.

o. Cross-section of proposed new streets.

p. Proposed power lines, bridges, utilities, and utility easements.

q. Proposed water, sewage lines--location and size and place of sewage disposal, and location of solid waste collection points.

r. Intended source of water, if private wells, must be one well per lot for culinary use, location of proposed fire hydrants, and location of any proposed lighting systems.

s. Layout of irrigation system if required, showing how water will be delivered and distributed on the lots.

t. Any additional information which the Plan Coordinating Committee may require.

Exception: Unless requested by the Planning Commission or County Commission, no layout map is required for a planned subdivision having 5 or fewer lots when each lot is five acres or larger in area, will utilize individual wells and septic tanks on each lot.

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4. **Excluded Portions of Parcels**: The portion of a parcel of land which is not included within a proposed planned subdivision plat must qualify for, and be approved as, an agricultural land exemption from the subdivision plat requirements, as provided in UCLUO 8.76.
5. **Tabulations**: A list of tabulations shall be individually listed on the plat and shall include:
    a. Total number of acres in the proposed development (including any road dedication area).
    b. Total number of lots or building sites.
    c. Percentage of area and acres to be devoted to roadways.
    d. Percentage of area and acres to be devoted to common area.
6. **Engineering Drawings**: The following engineering drawings, unless deemed to be inapplicable by the County Engineer, shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:
    a. Plan and profile drawings pertaining to the water system, fire suppression system, sewage system, street system, drainage system, irrigation system, utilities, and any other engineered drawings required by the County Engineer in order to determine compliance with the County Public Works standards, this ordinance, or other applicable requirements. Engineered drawings shall be reviewed and approved by the County Engineer.
7. **Documentation**: The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:
    a. Executed articles of incorporation and bylaws of the homeowner association. (This requirement only applies to Planned Subdivisions with common area).
    b. An executed (except by Utah County) common area preservation agreement and an executed maintenance agreement among the developer, the homeowner association, and Utah County, based on the Utah County format. (These agreements must be recorded at the time the plat is recorded and are only required for those Planned Subdivisions with common area).
    c. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that the owners who will execute the owner's dedication on the plat

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have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Lien holder consent, subordination, and if applicable, release, shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.

d. If the proposed water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. If the proposed central water source is not an existing public water system, documents from the Utah Division of Drinking Water approving the proposed public water system. If the proposed water source is not a public water system, each lot shall have a well located on the lot and the applicant shall provide a water right issued by the State Engineer for a permanent source of water which meets County standards. Copies of all applicable state water rights documentation, including applications and memorandum decisions shall be provided. All water rights shall be segregated for each lot within the proposed subdivision. Each lot shall have a separate water right. Water right documentation shall establish the approved type of use of the water, the authorized quantity of acre feet, and authorization to use the water on the lot. All irrigation water rights shall be accompanied by a letter from the irrigation company establishing the average number of acre-feet delivered per share of water stock. Water share certificates shall be separated and allocated to each lot within a subdivision (with separate certificates and certificate numbers). Copies of the share certificates shall be provided and submitted

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along with the application. The applicant shall be shown as the owner of all water rights. If the water rights are attached to a specific property (i.e. Strawberry water) the irrigation company shall provide an overlay on a copy of the plat showing the area covered by the irrigation water, together with a letter from the water company assigning a separate water right or serial number to each lot and identifying the ownership and acre feet of water provided to each lot.

e. An engineering study signed, dated, and stamped by a professional engineer, licensed by the State of Utah, demonstrating that the applicable standards of this Section for water supply, water source, and water system will be met (see Paragraph D). The County Engineer shall determine whether the engineering study meets the applicable standards of this Section.

f. A Declaration and Dedication of Water in the approved format, which has been signed by all owners of the water rights and of the property, shall be used to tie the water to each individual lot and to ensure a sufficient amount of culinary, landscaping and irrigation water is attached to each lot. The Declaration shall separately identify the amount of culinary water, landscaping water, and irrigation water required to be attached to each lot. This document shall also separately identify the culinary water, landscaping water, and irrigation water being attached to each lot, and shall identify the share certificate serial numbers, water right and change application numbers, together with the number of annual acre-feet of water associated with each water right. The plat shall contain a note identifying the quantity of culinary water, landscaping water, and irrigation water required to be attached to each lot. The plat shall also contain a note that states any transfer or purported transfer of the required water rights apart from the lots, or the lots apart from the water rights, without the express written consent of the Zoning Administrator, shall be null and void, and all residential use of any such lot shall cease. After the Declaration and the Plat are recorded, a copy of the Declaration shall be provided to the State Engineer's Office to be filed with the water right file.

g. A drainage and flood plan shall be dated, stamped and signed by an engineer licensed by the State of Utah, and shall include the following:

(1) An analysis of the nature and extent of hazard from floods originating off the premises and a plan indicating how such flooding hazard will be accommodated within the development (said analysis and plan may be waived by

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the County Engineer when ample information already exists for the area).

(2) An analysis of the nature and extent of the drainage and flood problems which will be created by the development, including an analysis of the amount of water generated as a result of the covering of absorption areas and a plan indicating how the drainage and flood waters will be accommodated.

(3) The location and size of any ditches, culverts, drains, sumps, percolation basins, curbs and gutters, and other proposed structures and facilities.

(4) A method of handling all runoff on site when an existing storm water system is not available. If all surface drainage water is proposed to be retained on-site, the engineer must certify all surface water can be maintained on-site.

(5) A statement of acceptance of the drainage waters from the appropriate entity where excess surface drainage from the development will flow into an irrigation channel or into a public street or otherwise be directed off the premises. However, the County Engineer shall determine that no statement of acceptance is required for a natural or well-established drainage—which drainage has been identified in the drainage and flood plan and flowed off-site prior to development activity, and will continue to do so—if the County Engineer finds that the drainage and flood plan demonstrates such drainage has not and will not be substantially altered, and drainage water volumes have not and will not be increased, through development activity.

(6) A method of covering, fencing, or similar safety treatment of canals and waterways traversing the development.

The drainage and flood plan shall be reviewed and approved by the County Engineer. A note shall be placed on the plat that briefly describes the method for handling all runoff for the development.

h. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to the development. The cost estimate shall include the cost of all improvements, including but not limited to all irrigation plan facilities and improvements to independently irrigate each lot, any fire-break clearing, surface water facilities, canal covering, street improvements, utility relocation, inspections, utilities, and survey

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monument costs.

i. A statement addressing the proposed bonding method or a statement that the applicant will construct all improvements prior to plat recordation.

j. A statement from the County Health Department certifying that the proposed central water supply or water from wells on each lot and central sewage disposal system or septic tank sewage disposal system on each lot conforms to the pertinent state and county health regulations. The letter shall approve the culinary water and sewage facilities and shall include a verification that the water quality tests have been reviewed and approved, and all culinary water feasibility tests have been satisfactorily completed. Any conditions, limitations, or restrictions shall be added as a note on the Plat. If septic systems are proposed, the plat shall contain the following note:

Individual lots have neither been tested nor approved for septic systems. No building permit will be issued until septic system approval is granted by the County Health Department, any lot not approved will not be approved for a dwelling.

If individual wells located on each lot are proposed, but are not yet drilled, the plat shall contain the following note:

Individual wells located on each lot have neither been drilled nor found to produce the required quality, quantity and flow of water. No building permit for a dwelling or other occupied building will be issued until the wells are drilled and found to produce the required quality, quantity and flow of water. Any lot with a well that has not been drilled and found to produce the required quality, quantity and flow of water will not be approved for a dwelling.

k. A statement from the County Engineer certifying that the proposal conforms to the County standards and requirements for roads and other improvements. The approval letter from the County Engineer will address: plat accuracy, any of the applicant's Engineer's statements or drawings (i.e. irrigation plan, letter on water, drainage, roads, etc.), and all on-site and off-site improvement costs. The approval letter shall be without exceptions or conditions. If any exceptions or conditions are listed, the issues shall be resolved and a new letter submitted. All public utility and irrigation easements shall be shown on the plat, survey monuments shall be shown on the plat, street dedication areas shall be clearly identified and labeled as being dedicated to the

public, and the design of the subdivision shall comply with County requirements. The dedication language on the plat shall read as follows:

Know all men by these present that we, all of the undersigned owners of all of the property described in the surveyor's certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets and easements, and do hereby dedicate the streets and other public areas as indicated hereon for the perpetual use of the public, the public utility easements to all utility providers, public or private, and the irrigation easements to all lot owners, and their successors and assigns in perpetuity.

l. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance; however, despite any other requirement in this Ordinance, the statement from the Fire Marshal is not required for a planned subdivision that meets the following criteria:

(1) all lots have a minimum area of five (5) acres;

(2) no lot is connected to a central water system; and

(3) fire hydrants are not required, nor provided, for the planned subdivision.

m. A tax clearance from the Utah County Treasurer. The tax clearance shall be provided for each parcel serial number identified in or by the title report. The tax clearance shall include all property taxes due as of the date of the filing of the application and shall be updated to show the payment of all taxes due as of the date the plat is recorded, including greenbelt rollback taxes for all road dedications, rollback taxes for any lot less than 5.25 acres in area, and for any other area of the plat if required by the Utah County Commission.

8. **Plat**: The plat shall be reproducible and be drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100') or as directed by the Zoning Administrator, and shall show the following:

a. Perimeter boundary of the development, including any road dedication areas, and the location of all required survey monuments.

b. The location of all lot lines and/or building site areas, and the

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identifying number for each lot, block, and building site in the development.

c. The name, location, and extent of all streets and the location and nature of all other parcels of land to be dedicated to the public or reserved for common use by the residents of the development.

d. The location and identification of all easements and their specific use.

e. The location and extent of all parcels within the development which are subject to deed restrictions or any other limitations, or which are subject to conditions of approval written on the plat.

f. Statements of limitations or conditions of approval required to be written on the plat by the County Commission, and other statements or information required by this land use ordinance, or other applicable law.

g. The following certifications:

(1) The certificate and seal of survey accuracy by the surveyor or engineer preparing the plat.

(2) The owner's dedication of land for public use, and the owner's conveyance of easements and parcels for utilities or other special use.

(3) The acknowledgment of the owner's dedication by a Utah Notary Public (or an equivalent officer authorized to acknowledge conveyances of real estate if the owner is out of state).

(4) The County Commission's approval of the development and its acceptance of dedication of streets, easements, etc., along with the attesting signature and stamp of the County Clerk/Auditor. The plat shall include the following signature block for these purposes:

ACCEPTANCE BY COUNTY COMMISSION	
The County Commission of Utah County approves this subdivision and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this _____ day of _____ A.D. ____.	
_____	_____

Commissioner	Commissioner
_____ Commissioner	*Attest:* _____ Clerk/Auditor

(5) The County Engineer's certification and stamp that the approved plans for the development conform to the Utah County standards and requirements for roads and other improvements. The plat shall include the following signature block for these purposes:

COUNTY ENGINEER CERTIFICATION	
The County Engineer of Utah County certifies the plans for this development conform to the Utah County standards and requirements for roads and other improvements.	
_____ Sign	_____ Date

(6) The culinary water and sanitary sewer authority's approval of the culinary water and sanitary sewer facilities of the development. The plat shall include the following signature blocks for these purposes:

APPROVAL BY THE CULINARY WATER AUTHORITY	
The undersigned culinary water authority approves this plat for culinary water purposes, subject to the conditions stated on this plat.	
_____ Sign	_____ Date

APPROVAL BY THE SANITARY SEWER AUTHORITY
The undersigned sanitary sewer authority approves this plat for

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sanitary sewer purposes, subject to the conditions stated on this plat.	
_____, *Sign*	_____ *Date*

(7) The utility owners' and/or operators' approval of the applicable underground utilities, other utility facilities, easements, rights-of-way, etc., of the development; however, Utah County shall not require the plat to be approved or signed by a person or entity who does not provide a utility or other service directly to the lots within the development, unless provided or required by the Utah Code, as amended. The plat shall include the following signature block for this purpose:

APPROVAL BY OWNERS AND OPERATORS OF UNDERGROUND UTILITIES AND OTHER UTILITY FACILITIES	
The undersigned owners or operators of the underground utilities and other utility facilities located on this plat hereby approve the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; hereby approve the location of existing underground and utility facilities; and hereby approve the conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the development, as shown on this plat.	
_____ *Utility Provider*	_____ *Utility Provider*
_____ *Utility Provider*	_____ *Utility Provider*

(8) Certifications required by State Law and other certifications if required by the County Commission, as permitted by this land use ordinance or other applicable law.

Exception: The County Commission in consultation with the

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County Attorney's Office may approve modifications to the required certifications, as needed, to address the individual circumstances of applications.

9. A certification that lands being subdivided are free from invasive noxious weeds or have undergone appropriate noxious weed control treatment, shall be submitted with the application. The list of invasive noxious weeds shall be recommended by the Utah County Weed Control Board and approved by the County Commission. A certification is considered valid if it has been signed and dated by an individual who is competent in the identification of noxious weeds, which person has been approved by the Utah County Weed Control Board. Such competent individual (Inspector) shall inspect the subject land and ensure the appropriate treatment has been applied to it, as necessary, prior to issuing the certification. The certification shall remain viable for a period of two (2) years from the date applied to the certification by the Inspector. Inspections supporting certification shall be made during the period from April 1 through September 30. In lieu of certification, a two (2) year bond may be approved by the County Commission in the amount of $500.00 per acre with a maximum bond amount of $5000.00. A certification shall be submitted within two (2) years after the date of approval or the bond will be forfeited to Utah County to be used for weed control purposes.

D. **Standards and Conditions**: All planned subdivisions shall conform to all of the requirements of this land use ordinance and the following standards and conditions.

1. **Design**:

   a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.

   b. The design of subdivisions shall conform to County Public Works standards, requirements of this land use ordinance and other applicable law.

2. **Size of Development**: The minimum acreage required to qualify for a planned subdivision shall be in accordance with the following schedule:

Zone	Area (in acres)	Zone	Area (in acres)
RA-5	5	M&G-1	50
RR-5	5*	NC-1	1
TR-5	5*	HS-1	1
CE-1	50	I-1	1

CE-2	20	A-40	40

Exception: In the RR-5 or TR-5 Zones, the County Commission may approve a planned subdivision for a smaller parcel, provided that:

a. Such parcel is a nonconforming lot of record as defined by this ordinance; and

b. Such parcel cannot be added to an existing subdivision or combined with other parcels to make a combined lot area which conforms to this schedule.

3. **Lot Area and Width Requirements**: The area and width of individual lots within planned subdivisions shall be in accordance with the following schedule.

Zone	Minimum Lot Area	Minimum Lot Width
		at any point between the frontage and the front of the primary structure
RA-5	5 acres	250 feet
RR-5	20,000 sq ft	100 feet
TR-5	20,000 sq ft	100 feet
CE-1	50 acres	330 feet
CE-2	20 acres	330 feet
M&G-I	50 acres	330 feet
A-40	40 acres	330 feet
PC	As per the PC Zone Dev. Standards	As per the PC Zone Dev. Standards

4. **Paved Road Access**: All planned subdivisions, and each lot within a subdivision, shall abut on and shall have access to a hard-surfaced public street that connects to and is part of the paved official county, state, or municipal road system, and contains no unpaved section.

5. **Street System**:

a. All new streets shall be constructed to conform to the road standards for public streets as adopted by Utah County. Existing streets shall be improved to the standards for public roads as adopted by Utah County unless the County Engineer finds that a modified standard will provide a more efficient means of managing

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the street system given the existing road construction.

b. In the event that the land within the proposed development is traversed by a proposed street that is shown on the transportation element map of the county general plan, a note shall be placed on the plat that (1) explains that the development is traversed by a proposed street shown on the transportation element map of the county general plan, (2) establishes that dwellings shall not be constructed within fifty (50) feet of the proposed street, and (3) strongly discourages the construction of any permanent structure within one-hundred (100) feet of the proposed street.

c. No vehicular road shall have a grade of more than eight (8) percent.

Exception: A grade of ten (10) percent may be approved, upon recommendation of the County Engineer, when the County Commission finds all of the following criteria are met:

(1) the grade is necessary to eliminate extra cuts, fills, or circuitous routes;

(2) no section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length

(3) the total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development;

(4) police, fire, ambulance, snow removal, and other essential services can be provided at a substantially equal level of quality; and

(5) no section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.

d. All vehicular roads shall be paved to meet the minimum requirements of the Utah County Public Works Department. Where an existing county, city, or state road borders the subdivision, the road shall be paved to the full standard width even if the applicant has record title to only a portion of the road easement, unless the County Engineer finds that a modified paving standard will provide a more efficient means of managing the street system given the existing road construction. The applicant shall be required to dedicate ownership of the portion of the required right-of-way which he or she owns to the County or

other applicable governmental entity.

e. Each intersection shall bear permanent signs sufficient in design for easy identification of street names by emergency vehicles and other motorists, as approved by the County Engineer.

f. Subdivisions may abut an existing dead-end paved county road, but the road system within the subdivision shall consist of through roads, with two access points to the existing official county, state, or municipal road. No cul-de-sac or bulb roads are permitted.

g. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.

h. If accesses for individual lots are on a state highway, a letter shall be provided from UDOT granting the accesses onto the state highway, with the location of the accesses shown on the plat. The County Engineer must approve the plans.

6. **Sidewalks**: If one or more of the lots in the subdivision has frontage of less than 150 feet, sidewalks, dedicated to the public, shall be installed on both sides of all new streets, both sides of all streets located within the subdivision, and on the development side of existing streets bounding the subdivision, unless the County Engineer finds that a modified standard will provide a more efficient means of managing pedestrian traffic.

7. **Curbs and Gutters**: If one or more of the lots in the subdivision has frontage of less than 150 feet, curbs and gutters shall be installed on both sides of all new streets, both sides of all streets located within the subdivision, and on the development side of existing streets bounding the subdivision, unless the County Engineer finds that a modified standard will provide a more efficient means of managing drainage and road functions.

   The applicable standards of the next three (3) Paragraphs (Water Supply, Water Source, and Water System) are those that must be addressed in the engineering study referenced above in Paragraph C.

8. **Water Supply**:

   a. **Water Rights**: The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

      (1) Culinary-quality water for use inside the dwelling shall be provided to each lot and dwelling unit at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per lot and

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dwelling unit. Where the development is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.

(2) Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided at the rate of at least 1 acre-foot per year per lot and occupied structure (including dwellings) and building site, which water shall be available from April 30 to October 1 annually.

(3) Water for irrigation shall be provided as follows:

(A) Irrigation water shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot and parcel of the development beyond the first 10,000 square feet of area of each lot and parcel, which quantity of water must be available from April 30 to October 1 annually. However, at the applicant's request, the County Commission may adjust the required quantity of irrigation water if it makes any one of the following findings:

(a) that more or less water is needed to establish and to meet the green plant needs of alfalfa due to the depth of the water table.

(b) that less water is needed for each lot because of an average slope of eight (8)-percent or greater on each lot and environmental conditions are not suitable for cultivation and irrigation of crops on at least 45-percent of each lot.

(c) that less water is needed because of the incorporation of water conservation techniques into the irrigation plan for each lot or parcel.

(B) If an applicant requests an adjustment of the required quantity of irrigation water, the engineering study shall (1) recommend the quantity of irrigation water needed for each lot and parcel, (2) examine the following for the land included in the proposed development: depth of the water table, annual

precipitation, topography, cultivation suitability, the incorporation of any water conservation techniques in the irrigation plan, and any applicable fire codes, and (3) examine impacts to the acquifer(s) supplying water to the development should the adjustment be granted.

(C) Prior to adjusting the required quantity of irrigation water, the County Commission shall obtain the recommendation of the County Engineer regarding adjusting the required amount of irrigation water.

(D) The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water cannot be applied to the entire area of the lot.

Exception 1 to Paragraph D.8.a.(3): Where all of the following conditions are met, the quantity of 1.5 acre feet per acre per year for irrigation water shall not be required:

(A) the area to be excepted is part of a lot or site for a one-family dwelling or mobile home;

(B) no lot or dwelling site in the subject plat has an area of less than 50 acres;

(C) each building on the lot is surrounded by an irrigated band of landscaping that is no narrower than 30 feet at any point and no smaller than 10,000 square feet in area;

(D) the irrigated band of landscaping is surrounded by a platted, maintained fuel break easement which is 100 feet in width (or less than 100 feet when, based on the findings of the county fire marshal, the county commission determines that specific peculiarities of the site permit a lesser fuel break); and

(E) the flammable native species have been thinned and/or replaced in accordance with terms recommended by the fire marshal and stated or referred to on the plat.

b. **Water Quality**:

(1) Culinary quality water for use inside each dwelling shall either be provided by a central water system, approved as

a public water system by the Utah Department of Environmental Quality, Division of Drinking Water, or by individually owned wells, one well located on each lot included in the subdivision. If water is to be provided by individual wells located on each lot, the water shall meet the water quality standards of the Utah County Health Department.

c. **Types and Duration of Rights**:

(1) Water rights sufficient to meet quantity requirements shall be tied to each lot. Water rights shall not be transferred separate from lots, unless replacement water rights sufficient to meet quantity requirements are first provided. Any transfer of the water rights shall first be approved by the Zoning Administrator.

(2) Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the engineering study shall demonstrate that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

Exception 1 to Paragraph D.8.a.(3): Where the number of lots in the development will be five (5) or less and the water supplier is a municipality with a population over 5,000, the engineering study need not address whether the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

9. **Water Source**:

a. If the water source is a public water system, the engineer shall confirm that the proposed source water has been tested and found to comply with applicable, adopted Utah County standards for delivery, flow, and quality, and shall provide his/her opinion on the water system's ability to meet Utah County standards when the project is complete. The engineer's opinion shall be based on best available data.

b. If wells are proposed to provide the water for a central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity

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of water.

c. Where existing wells are proposed as the source of water, the engineer shall confirm that each existing well meets the flow, quality, and quantity requirements of Utah County; if wells have not yet been drilled, in lieu of testing, the engineer shall study well logs in the area and state his/her opinion, based on best available data, that the wells will be able to provide the required flow, quality, and quantity of water.

Exception 1: An existing culinary water well that serves an existing legal dwelling which is located on a parcel of land which is being incorporated as a lot on the proposed subdivision plat is not required to have the water quality or flow from the existing well tested, unless so required by the Utah County Health Department, provided that a note is placed on the plat stating: "The water quality and flow of the existing culinary water well serving the existing dwelling located on Lot ____ have not been tested."

10. **Water System**:

a. All planned subdivisions having one or more lots or platted building sites under five (5) acres in area, or planned subdivisions that elect to connect to a central water system, shall be serviced by a central water system that supplies culinary quality water for culinary use and provides flow for fire protection, which system meets the applicable, current Series 500 rules of Title R309 of the Utah Administrative Code, and any other current, applicable State of Utah drinking water rules and policies, as well as the applicable, adopted county fire codes. If a central water system is proposed to service a planned subdivision, but has not yet been constructed, plat application approval shall not occur until water system plan approval has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water; the central water system shall not be put into service until an operating permit has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water.

b. Irrigation systems need not have a central storage facility, but must be designed to provide the required irrigation water flows and coverage.

c. A statement from the irrigation water delivery entity, on County approved form, determining that the proposed on-site irrigation system can connect to the delivery system, and approving the irrigation plan.

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d. A statement, which has been dated, stamped and signed by an engineer licensed by the State of Utah, which confirms the irrigation plan will allow for the independent irrigation of each lot in the plat.

e. Existing and proposed irrigation structures located within an existing or proposed road right-of-way, such as concrete or earth channels, ditches, pipes, head-gate structures, and any other facilities pertaining to irrigation systems, shall be relocated outside of all existing or proposed road rights-of-way, unless the County Engineer determines that the closed, below-grade, existing or proposed irrigation structures or facilities may lie within the portion of the existing or proposed right-of-way that separates the clear zone from the right-of-way line, only, and the location of such structures or facilities, in that portion of the existing or proposed right-of-way that separates the clear zone from the right-of-way line, will not impair the right-of-way. Irrigation pipes, piped irrigation channels, and piped ditches may cross under a public street provided that the entry and exit of such lies outside of the right-of way and that such crossing meets all applicable road standards adopted by Utah County. If an irrigation company is supplying the irrigation water, the design and construction of all new and existing irrigation channels, ditches, structures, and other facilities shall be: pre-approved in a written signed document from said irrigation company, and approved by the Utah County Engineer. The written document shall include approval of adequate ditch sizes, location of the irrigation system within the subdivision, and the materials to be used to construct the irrigation system. The irrigation system shall be designed to allow for each lot to be watered independently. Any open irrigation channels or ditches which are adjacent to the county right of way shall be lined with concrete or with some other impermeable material approved by the Utah County Engineer. Closed irrigation channels or ditches, which are adjacent to the county right of way shall be reviewed and approved by the Utah County Engineer for adequate construction, pipe type and diameter. The design, layout, construction, facilities, construction materials, ditch sizes, and component elements, of the proposed irrigation system, shall be reviewed and approved by the Utah County Engineer.

11. **Sewage Disposal**: Each planned subdivision shall be provided with and served by a central public sewage disposal system or by individual wastewater disposal systems entirely located on each lot which are approved by the County Health Department.

12. **Fire Protection**: All planned subdivisions having one or more lots under

five (5) acres in area shall have fire hydrants installed as required by the County Fire Marshal using applicable adopted codes.

13. **Utility Easements**:

    a. All new utilities shall be installed underground. Existing above-ground electrical utilities that must be relocated are not required to be placed underground, unless required by the utility provider in writing.

    b. Easements of not less than ten (10) feet in width shall be required for all utility lines, the location of which may vary depending upon the design of the development. The location of the easements shall be approved by the County Engineer.

    c. Easements of not less than ten (10) feet in width shall be required for all irrigation channels and ditches, pressurized irrigation lines, and drains. The location of the easements shall be approved by the County Engineer.

    d. No structure shall be placed within the required easements except utility structures, irrigation and drainage facilities, and pump and well houses, or other structures or facilities approved by the County Engineer.

    e. The applicant shall provide a service letter from each utility provider, which shall include all costs associated with installing or upgrading the utility.

14. **Setback Distances**: Each lot in a planned subdivision shall meet the applicable setback requirements of this Ordinance, or successor ordinance. A note shall be placed on the plat that states the following: "Each lot shall be required to meet the applicable setback requirements of the Utah County Land Use Ordinance, or successor ordinance."

15. **Common Area Requirements**:

    a. Any proposed subdivision with ten (10) or more lots with any lot less than five acres in area, and any proposed subdivision of any parcel of land containing ten (10) or more acres in area with more than three (3) lots with any lot less than five acres in area, shall provide a minimum of twenty percent (20%) of the total subdivision acreage as dedicated common area for the use of the residents of the subdivision.

    b. The land covered by vehicular roads, off-street parking, yard areas around the dwellings, lots for dwellings, and service buildings shall not be included in the area used to meet the common area requirements.

c. The common area shall be fully integrated into the design of the development in a manner which is most useful and convenient for the residents of the development. A detailed landscaping plan showing the proposed landscape treatment of all portions of the project proposed to be developed as common area shall be submitted.

d. As assurance that the designated common area will remain as common area, the developer and the homeowner association shall execute a common area preservation and maintenance agreement with the county in which the developer and the homeowner association agree to maintain the common area and facilities and agree to refrain from constructing dwellings or other structures not expressly allowed by this Ordinance.

e. Where a developer owns or controls more land than he wishes to develop immediately, a development plan for the entire area shall be submitted, in which case the developer shall indicate on such plan the portion to be developed immediately and the portion to be held for future development. The following is required in relation to the development plan:

(1) Development plans must receive approval from the County Commission;

(2) The common area requirements, as set forth above, shall be applied to the development area as a whole, such that the entire development area shall be considered in making the determination of whether the common area requirements are applicable;

(3) Not less than twenty percent (20%) of the total development area acreage shall be dedicated as common area;

(4) The development plan shall show the location of those areas to be designated as common area; and

(5) Each separate development, which is only a part of the entire development area, shall be required to develop at least a portion of the common area, as set forth on the development plan, which portion shall be not less than twenty percent (20%) of the area of the separate development and must be contiguous with the separate development.

Exception: The common area requirements shall be waived if the proposed subdivision abuts a public park, public land managed by the United States Bureau of Land Management (BLM) available

for recreational use by the public, or a United States National Forest available for recreational use by the public, and the following conditions are met:

(1) The abutting public park, BLM land, or National Forest exceeds the size of the proposed subdivision;

(2) A minimum of one (1) access easement to the abutting public park, BLM land, or National Forest is provided from an abutting side, and;

(3) Any existing access to public land is maintained;

(4) If the proposed subdivision abuts a public park, written acknowledgement shall be provided from the agency or government which operates the abutting public park which acknowledges the proposed subdivision as it relates to this exception

E. **Required Improvements**: All improvements which are required under the terms of this ordinance shall be shown on the layout map, engineered drawings, or recorded plat. Such improvements shall be constructed by the developer in accordance with the County Public Works standards, requirements of this ordinance, and other applicable requirements, and inspected by the County Engineer. The required improvements include all improvements required by the terms of this ordinance, including the following:

1. Water system improvements.
2. Sewage system improvements.
3. Street system improvements.
4. Drainage system improvements.
5. Irrigation system improvements.
6. Utility improvements, including electrical service, and natural gas service where available, which shall be made accessible to, and at the front of each lot.
7. Permanent survey markers.
8. Other improvements, if required by the County Commission.

14.16 Mountain Home Developments

A. **General Provisions**:

1. **Declaration of Legislative Intent**: The intent of this section is to establish guidelines which will facilitate the approval of a proposed mountain home development plat.
2. **Scope**: The owner of a tract of land containing the required amount of land as set forth in the zone in which mountain home developments are permitted, may construct a mountain home development thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.
    a. **Requirements Minimum**: The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to mountain home developments.
    b. **Standards May Be Increased**: The County Commission reserves the right to approve a development subject to certain conditions and limitations that will be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of the subdivision plat until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:
        (1) The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the mountain home development upon the County;
        (2) The creation of additional on-site and/or off-site facilities and improvements necessary for the mountain home development;
        (3) The creation of additional utility easements within the development;
        (4) Additional requirements for moderate income housing units;
        (5) Additional restrictions on the location and slopes of roadways, and;
        (6) Any other additional condition or limitation necessary to ensure the implementation of generally accepted principles of good planning necessary for the health, safety, and welfare of County residents.

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c. **Exemption from Rules of Property**: The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other documents executed in accordance with this ordinance.

B. **Permitted Uses**: Uses permitted in mountain home developments shall be limited to the following:

1. One-family dwellings or manufactured homes.
2. Residential facilities for handicapped persons and residential facilities for elderly persons.
3. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
4. Common areas and common recreational facilities for the exclusive use of the residents of the mountain home development. Driveways, streets, fences, walls, new underground utilities, utility distribution lines and facilities, solid waste collection areas, sewage treatment facilities, ponds, landscape features, and similar uses and structures incidental to the main use.

C. **Application Requirements**: The application shall consist of the following elements.

1. **Application and Fee**: A standard conditional use permit application shall be obtained from the Community Development Department and shall be completed and submitted with the required fee. The application shall be completed and signed by all owners of record, or applicant shall establish and provide documentary proof that applicant has a right to purchase the property.
2. **Developmental Impact Statement**: The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See UCLUO 14.28 Appendix A for a complete list of items that shall be addressed in this statement.
3. **Layout Map**: A layout map (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"= 100'), or as determined by the Zoning Administrator, and shall show all of the following items. If any of the specified items do not exist, the layout map shall list the item and state "none exists":

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a. Type of development.

b. Name and address of developer.

c. Name and address of designer.

d. Date.

e. North point, scale, and vicinity map.

f. Township, range, and section lines.

g. Zone designation.

h. Perimeter boundary of the development.

i. Name and address of adjacent property owners.

j. Contour intervals Location of all existing buildings and structures within the perimeter boundary, and the location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and any areas within the boundary of the development in a 100 year flood area.

k. Existing water and sewer mains and lines--location and size.

l. Source of water and place of sewage disposal, and solid waste collection points.

m. Proposed lot and location layout for the development, including lots, building sites, street names, open space, common areas, parks, common recreational facilities and structures, and building setback lines.

n. Proposed new streets and cross-section of any proposed new streets.

o. Location of proposed pedestrian walkways, hiking and equestrian trails.

p. Proposed power lines, bridges, utilities, and utility easements.

q. Proposed water and sewage lines by location and size.

r. Garbage collection points.

s. Proposed fire hydrants.

t. Proposed street lights and flood lights.

u. Irrigation system layout, unless an exception to the irrigation system requirement is approved, showing how water will be

delivered and distributed on the lots and common areas.

v. Any additional information which the Plan Coordinating Committee may require.

4. **Excluded Portions of Parcels**: The portion of a parcel of land which is not included within a proposed mountain home development plat must qualify for, and be approved as, an agricultural land exemption from the subdivision plat requirements, as provided in UCLUO 8.76.

5. **Tabulations**: A list of tabulations shall be individually listed on the plat and shall include:

   a. Total number of acres in the proposed development (including any road dedication area).

   b. Total number of lots or building sites.

   c. Number of off-street parking spaces.

   d. Percentage of area to be used for off-street parking.

   e. Percentage of area and acres to be devoted to roadways.

   f. Percentage of area and acres to be devoted to open space (twenty-five percent (25%) minimum).

6. **Engineering Drawings**: The following engineering drawings, unless deemed to be inapplicable by the County Engineer, shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:

   a. Plan and profile drawings pertaining to the water system, fire suppression system, sewage system, street system, drainage system, irrigation system, utilities, and any other engineered drawings required by the County Engineer in order to determine compliance with the County Public Works standards, this ordinance, or other applicable requirements. Engineered drawings shall be reviewed and approved by the County Engineer.

7. **Documentation**: The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:

   a. Executed articles of incorporation and bylaws of the property owners' association.

   b. An executed (except by Utah County) open space preservation agreement and an executed maintenance agreement among the developer, the property owners' association, and Utah County,

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based on the Utah County format. (These must be recorded at the time the plat is recorded.)

c. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Lien holder consent, subordination, and if applicable, release, shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.

d. If the proposed water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. Water right documentation shall establish the approved type of use of the water, the authorized quantity of acre feet, and authorization to use the water within the area of the Mountain Home Development.

e. An engineering study signed, dated, and stamped by a professional engineer licensed by the State of Utah demonstrating that the applicable standards of this ordinance for water supply, water source, and water system will be met (see Paragraph D). The County Engineer shall determine whether the engineering study meets the applicable standards of this Section.

f. A drainage and flood plan shall be dated, stamped and signed by an engineer licensed by the State of Utah, and shall include the following:

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(1) An analysis of the nature and extent of hazard from floods originating off the premises and a plan indicating how such flooding hazard will be accommodated within the development (said analysis and plan may be waived by the County Engineer when ample information already exists for the area).

(2) An analysis of the nature and extent of the drainage and flood problems which will be created by the development, including an analysis of the amount of water generated as a result of the covering of absorption areas and a plan indicating how the drainage and flood waters will be accommodated.

(3) The location and size of any ditches, culverts, drains, sumps, percolation basins, curbs and gutters, and other proposed structures and facilities.

(4) A method of handling all runoff on site when an existing storm water system is not available. If all surface drainage water is proposed to be retained on-site, the engineer must certify all surface water can be maintained on-site.

(5) A statement of acceptance of the drainage waters from the appropriate entity where excess surface drainage from the development will flow into an irrigation channel or into a public street or otherwise be directed off the premises. However, the County Engineer shall determine that no statement of acceptance is required for a natural or well-established drainage—which drainage has been identified in the drainage and flood plan and flowed off-site prior to development activity, and will continue to do so—if the County Engineer finds that the drainage and flood plan demonstrates such drainage has not and will not be substantially altered, and drainage water volumes have not and will not be increased, through development activity.

(6) A method of covering, fencing, or similar safety treatment of canals and waterways traversing the development. The drainage and flood plan shall be reviewed and approved by the County Engineer. A note shall be placed on the plat that briefly describes the method for handling all runoff for the development.

g. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to

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the development. The cost estimate shall include the cost of all improvements, including but not limited to all water delivery plan facilities and improvements, any fire-break clearing, surface water facilities, canal covering, street improvements, utility relocation, inspections, utilities, and survey monument costs.

h. A statement addressing the proposed bonding method or a statement that the applicant will construct all improvements prior to plat recordation.

i. A statement from the County Health Department certifying that the proposed central water supply and central sewage disposal system or septic tank sewage disposal system on each lot conforms to the pertinent state and county health regulations. The letter shall approve the culinary water and sewage facilities and shall include a verification that the water quality tests have been reviewed and approved. Any conditions, limitations, or restrictions shall be added as a note on the Plat. If individual septic system are proposed, the plat shall contain the following note:

Individual lots have neither been tested nor approved for septic systems. No building permit will be issued until septic system approval is granted by the County Health Department, any lot not approved will not be approved for a dwelling.

j. A statement from the County Engineer certifying that the proposal conforms to the County standards and requirements for roads and other improvements. The approval letter from the County Engineer will address: plat accuracy, any of the applicant's engineer's statements or drawings (i.e., irrigation plan, letter on water, drainage, roads, etc.), and all on-site and off-site improvement costs. The approval letter shall be without exceptions or conditions. If any exceptions or conditions are listed, the issues shall be resolved and a new letter submitted. All public utility and irrigation easements shall be shown on the plat (minimum width of 10 feet on all sides of each lot), survey monuments shall be shown on the plat, street dedication areas shall be clearly identified and labeled as being dedicated to the public, and the design of the subdivision shall comply with County requirements. The dedication language on the plat shall read as follows:

Know all men by these present that we, all of the undersigned owners of all of the property described in the surveyor's certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets and easements, and do hereby dedicate the public streets and other public areas as

indicated hereon, for the perpetual use of the public, the private streets and other private open space and common areas as indicated hereon for the perpetual use of all lot owners, and their successors and assigns in perpetuity, the public utility easements to all utility providers, public or private, and the irrigation easements to all lot owners, and their successors and assigns in perpetuity.

k. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance.

l. A tax clearance from the Utah County Treasurer. The tax clearance shall be provided for each parcel serial number identified in or by the title report. The tax clearance shall include all property taxes due as of the date of the filing of the application and shall be updated to show the payment of all taxes due as of the date the plat is recorded, and greenbelt rollback taxes for all road dedications, rollback taxes for any lot less than 5.25 acres in area, and for any other area of the plat if required by the Utah County Commission.

8. **Plat**: The plat shall be reproducible and shall be drawn in accordance with county standards at a scale of one-inch equals one hundred feet (1"=100') or as directed by the Zoning Administrator, and shall include the following:

    a. Perimeter boundary of the development, including any road dedication areas, and the location of all required survey monuments.

    b. The location of all lot lines and/or building site areas, and the identifying number for each lot, block, and building site in the development.

    c. The name, location, and extent of all streets and the location and nature of all other parcels of land to be dedicated to the public or reserved for common use by the residents of the development.

    d. The location and identification of all easements and their specific use.

    e. The location and extent of all parcels within the development which are subject to the restrictions imposed by the open space preservation agreement or any other limitations, or which are subject to conditions of approval which are written on the plat.

f. Statements of limitations or conditions of approval required to be written on the plat by the County Commission, and other statements or information required by this land use ordinance, or other applicable law.

g. The following certifications:

(1) The certificate and seal of survey accuracy by the surveyor or engineer preparing the plat.

(2) The owner's dedication of land for public use, the owner's conveyance of easements and parcels for utilities or for common use by the residents of the development, and the owner's acceptance of the limitations or conditions of approval.

(3) The acknowledgment of the owner's dedication by a Utah Notary Public (or an equivalent officer authorized to acknowledge conveyances of real estate if the owner is out of state).

(4) The County Commission's approval of the development and its acceptance of dedication of streets, easements, etc., along with the attesting signature and stamp of the County Clerk/Auditor. The plat shall include the following signature block for these purposes:

ACCEPTANCE BY COUNTY COMMISSION	
The County Commission of Utah County approves this mountain home development and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this _____ day of _____ A.D. ____.	
_____ *Commissioner*	_____ *Commissioner*
_____ *Commissioner*	*Attest:* _____ *Clerk/Auditor*

(5) The County Engineer's certification and stamp that the approved plans for the development conform to the Utah County standards and requirements for roads and other

improvements. The plat shall include the following signature block for these purposes:

COUNTY ENGINEER CERTIFICATION	
The County Engineer of Utah County certifies the plans for this development conform to the Utah County standards and requirements for roads and other improvements.	
_____, *Sign*	_____ *Date*

(6) The culinary water and sanitary sewer authority's approval of the culinary water and sanitary sewer facilities of the development. The plat shall include the following signature blocks for these purposes:

APPROVAL BY THE CULINARY WATER AUTHORITY	
The undersigned culinary water authority approves this plat for culinary water purposes, subject to the conditions stated on this plat.	
_____, *Sign*	_____ *Date*

APPROVAL BY THE SANITARY SEWER AUTHORITY	
The undersigned sanitary sewer authority approves this plat for sanitary sewer purposes, subject to the conditions stated on this plat.	
_____, *Sign*	_____ *Date*

(7) The utility owners' and/or operators' approval of the applicable underground utilities, other utility facilities,

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easements, rights-of-way, etc., of the development; however, Utah County shall not require the plat to be approved or signed by a person or entity who does not provide a utility or other service directly to the lots within the development, unless provided or required by the Utah Code, as amended. The plat shall include the following signature block for this purpose:

APPROVAL BY OWNERS AND OPERATORS OF UNDERGROUND UTILITIES AND OTHER UTILITY FACILITIES	
The undersigned owners or operators of the underground utilities and other utility facilities located on this plat hereby approve the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; hereby approve the location of existing underground and utility facilities; and hereby approve the conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the development, as shown on this plat.	
_____ *Utility Provider*	_____ *Utility Provider*
_____ *Utility Provider*	_____ *Utility Provider*

(8) Certifications required by State Law and other certifications if required by the County Commission, as permitted by this land use ordinance or other applicable law.

Exception: The County Commission in consultation with the County Attorney's Office may approve modifications to the required certifications, as needed, to address the individual circumstances of applications.

D. **Standards and Conditions**: All mountain home developments shall conform to all of the requirements of this land use ordinance and the following standards and conditions.

1. **Design**:

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a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.

b. Residential development clusters are encouraged.

c. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the ability to meet road access requirements and maximum grade requirements, the preservation of bodies of water, the preservation of streams and riparian habitat, topography, and other site location features, will be reviewed as a part of the development design review.

2. **Landscape Plan**:

a. All areas not covered by buildings or off-street parking or driveways shall be maintained in indigenous vegetation, or where the native vegetation is removed, shall be landscaped and maintained by the lot owner or by the body identified in the open space and maintenance agreement.

b. The installation of permanent sprinkler or other irrigation systems are required when necessary to sustain planted areas.

c. A fuel break approved by the Utah County Fire Marshal shall be maintained around residential lots or residential development clusters.

3. **Open Space, Parks, Playgrounds, and Facilities**:

a. At least twenty-five (25) percent of the area in the development shall be designated as natural open space for the common use of the occupants of the development. The land covered by streets and off-street parking facilities, the lot and yard area of individual dwellings sites, the area covered by common facilities, and improved areas, shall not be included in the area used to meet the 25 percent amount set aside as natural open space.

b. As assurance that the designated area will remain as natural open space, the owner and the homeowner's association shall execute an open space preservation agreement with the county, in which the owner and the homeowner's association agree for themselves and their successors and assigns to refrain from constructing dwellings or other structures the designated open space areas.

c. All flood plain areas and floodways, if any, all streams, ponds, other water features, and riparian habitat, shall be identified, and shall be included as part of the common open space.

d. Construction of all common areas and facilities shall be provided

by the developer and shall be maintained by the homeowner's association.

4. **Size**: The minimum acreage required to qualify for a mountain home development shall be twenty (20) acres.

5. **Density**:

    a. **Number of Units Permitted**: The maximum number of dwellings units permitted within a mountain home development shall be determined by the slope of the land within the development according to the following schedule:

        (1) One dwelling per acre having a slope of ten (10) percent or less.

        (2) One dwelling per ten (10) acres having a slope of more than ten (10) percent but less than thirty (30) percent.

        (3) One dwelling per twenty (20) acres having a slope of more than thirty (30) percent. The determination of slope within a development shall be based upon a detailed slope analysis. The slope analysis shall be conducted using the contour maps prepared by the U.S. Geological Survey; however, other more detailed contour maps may be used when approved by the Zoning Administrator.

    b. **Development Credits Increased**: The number of dwelling units permitted within a mountain home development may be increased by the transfer of residential development credits from lands located within an adjacent CE-1 Critical Environmental Zone, subject to the following conditions.

        (1) The land from which the development credits are transferred:

            (A) Is situated entirely within the CE-1 Critical Environmental Zone;

            (B) Is located contiguous to or within two miles of a boundary of the mountain home development; and

            (C) Is shown on the plans and documents as part of the open space area of the development and subject to the open space preservation agreement, but will not be part of the minimum 25% natural open space required within the perimeter boundary of the development.

(2) The number of residential development credits received shall be at the rate of one dwelling unit per each full twenty (20) acres of land in the CE-1 zone covered by the transfer of development credits agreement.

(3) There is sufficient area for development within the plat to accommodate the increased number of dwelling units and meet the common open space requirement.

(4) Whenever the terms of this ordinance shall permit or authorize a property owner to transfer development credits, such transfer shall be accompanied by an agreement by the owner indicating the extent of the credit transfer and agreeing to refrain from construction of dwellings or other buildings or from exercising any of the entitlements so transferred. Said agreement shall be made between the owner (and his heirs and assigns) and the County Commission, and shall be recorded in the office of the County Recorder.

c. **Maximum Slope**: No dwelling unit shall be constructed on an area which exceeds thirty (30) percent slope as shown on the detailed slope analysis.

d. **Density and Building Lot Size**: Individual building lots shall not be less than ten thousand (10,000) square feet in area.

6. **Paved Road Access**: All mountain home developments shall abut on, and shall have two separate road access locations to, a hard-surfaced public street that connects to and is part of the paved official county, state, or municipal road system. However, a mountain home development may obtain paved road access through a previously approved development with a hard surfaced road system, provided a road maintenance agreement is established between the proposed and existing development. There shall be no unpaved section of road from the county, state, or municipal hard-surfaced road to the proposed development, and any proposed road within the proposed development shall be a through road connected to the county, state, or municipal hard-surfaced road at two different access locations.

7. **Street System**:

a. All public and private streets shall conform to the official road standards as required by the Utah County Public Works Department.

b. The road system of the development shall conform to the land use ordinance for mountain home developments with respect to

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grades, and length of cul-de-sacs.

c. In the event that land within the proposed development is traversed by a proposed street that is shown on the transportation element map of the county general plan, a note shall be placed on the plat that (1) explains that the development is traversed by a proposed street shown on the transportation element map of the county general plan, (2) establishes that dwellings shall not be constructed within fifty (50) feet of the proposed street, and (3) strongly discourages the construction of any permanent structure within one-hundred (100) feet of the proposed street.

d. No vehicular road shall have a grade of more than eight (8) percent.

Exception: A grade of up to twelve (12) percent may be approved, upon recommendation of the County Engineer, when the County Commission finds all of the following criteria are met:

(1) the grade is necessary to eliminate extra cuts, fills, or circuitous routes;

(2) no section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length;

(3) the total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development;

(4) police, fire, ambulance, snow removal, and other essential services can be provided at a substantiality equal level of quality; and

(5) no section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve, having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.

e. No street or road shall be constructed in a location or in such a manner which produces a slope face which exceeds the critical angle of repose, provided that the County Commission may approve a road producing such a slope face where it finds:

(1) a road is necessary to the development, and the proposed road follows the most appropriate alignment;

(2) the road and slope will not produce an undue hazard to the environment or adjacent properties; and

(3) the road is engineered and constructed to prevent the soil

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from moving.

f. All vehicular roads shall be paved to meet the minimum requirements of the Utah County Public Works Department.

g. Where an existing county road borders the subdivision, the road shall be paved to the full standard width even if the applicant has record title to only a portion of the road easement. The applicant shall be required to dedicate ownership of the portion of the required right-of-way which he owns to the County.

h. Each intersection shall bear permanent signs sufficient in design for easy identification of street names by emergency vehicles and other motorists, as approved by the County Engineer.

i. The maximum length of any dead-end road or cul-de-sac shall be seven hundred and fifty (750) feet, measured from the nearest edge of right-of-way from the connecting through road to the center of the cul-de-sac or turn-around, except that an additional 750 feet may be approved by the Utah County Fire Marshal when the design of such extension is in compliance with currently adopted fire codes.

j. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.

k. If access is on a state highway, a letter shall be provided from UDOT granting the access onto the state highway, with the location of the access shown on the plat. The County Engineer must approve the plans.

8. **Sidewalks**: Sidewalks shall not be required.

The applicable standards of the next three (3) Paragraphs (Water Supply, Water Source, and Water System) are those that must be addressed in the engineering study referenced above in Paragraph C.

9. **Water Supply**:

a. **Water Rights**: The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

(1) Culinary-quality water for use inside the dwelling shall be provided to each lot and dwelling unit at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per lot and dwelling unit. Where the quantity of at least .45 acre-feet

per year is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.

(2) Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided at the rate of at least 1 acre-foot per year per lot and occupied structure (including dwellings) and building site, which water shall be available from April 30 to October 1 annually.

(3) Water for irrigation shall be provided as follows:

(A) Irrigation water shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot and parcel of the development beyond the first 10,000 square feet of area of each lot and parcel, which quantity of water must be available from April 30 to October 1 annually. However, at the applicant's request, the County Commission may adjust the required quantity of irrigation water if it makes any one of the following findings:

(a) that more, less water, or no water is needed for each lot and parcel to maintain the native vegetation in a green condition or to establish and maintain planted vegetation in a green condition.

(b) that less water is needed for each lot because of an average slope of eight (8)-percent or greater on each lot and environmental conditions are not suitable for cultivation and irrigation of crops on at least 45-percent of each lot.

(c) that less water is needed because of the incorporation of water conservation techniques into the irrigation plan for each lot or parcel.

(B) If an applicant requests an adjustment of the required quantity of irrigation water, the engineering study shall (1) recommend the quantity of irrigation water needed for each lot and parcel, (2) examine

the following for the land included in the proposed development: depth of the water table, annual precipitation, topography, cultivation suitability, the incorporation of any water conservation techniques in the irrigation plan, and any applicable fire codes, and (3) examine impacts to the aquifer(s) supplying water to the development should the adjustment be granted.

(C) Prior to adjusting the required quantity of irrigation water, the County Commission shall obtain the recommendation of the County Engineer regarding adjusting the required amount of irrigation water.

(D) The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water cannot be applied to the entire area of the lot.

b. **Water Quality**: Culinary quality water for use inside each dwelling shall be provided by a central water system, approved as a public water system by the Utah Department of Environmental Quality, Division of Drinking Water.

c. **Types and Duration of Rights**:

(1) Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the engineering study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

10. **Water Source**:

a. The engineer shall confirm that the proposed source water has been tested and found to comply with all applicable, adopted Utah County standards for delivery, flow, and quality, and shall provide his/her opinion on the water system's ability to meet Utah County standards when the project is complete. The engineer's opinion shall be based on best available data.

b. If wells are proposed to provide the water for a central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity of water, as per the applicable, adopted Utah County standards.

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11. **Water System**:

    a. All mountain home developments shall have a central water system that supplies culinary quality water for culinary use and provides flow for fire protection, which system meets the applicable, current Series 500 rules of Title R309 of the Utah Administrative Code, and any other current, applicable State of Utah drinking water rules and policies, as well as the applicable, adopted county fire codes. If a central water system is proposed to service a mountain home developments, but has not yet been constructed, plat application approval shall not occur until water system plan approval has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water; the central water system shall not be put into service until an operating permit has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water.

    b. Irrigation systems need not have a central storage facility, but must be designed to provide the required irrigation water flows and coverage.

    c. A statement from the irrigation water delivery entity, on County approved form, determining that the proposed on-site irrigation system can connect to the delivery system, and approving the irrigation plan.

    d. A statement, which has been dated, stamped and signed by an engineer licensed by the State of Utah, which confirms the irrigation plan will allow for the independent irrigation of each lot in the plat.

12. **Sewage Disposal**: Each mountain home development shall be provided with and served by a central public sewage disposal system or by individual wastewater disposal systems entirely located on each lot which are approved by the County Health Department.

13. **Fire Protection**:

    a. Fire hydrants shall be installed as required by the Utah County Fire Marshal using applicable adopted codes.

    b. Roofs and exteriors of buildings shall be of fire resistant materials as approved by the County Building Official and County Fire Marshal.

    c. All highly flammable weeds and plant material shall be removed and shall be kept removed from occupied structures (including dwellings) as determined by the County Fire Marshal using

applicable adopted codes.

14. **Off-street Parking and Driveways**:

    a. At least two off-street parking spaces shall be provided for each dwelling unit.

    b. Additional off-street parking spaces shall be required for other uses as set forth in UCLUO 4.60.

    c. Written verification by an engineer licensed to practice in the State of Utah that the driveway access for each lot can meet the minimum requirements of this land use ordinance and other adopted applicable codes shall be provided and must be approved by the County Engineer.

    d. All cut or fill slopes made in the construction of driveways from the development road to the dwelling shall be less than the critical angle of repose of the soil, unless engineered and approved retaining structures are installed.

15. **Utility Easements**: To serve each lot, utility easements and irrigation easements of not less than (10) feet in width shall be required around all lots, and all new utilities to be installed shall be placed underground within the mountain home development boundaries. Existing above-ground utilities that must be relocated are not required to be placed underground, unless required by the utility provider in writing. No structure shall be constructed within the designated easements, except for the related utility structures.

    a. **Location of Common Facilities and Structures**: The location of all common facilities and structures shall be shown on the detailed site plan.

    b. **Setback Distances**: Each lot in a mountain home development shall meet the applicable setback requirements of this Ordinance, or successor ordinance. A note shall be placed on the plat that states the following: "Each lot shall be required to meet the applicable setback requirements of the Utah County Land Use Ordinance, or successor ordinance."

E. **Required Improvements**: All improvements which are required under the terms of this ordinance shall be shown on the layout map, engineered drawings, or recorded plat. Such improvements shall be constructed by the developer in accordance with the Utah County development standards and inspected by the County Engineer. For mountain home developments, the required improvements include all improvements required by the terms of this land use ordinance, and

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the following:

1. Hard-surfaced streets as per the approved street plan and street cross-sections.
2. Street signs, and traffic control devices.
3. An approved surface water, drainage, and flood control system, including both off-site and on-site facilities.
4. An approved central culinary water and fire suppression water supply system, including both off-site and on-site facilities.
5. An approved central sewer system, including both off-site and on-site facilities, unless all lots are served by individual septic systems located on each lot.
6. Fire hydrants and fuel breaks.
7. Permanent survey monuments.
8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.
9. Landscaping in common areas, as required.
10. An approved landscape watering and irrigation system, including both off-site and on-site facilities, as described in the approved irrigation plan.
11. Coverings or fencing for safety of canals and streams, when applicable and required by the County Commission.
12. All facilities and amenities shown for common use, including all fences, walls and other common area improvements and structures.
13. Other improvements required by the County Commission.

14.20 Recreational Resorts

A. **General Provisions**:

1. **Declaration of Legislative Intent**: The intent of this section is to establish guidelines which will facilitate the approval of a proposed recreational resort plat.
2. **Scope**: The owner of a tract of land containing the required amount of land as set forth in the zones in which recreational resorts are permitted may construct a recreational resort thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.
    a. **Requirements Minimum**: The requirements of this section, in

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addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to recreational resorts.

b. **Standards May Be Increased**: The County Commission reserves the right to approve a development subject to certain conditions and limitations that will be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of the recreational resort plat until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:

(1) The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the recreational resort upon the County;

(2) The creation of additional on-site and/or off-site facilities and improvements necessary for the recreational resort;

(3) The creation of additional utility easements within the development;

(4) Additional requirements for moderate income housing units;

(5) Additional restrictions on the location and slopes of roadways, and;

(6) Any other additional condition or limitation necessary to ensure the implementation of generally accepted principles of good planning necessary for the health, safety, and welfare of County residents.

c. **Exemption from Rules of Property**: The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

B. **Permitted Uses**: Uses permitted in recreational resorts shall be limited to the following:

1. One-, two-, three-, and multiple-family dwellings, including residential condominium projects; hotels; and manufactured homes.
2. Residential accessory structures.
3. Residential facilities for handicapped persons and residential facilities for elderly persons.
4. Recreational and cultural areas and facilities, including, but not limited to, ski lifts and trails; ice skating rinks; swimming pools; tennis courts; central horse stables, arenas, and corrals; golf courses; outdoor theaters; playgrounds; and landscape parks.
5. Cafes, restaurants, sporting goods stores, clothing stores, camera and curio shops, gasoline service stations, and similar retail stores which are cognate to the recreational resort
6. Horse rental and trail-ride outfitter headquarters.
7. Camping and picnic facilities.
8. Recreation vehicle courts and commercial campgrounds, subject to the standards for such uses as set forth in zoning section 3-51-C.
9. Driveways, streets, parking areas, common storage areas.
10. Common areas and common recreational facilities for the exclusive use of the residents of the recreational resort.
11. Public, primary or secondary schools, approved by a school district or state charter and when adequate safety services and infrastructure is provided as required for a school structure.
12. Fences, walls, new underground utilities, utility distribution lines and facilities, solid waste collection areas, sewage treatment facilities for treatment of sewage generated exclusively from the recreational resort, ponds, landscape features, and similar uses and structures incidental to the main use.
13. Administrative offices accessory to uses associated with the recreational resort.
14. A cemetery, which has been approved as a conditional use by the Board of Adjustment according to the provisions of UCLUO 8.72 and UCLUO 16.
15. A hunting preserve or shotgun, pistol, or rifle shooting range, and accessory structures and uses; subject to the provisions of UCLUO 8.112.

C. **Application Requirements**: The application shall consist of the following elements.

1. **Application and Fee**: A standard conditional use permit application shall be obtained from the Community Development Department and shall be completed and submitted with the required fee. The application shall be completed and signed by all owners of record, or applicant shall establish and provide documentary proof that applicant has a right to purchase the property.
2. **Developmental Impact Statement**: The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See UCLUO 14.28 Appendix A for a complete list of items that shall be addressed in this statement.
3. **Layout Map**: A layout map (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Zoning Administrator, and shall show all of the following items. If any of the specified items do not exist, the layout map shall list the item and state "none exists".
    a. Type of development.
    b. Name and address of developer.
    c. Name and address of designer.
    d. Date.
    e. North point, scale, and vicinity map.
    f. Township, range, and section lines.
    g. Zone designation.
    h. Perimeter boundary of the development.
    i. Name and address of adjacent property owners.
    j. Contour intervals.
    k. Location of all existing buildings and structures within the perimeter boundary, and the location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and any areas within the boundary of the development in a 100 year flood area.
    l. Existing water and sewer mains and lines by location and size.
    m. Source of water and place of sewage disposal, and solid waste collection points.

n. Proposed lot and location layout for the development, including lots, building sites, street names, open space, common areas, parks, common recreational facilities and structures, and building setback lines.

o. Number of dwelling and/or sleeping units within each building used for dwelling and sleeping purposes.

p. Proposed new streets and cross-section of any new proposed streets by location and identification.

q. Location of proposed pedestrian walkways, hiking and equestrian trails.

r. Proposed power lines, bridges, utilities, and utility easements.

s. Proposed water and sewage lines by location and size.

t. Proposed fire hydrants.

u. Proposed street lights, security lights, flood lights, and other lighted areas.

v. Irrigation system layout, unless an exception to the irrigation system requirement is approved, showing how water will be delivered and distributed on the lots and common areas.

w. Any additional information which the Plan Coordinating Committee may require.

4. **Excluded Portions of Parcels**: The portion of a parcel of land which is not included within a proposed recreational resort plat must qualify for, and be approved as, an agricultural land exemption from the subdivision plat requirements, as provided in UCLUO 8.76.

5. **Tabulations**: A list of tabulations shall be individually listed on the plat and shall include:

a. Total number of acres in the proposed development (including any road dedication area).

b. Total number of lots or building sites.

c. Number of lots for one- and two-family detached dwellings.

d. Number of lots for multiple-family dwellings.

e. Total number of dwelling and sleeping units, contained in, bunkhouses, lodges, hotels, and similar group housing.

f. The percentage of each of the proposed dwelling types.

g. The number of square feet of area to be occupied by commercial

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establishments.

h. The number of off-street parking spaces.

i. The number of square feet of development area to be used for off-street parking.

j. The number of square feet of development area to be devoted to roadways.

k. Percentage of area and acres to be devoted to open space (twenty-five percent minimum).

l. Percentage of the development area and acres to be covered by buildings, roofs, driveways, and other material that prevents the infiltration of surface water into the soil.

m. The design capacities of each of the activities within the recreational resort and the total capacity of all activities. An estimate of the average and maximum daily and monthly number of users, according to activity, and all activities combined.

6. **Engineering Drawings**: The following engineering drawings, unless deemed to be inapplicable by the County Engineer, shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:

   a. Plan and profile drawings pertaining to the water system, fire suppression system, sewage system, street system, drainage system, irrigation system, utilities, and any other engineered drawings required by the County Engineer in order to determine compliance with the County Public Works standards, this ordinance, or other applicable requirements. Engineered drawings shall be reviewed and approved by the County Engineer.

7. **Documentation**: The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:

   a. Executed articles of incorporation and bylaws of the property owners' association.

   b. An executed (except by Utah County) open space preservation agreement and an executed maintenance agreement among the developer, the property owners' association, and Utah County, based on the Utah County format. (These must be recorded at the time the plat is recorded.)

   c. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that

the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Lien holder consent, subordination, and if applicable, release, shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.

d. If the proposed water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. Water right documentation shall establish the approved type of use of the water, the authorized quantity of acre feet, and authorization to use the water within the area of the Recreational Resort.

e. An engineering study signed, dated, and stamped by a professional engineer licensed by the State of Utah demonstrating that the applicable standards of this ordinance for water supply, water source, and water system will be met (see Paragraph D). The County Engineer shall determine whether the engineering study meets the applicable standards of this Section.

f. A drainage and flood plan shall be dated, stamped and signed by an engineer licensed by the State of Utah, and shall include the following:

(1) An analysis of the nature and extent of hazard from floods originating off the premises and a plan indicating how such flooding hazard will be accommodated within the development (said analysis and plan may be waived by

the County Engineer when ample information already exists for the area).

(2) An analysis of the nature and extent of the drainage and flood problems which will be created by the development, including an analysis of the amount of water generated as a result of the covering of absorption areas and a plan indicating how the drainage and flood waters will be accommodated.

(3) The location and size of any ditches, culverts, drains, sumps, percolation basins, curbs and gutters, and other proposed structures and facilities.

(4) A method of handling all runoff on site when an existing storm water system is not available. If all surface drainage water is proposed to be retained on-site, the engineer must certify all surface water can be maintained on-site.

(5) A statement of acceptance of the drainage waters from the appropriate entity where excess surface drainage from the development will flow into an irrigation channel or into a public street or otherwise be directed off the premises. However, the County Engineer shall determine that no statement of acceptance is required for a natural or well-established drainage—which drainage has been identified in the drainage and flood plan and flowed off-site prior to development activity, and will continue to do so—if the County Engineer finds that the drainage and flood plan demonstrates such drainage has not and will not be substantially altered, and drainage water volumes have not and will not be increased, through development activity.

(6) A method of covering, fencing, or similar safety treatment of canals and waterways traversing the development.

The drainage and flood plan shall be reviewed and approved by the County Engineer. A note shall be placed on the plat that briefly describes the method for handling all runoff for the development.

g. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to the development. The cost estimate shall include the cost of all improvements, including but not limited to all water delivery plan facilities and improvements, any fire-break clearing, surface water facilities, canal covering, street improvements, utility relocation, inspections, utilities, and survey monument costs.

h. A statement addressing the proposed bonding method or a statement that the applicant will construct all improvements prior to plat recordation.

i. A statement from the County Health Department certifying that the proposed central water supply and central sewage disposal system or septic tank sewage disposal system on each lot conforms to the pertinent state and county health regulations. The letter shall approve the culinary water and sewage facilities and shall include a verification that the water quality tests have been reviewed and approved. Any conditions, limitations, or restrictions shall be added as a note on the Plat. If individual septic systems are proposed, the plat shall contain the following note:

Individual lots have neither been tested nor approved for septic systems. No building permit will be issued until septic system approval is granted by the County Health Department, any lot not approved will not be approved for a dwelling.

j. A statement from the County Engineer certifying that the proposal conforms to the County standards and requirements for roads and other improvements. The approval letter from the County Engineer will address: plat accuracy, any of the applicant's engineer's statements or drawings (i.e., irrigation plan, letter on water, drainage, roads, etc.), and all on-site and off-site improvement costs. The approval letter shall be without exceptions or conditions. If any exceptions or conditions are listed, the issues shall be resolved and a new letter submitted. All public utility and irrigation easements shall be shown on the plat (minimum width of 10 feet on all sides of each lot), survey monuments shall be shown on the plat, street dedication areas shall be clearly identified and labeled as being dedicated to the public, and the design of the subdivision shall comply with County requirements. The dedication language on the plat shall read as follows:

Know all men by these present that we, all of the undersigned owners of all of the property described in the surveyor's certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets and easements, and do hereby dedicate the public streets and other public areas as indicated hereon, for the perpetual use of the public, the private streets and other private open space and common areas as indicated hereon for the perpetual use of all lot owners, and their successors and assigns in perpetuity, the public utility easements to all utility providers, public or private, and the irrigation

easements to all lot owners, and their successors and assigns in perpetuity.

k. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance.

l. A tax clearance from the Utah County Treasurer. The tax clearance shall be provided for each parcel serial number identified in or by the title report. The tax clearance shall include all property taxes due as of the date of the filing of the application and shall be updated to show the payment of all taxes due as of the date the plat is recorded, and greenbelt rollback taxes for all road dedications, rollback taxes for any lot less than 5.25 acres in area, and for any other area of the plat if required by the Utah County Commission.

8. **Plat**: The plat shall be reproducible and shall be drawn in accordance with county standards at a scale of one-inch equals one hundred feet (1"=100') or as directed by the Zoning Administrator, and shall include the following:

a. Perimeter boundary of the development, including any road dedication areas, and the location of all required survey monuments.

b. The location of all lot lines and setback lines, and/or building site areas, and the identifying number for each lot, block, and building site in the development.

c. The name, location, and extent of all streets and the location and nature of all other parcels of land to be dedicated to the public or reserved for common use by the residents of the development.

d. The location and identification of all easements and their specific use.

e. The location and extent of all parcels within the development which are subject to the restrictions imposed by the open space preservation agreement or any other limitations, or which are subject to conditions of approval which are written on the plat.

f. Statements of limitations or conditions of approval required to be written on the plat by the County Commission, and other statements or information required by this land use ordinance, or other applicable law.

g. The following certifications:

(1) The certificate and seal of survey accuracy by the surveyor or engineer preparing the plat.

(2) The owner's dedication of land for public use, the owner's conveyance of easements and parcels for utilities or for common use by the residents of the development, and the owner's acceptance of the limitations or conditions of approval.

(3) The acknowledgment of the owner's dedication by a Utah Notary Public (or an equivalent officer authorized to acknowledge conveyances of real estate if the owner is out of state).

(4) The County Commission's approval of the development and its acceptance of dedication of streets, easements, etc., along with the attesting signature and stamp of the County Clerk/Auditor. The plat shall include the following signature block for these purposes:

ACCEPTANCE BY COUNTY COMMISSION	
The County Commission of Utah County approves this recreational resort and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this _____ day of _____ A.D. ____.	
_____ *Commissioner*	_____ *Commissioner*
_____ *Commissioner*	*Attest:* _____ *Clerk/Auditor*

(5) The County Engineer's certification and stamp that the approved plans for the development conform to the Utah County standards and requirements for roads and other improvements. The plat shall include the following signature block for these purposes:

COUNTY ENGINEER CERTIFICATION
The County Engineer of Utah County certifies the plans for this

development conform to the Utah County standards and requirements for roads and other improvements.	
_____, Sign	_____ Date

(6) The culinary water and sanitary sewer authority's approval of the culinary water and sanitary sewer facilities of the development. The plat shall include the following signature blocks for these purposes:

APPROVAL BY THE CULINARY WATER AUTHORITY	
The undersigned culinary water authority approves this plat for culinary water purposes, subject to the conditions stated on this plat.	
_____, Sign	_____ Date

APPROVAL BY THE SANITARY SEWER AUTHORITY	
The undersigned sanitary sewer authority approves this plat for sanitary sewer purposes, subject to the conditions stated on this plat.	
_____, Sign	_____ Date

(7) The utility owners' and/or operators' approval of the applicable underground utilities, other utility facilities, easements, rights-of-way, etc., of the development; however, Utah County shall not require the plat to be approved or signed by a person or entity who does not provide a utility or other service directly to the lots within the development, unless provided or required by the Utah Code, as amended. The plat shall include the following

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signature block for this purpose:

APPROVAL BY OWNERS AND OPERATORS OF UNDERGROUND UTILITIES AND OTHER UTILITY FACILITIES	
The undersigned owners or operators of the underground utilities and other utility facilities located on this plat hereby approve the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; hereby approve the location of existing underground and utility facilities; and hereby approve the conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the development, as shown on this plat.	
_____ *Utility Provider*	_____ *Utility Provider*
_____ *Utility Provider*	_____ *Utility Provider*

(8) Certifications required by State Law and other certifications if required by the County Commission, as permitted by this land use ordinance or other applicable law.

Exception: The County Commission in consultation with the County Attorney's Office may approve modifications to the required certifications, as needed, to address the individual circumstances of applications.

D. **Standards and Conditions**: All recreational resorts shall conform to the following standards and conditions.

1. **Design**:

a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.

b. Clustering and spacing of dwelling units and other structures to

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foster adequate fire protection and a restful and uncrowded environment are encouraged.

c. A mixture of dwelling units as found in the permitted uses is encouraged.

d. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the ability to meet road access requirements and maximum grade requirements, the preservation of bodies of water, the preservation of streams and riparian habitat, topography, and other site location features, will be reviewed as a part of the development design review.

2. **Landscape Plan**:

a. All areas not covered by buildings or off-street parking or driveways shall be maintained in indigenous vegetation, or where the native vegetation is removed, shall be landscaped and maintained by the lot owner or by the body identified in the open space and maintenance agreement.

b. The installation of permanent sprinkler systems is required when necessary to sustain planted areas.

c. A fuel break approved by the Utah County Fire Marshal shall be maintained around residential lots or residential/commercial development clusters.

3. **Open Space, Parks, Playgrounds, and Facilities**:

a. At least twenty-five (25) percent of the area in a recreational resort shall be designated as natural open space for the common use of the occupants and patrons of the development. The land covered by vehicular roads, off-street parking, the lot and yard area of individual dwelling sites, service buildings, the area covered by common facilities, and improved areas, shall not be included in the area used to meet the 25 percent amount set aside as natural open space.

b. As assurance that the designated area will remain as natural open space, the owner and the homeowner's association (if applicable) shall execute an open space preservation agreement with the county in which the owner and the homeowner's association agree for themselves and their successors and assignees to refrain from constructing dwellings or other structures within the designated open space areas.

c. All flood plain areas and floodways, if any, all streams, ponds, other water features, and riparian habitat, shall be identified, and

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shall be included as part of the common open space.

d. Construction and maintenance of all common areas and facilities shall be provided by the resort owner except, costs may be proportionately shared by the resort owner and the homeowner's association where lots or condominium units which are part of the approved resort are to be sold.

4. **Size**: The minimum acreage required to qualify for a recreational resort shall be twenty (20) acres.

5. **Density of Housing Facilities Within the Resort**:

a. Number of Units Permitted. The maximum number of development credits permitted within a recreational resort shall be determined by the slope of the land within the development according to the following schedule:

(1) One development credit per 1 acre having a slope of 10 percent or less;

(2) One development credit per 10 acres having a slope of more than 10 percent but less than 30 percent;

(3) One development credit per 20 acres having 30 percent or greater slope. The determination of slope within a development shall be based upon a detailed slope analysis. The slope analysis shall be conducted using the contour maps prepared by the U.S. Geological Survey; however, other more detailed maps may be used when approved by the Zoning Administrator.

b. Development Credits Increased.
The number of development credits permitted within a recreational resort may be increased by the transfer of residential development credits from lands located within an adjacent CE-1 Critical Environmental Zone, subject to the following conditions.

(1) The land from which the development credits are transferred:

(A) Is situated entirely within the CE-1 Critical Environmental Zone;

(B) Is located contiguous to or within two miles of the boundary of the recreational resort; and

(C) Is shown on the plans and documents as part of the open space area of the development and subject to the open space preservation agreement, but will

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not be part of the minimum 25% natural open space required within the perimeter boundary of the resort.

(2) The number of residential development credits received shall be at the rate of one development credit per each full twenty (20) acres of land in the CE-1 zone covered by the transfer of development credits agreement.

(3) There is sufficient area for development within the plat to accommodate the increased number of development credits and meet the common open space requirement.

(4) Whenever the terms of this ordinance shall permit or authorize a property owner to transfer development credits, such transfer shall be accompanied by an agreement by the owner indicating the extent of the credit transfer and agreeing to refrain from construction of dwellings or other buildings or from exercising any of the entitlements so transferred. Said agreement shall be made between the owner (and his heirs and assignees) and the County, and shall be recorded in the office of the County Recorder.

c. Slope.
No dwelling shall be constructed on an area which exceeds thirty (30) percent slope as shown on the detailed slope analysis.

d. Density and Building Lot Size.
Individual building lots for detached one- and two-family dwellings shall be not less than ten thousand (10,000) square feet in area.

e. Development Credit Equivalency Ratios.

(1) Hotels: One(1) development credit shall be equal to each increment of seven(7) hotel rooms designated for transient lodging contained within a permitted hotel. If the total number of rooms in the hotel is not a factor of seven(7), the remaining increment of rooms less than seven(7) shall be considered one(1) development credit.

6. **Paved Road Access**: All recreational resorts shall abut on, and shall have two separate road access locations to, a hard-surfaced public street that connects to and is part of the paved official county, state, or municipal road system. However, a recreational resort may obtain paved road access through a previously approved development with a hard surfaced road system, provided a road maintenance agreement is established between the proposed and existing development. There shall be no unpaved section of road from the county, state, or municipal hard-surfaced

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road to the proposed development, and any proposed road within the proposed development shall be a through road connected to the county, state, or municipal hard-surfaced road at two different access locations.

7. **Street System**:

   a. All public and private streets shall conform to the official road standards as required by the County Engineer.

   b. The road system of the development shall conform to the land use ordinance for recreational resorts with respect to grades, and length of cul-de-sacs.

   c. In the event that land within the proposed development is traversed by a proposed street that is shown on the transportation element map of the county general plan, a note shall be placed on the plat that (1) explains that the development is traversed by a proposed street shown on the transportation element map of the county general plan, (2) establishes that dwellings shall not be constructed within fifty (50) feet of the proposed street, and (3) strongly discourages the construction of any permanent structure within one-hundred (100) feet of the proposed street.

   d. No vehicular road shall have a grade of more than eight (8) percent.

      Exception: A grade of up to twelve (12) percent may be approved, upon recommendation of the County Engineer, when the County Commission finds all of the following criteria are met:

      (1) The grade is necessary to eliminate extra cuts, fills, or circuitous routes;

      (2) no section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length;

      (3) the total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development;

      (4) police, fire, ambulance, snow removal, and other essential services can be provided at a substantiality equal level of quality or can be enhanced by additional design features; and

      (5) no section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve, having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.

e. No street or road shall be constructed in a location or in such a manner which produces a slope face which exceeds the critical angle of repose, provided that the County Commission may approve a road producing such a slope face where it finds:

(1) The road is necessary to the development, and the proposed road follows the most appropriate alignment;

(2) the road and slope will not produce an undue hazard to the environment or adjacent properties; and

(3) the road is engineered and constructed to prevent the soil from moving.

f. All vehicular roads shall be paved to meet the minimum requirements of the Utah County Public Works Department.

g. Where an existing county road borders the subdivision, the road shall be paved to the full standard width even if the applicant has record title to only a portion of the road easement. The applicant shall be required to dedicate ownership of the portion of the required right-of-way which he owns to the County.

h. Each intersection shall bear permanent signs sufficient in design for easy identification of street names by emergency vehicles and other motorists, as approved by the County Engineer.

i. The maximum length of any dead-end road or cul-de-sac shall be seven hundred and fifty (750) feet, measured from the nearest edge of right-of-way from the connecting through road to the center of the cul-de-sac or turn-around, except that an additional 750 feet may be approved by the Utah County Fire Marshal when the design of such extension is in compliance with currently adopted fire codes.

j. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.

k. If access is on a state highway, a letter shall be provided from UDOT granting the access onto the state highway, with the location of the access shown on the plat. The County Engineer must approve the plans.

8. **Sidewalks, Paths, and Trails**:

a. Sidewalks shall not be required except where needed for convenience, Americans with Disabilities Act, or erosion control in high pedestrian traffic areas, as determined by the County

Commission based on the recommendation of the Planning Commission.

b. As a means of protecting the vegetation, all paths and trails for both pedestrian and equestrian travel shall be clearly marked upon the ground and shall be either graveled or hard surfaced as required by the County Commission.

The applicable standards of the next three (3) Paragraphs (Water Supply, Water Source, and Water System) are those that must be addressed in the engineering study referenced above in Paragraph C.

9. **Water Supply**:

a. **Water Rights**: The property within the perimeter boundary of the plat shall be provided by the developer with perpetual water rights that meet the following standards:

(1) Culinary-quality water for use inside the dwelling shall be provided to each lot and dwelling unit at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per lot and dwelling unit. Where the development is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.

(2) Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided at the rate of at least 1 acre-foot per year per lot and occupied structure (including dwellings) and building site, which water shall be available from April 30 to October 1 annually.

(3) Water for irrigation shall be provided as follows:

(A) Irrigation water shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot and parcel of the development beyond the first 10,000 square feet of area of each lot and parcel, which quantity of water must be available from April 30 to October 1 annually. However, at the applicant's request, the County Commission may adjust the required quantity of irrigation water if it makes any one of the following findings:

(a) that more, less water, or no water is needed

for each lot and parcel to maintain the native vegetation in a green condition or to establish and maintain planted vegetation in a green condition.

(b) that less water is needed for each lot because of an average slope of eight (8)-percent or greater on each lot and environmental conditions are not suitable for cultivation and irrigation of crops on at least 45-percent of each lot.

(c) that less water is needed because of the incorporation of water conservation techniques into the irrigation plan for each lot or parcel.

(B) If an applicant requests an adjustment of the required quantity of irrigation water, the engineering study shall (1) recommend the quantity of irrigation water needed for each lot and parcel, (2) examine the following for the land included in the proposed development: depth of the water table, annual precipitation, topography, cultivation suitability, the incorporation of any water conservation techniques in the irrigation plan, and any applicable fire codes, and (3) examine impacts to the aquifer(s) supplying water to the development should the adjustment be granted.

(C) Prior to adjusting the required quantity of irrigation water, the County Commission shall obtain the recommendation of the County Engineer regarding adjusting the required amount of irrigation water.

(D) The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water cannot be applied to the entire area of the lot.

b. **Water Quality**:

(1) Culinary quality water for use inside each dwelling shall be provided by a central water system, approved as a public water system by the Utah Department of Environmental Quality, Division of Drinking Water.

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c. **Types and Duration of Rights**:

(1) Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the engineering study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

10. **Water Source**:

a. The engineer shall confirm that the proposed source water has been tested and found to comply with all applicable, adopted Utah County standards for delivery, flow, and quality, and shall provide his/her opinion on the water system's ability to meet Utah County standards when the project is complete. The engineer's opinion shall be based on best available data.

b. If wells are proposed to provide the water for a central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity of water, as per the applicable, adopted Utah County standards.

11. **Water System**:

a. All recreational resorts shall have a central water system that supplies culinary quality water for culinary use and provides flow for fire protection, which system meets the applicable, current Series 500 rules of Title R309 of the Utah Administrative Code, and any other current, applicable State of Utah drinking water rules and policies, as well as the applicable, adopted county fire codes. If a central water system is proposed to service a recreational resort, but has not yet been constructed, plat application approval shall not occur until water system plan approval has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water; the central water system shall not be put into service until an operating permit has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water.

b. Irrigation systems need not have a central storage facility, but must be designed to provide the required irrigation water flows and coverage.

c. A statement from the irrigation water delivery entity, on County approved form, determining that the proposed on-site irrigation

system can connect to the delivery system, and approving the irrigation plan.

d. A statement, which has been dated, stamped and signed by an engineer licensed by the State of Utah, which confirms the irrigation plan will allow for the independent irrigation of each lot in the plat.

12. **Sewage Disposal**: Each recreational resort shall be provided with and served by a central public sewage disposal system or by individual wastewater disposal systems entirely located on each lot which are approved by the County Health Department.

13. **Fire Protection**:

    a. Fire hydrants shall be installed as required by the Utah County Fire Marshal using applicable adopted codes.

    b. Roofs and exteriors of buildings shall be of fire resistant materials as approved by the Utah County Building Official and County Fire Marshal.

    c. All highly flammable weeds and plant material shall be removed and shall be kept removed from occupied structures (including dwellings) as determined by the County Fire Marshal using applicable adopted codes.

14. **Off-street Parking and Driveways**:

    a. At least two off-street parking spaces shall be provided for each dwelling unit, unless the County Commission determines that more or less off-street parking spaces are needed, but the number cannot be reduced to less than one off-street parking space for each dwelling unit.

    b. Off-street parking spaces for recreational uses, commercial structures, other occupied structures, and other uses, shall be as set forth in UCLUO 4.60. Exception: The developer may submit a comprehensive parking plan, which plan, if approved, replaces the requirements of UCLUO 4.60, provided that all of the following requirements are satisfied:

        (1) The plan is reviewed by the Utah County Fire Marshal, the Utah County Engineer, and the Utah County Community Development Department prior to review of the comprehensive parking plan by the Planning Commission.

        (2) The plan is reviewed by the Planning Commission and recommendation for approval or disapproval is made by

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the Planning Commission to the County Commission.

(3) The plan is approved by the County Commission.

(4) Off-site parking, shuttle parking and bus or rapid transit pick-up/egress stops are encouraged.

(5) The developer shall submit, with the proposed comprehensive parking plan, an opinion addressed to Utah County, from a licensed professional engineer, specializing in traffic engineering, retained by developer, stating that the plan adequately meets the criteria for automotive and pedestrian safety and adequately meets the parking needs of the development and use.

(6) The plan shall meet the requirements of the ADA, Americans with Disabilities Act.

c. Written verification dated and signed by an engineer licensed to practice in the State of Utah establishing that the driveway access for each lot and habitable structure can meet the minimum requirements of this land use ordinance and other adopted applicable codes shall be provided and must be approved by the County Engineer.

d. All cut or fill slopes made in the construction of driveways from the development road to the dwelling shall be less than the critical angle of repose of the soil, unless engineered and approved retaining structures are installed.

15. **Utility Easements**: To serve each lot, utility easements and irrigation easements of not less than (10) feet in width shall be required around all lots, together with such other utility and irrigation easements as are necessary to serve the recreational resort. All new utilities to be installed shall be placed underground within the recreational resort boundaries. Existing above-ground utilities that must be relocated are not required to be placed underground, unless required by the utility provider in writing. No structure shall be constructed within the designated easements, except for the related utility structures.

16. **Location Requirements for Manufactured Homes and One- & Two-family Dwellings**: The location of all buildings and structures to be placed in the recreational resorts shall be shown on the plat as building footprints, along with the building's proposed use. Exception: Where the developer elects to plat separate lots for manufactured homes, or one-or two-family dwellings, general setback lines, rather than building footprints, may be shown on the final plat, along with the specified use. Setback requirements shall be the same as those found for the pertinent

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zoning district.

17. **Location of Common Facilities and Structures**: The location of all common facilities and structures shall be shown on the detailed site plan.

E. **Required Improvements**: All improvements which are required under the terms of this ordinance shall be shown on the layout map, engineered drawings, or recorded plat. Such improvements shall be constructed by the developer in accordance with the Utah County development standards and inspected by the County Engineer. For recreational resorts, the required improvements include all improvements required by the terms terms of this land use ordinance, and the following:

1. Hard-surfaced streets as per the approved street plan and street cross-sections.
2. Street signs, and traffic control devices.
3. An approved surface water, drainage, and flood control system, including both off-site and on-site facilities.
4. An approved central culinary water and fire suppression water supply system, including both off-site and on-site facilities.
5. An approved central sewer system, including both off-site and on-site facilities, unless all lots are served by individual septic systems located on each lot.
6. Fire hydrants and fuel breaks.
7. Permanent survey monuments.
8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.
9. Landscaping in common areas, as required.
10. An approved landscape watering and irrigation system, including both off-site and on-site facilities, as described in the approved irrigation plan.
11. Coverings or fencing for safety of canals and streams, when applicable and required by the County Commission.
12. All facilities and amenities shown for common use, including all fences, walls and other common area improvements and structures.
13. Other improvements required by the County Commission.

HISTORY
Amended by Ord. 2020898 Allocation of Development credits for hotels in Rec. Resorts on 10/30/2020

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14.24 Planned Nonresidential Subdivision

A. **General Provisions**:

1. **Declaration of Legislative Intent**: The intent of this section is to establish guidelines which will facilitate the approval of a proposed planned nonresidential subdivision plat.
2. **Scope**: The owner of a tract of land containing the required amount of land as set forth in the zones in which planned nonresidential subdivisions are permitted may construct a planned nonresidential subdivision thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.
    a. **Minimum Requirements**: The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned nonresidential subdivisions.
    b. **Standards May Be Increased**: The County Commission reserves the right to approve a development subject to certain conditions and limitations that will be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of the planned nonresidential subdivision until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:
        (1) The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the planned nonresidential subdivision upon the County;
        (2) The creation of additional on-site and/or off-site facilities and improvements necessary for the planned nonresidential subdivision and/or the expansion of the proposed community;
        (3) The creation of additional utility easements within the development;
        (4) Additional restrictions on the location and slopes of

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roadways, and;

(5) Any other additional condition or limitation necessary to ensure the implementation of generally accepted principles of good planning necessary for the health, safety, and welfare of County residents.

c. **Exemption from Rules of Property**: The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

B. **Permitted Uses**: A planned nonresidential subdivision shall consist of the platting of real property into one or more lots, parcels, or other division of land, following the procedure outlined in this ordinance. Land uses permitted on the lots of a subdivision shall be limited to those listed as permitted uses or permitted conditional uses for the zoning district in which the subdivision plat is located.

C. **Application Requirements**: The application shall consist of the following elements.

1. **Application and Fee**: A standard conditional use permit application shall be obtained from the Planning Commission staff and shall be completed and submitted with the required fee. The application shall be completed and signed by all owners of record, or applicant shall establish and provide documentary proof that applicant has a right to purchase the property.

2. **Developmental Impact Statement**: The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See UCLUO 14.28 Appendix A for a complete list of items that shall be addressed in this statement.

3. **Layout Map**: A layout map (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Zoning Administrator, and shall show all of the following items. If any of the specified items do not exist, the layout map shall list the item and state "none exist":

a. Type of development.

b. Name and address of developer.

c. Name and address of designer.

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d. Date.

e. North point, scale, and vicinity map.

f. Township, range, and section lines.

g. Zone designation.

h. Perimeter boundary of the development.

i. Name and address of adjacent property owners.

j. Contour intervals.

k. Location of all existing buildings, structures, walls and fences within the perimeter boundary, and the location of existing public utility easements, railroads, public and private street locations and names, power lines, culverts, drain pipes, drainage channels, canals, ditches, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, wetlands and riparian areas, streams and lakes on the subject property and within 100' of such property and any area within the boundary of the development in a 100 year or greater flood area.

l. Identification of any contaminated and unstable soils, past cuts or fills and fill material types.

m. Identification of fault lines or other natural hazards affecting the subject property.

n. Existing water and sewer mains and lines--location and size.

o. Existing irrigation mains and/or secondary water sources.

p. The location and an identification of each use of land and each building adjacent to the boundaries of the proposed development.

q. Proposed lot and location layout for the development, including lots and building sites.

r. Source of water.

s. Cross-section of proposed streets and roads, as per county standards.

t. Proposed power lines, bridges, utilities, and utility easements.

u. Proposed water, sewage lines--location and size and place of sewage disposal, and location of solid waste collection points.

v. Location of proposed fire hydrants, and location of proposed lighting systems.

w. Any additional information which the Plan Coordinating

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Committee may require.

4. **Tabulations**: A list of tabulations shall be individually listed on the plat and shall include:
    a. Total number of acres in the proposed development (including any road dedication areas).
    b. Total number of lots.
    c. Percentage of area and acres to be devoted to roadways.

5. **Engineering Drawings**: The following engineering drawings, unless deemed to be inapplicable by the County Engineer, shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:
    a. Plan and profile drawings pertaining to the water system, fire suppression system, sewage system, street system, drainage system, irrigation system, utilities, and any other engineered drawings required by the County Engineer in order to determine compliance with the County Public Works standards, this ordinance, or other applicable requirements. Engineered drawings shall be reviewed and approved by the County Engineer.

6. **Documentation**: The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:
    a. A fiscal impact report consisting of an analysis of projected revenues and costs to Utah County for governmental services, on-site improvements, off-site improvements, including county road usage to the nearest state or federal road or highway and the utilization of Utah County mandated fire and life safety services.
    b. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish

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that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Lien holder consent, subordination, and if applicable, release, shall be obtained, provided on forms approved by the County Attorney's Office, and submitted for review. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.

c. If the proposed central water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. If the proposed central water source is not an existing public water system, documents from the Utah State Division of Water Quality approving the proposed public water system.

d. An engineering study signed, dated, and stamped by a professional engineer licensed by the State of Utah demonstrating that the applicable standards of this ordinance for water supply, water source, and water system will be met (see Paragraph D). The County Engineer shall determine whether the engineering study meets the applicable standards of this Section.

e. A drainage and flood plan shall be dated, stamped and signed by an engineer licensed by the State of Utah, and shall include the following:

    (1) An analysis of the nature and extent of hazard from floods originating off the premises and a plan indicating how such flooding hazard will be accommodated within the development (said analysis and plan may be waived by the County Engineer when ample information already exists for the area).

    (2) An analysis of the nature and extent of the drainage and flood problems which will be created by the development, including an analysis of the amount of water generated as a result of the covering of absorption areas and a plan indicating how the drainage and flood waters will be accommodated.

    (3) The location and size of any ditches, culverts, drains, sumps, percolation basins, curbs and gutters, and other

proposed structures and facilities.

(4) A method of handling all runoff on site when an existing storm water system is not available. If all surface drainage water is proposed to be retained on-site, the engineer must certify all surface water can be maintained on-site.

(5) A statement of acceptance of the drainage waters from the appropriate entity where excess surface drainage from the development will flow into an irrigation channel or into a public street or otherwise be directed off the premises. However, the County Engineer shall determine that no statement of acceptance is required for a natural or well-established drainage—which drainage has been identified in the drainage and flood plan and flowed off-site prior to development activity, and will continue to do so—if the County Engineer finds that the drainage and flood plan demonstrates such drainage has not and will not be substantially altered, and drainage water volumes have not and will not be increased, through development activity.

(6) A method of covering, fencing, or similar safety treatment of canals and waterways traversing the development.

The drainage and flood plan shall be reviewed and approved by the County Engineer. A note shall be placed on the plat that briefly describes the method for handling all runoff for the development.

f. A dated, signed and stamped report from a professional engineer licensed by the State of Utah detailing the specifications and capacities of the following:

(1) Gravity pressurized central water system.

(2) Central sewage disposal system.

(3) Utilities.

(4) Street system.

(5) Surface water, drainage and flood control system.

(6) 6. Fire hydrants.

(7) Any additional information which the Plan Coordinating Committee may require. The plat shall contain a note that summarizes the findings of this report.

g. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of installing all required improvements related to

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the development.

h. A statement from the County Health Department certifying that the proposed central water supply and central sewage disposal system conform to the pertinent state and county health regulations.

i. A statement from the County Engineer certifying that the proposal conforms to the pertinent provisions of the Utah County development standards ordinance and the road and other improvement standards of the land use ordinance.

j. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance.

k. A tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed development perimeter boundary have been paid, including greenbelt rollback taxes.

l. A certification that lands being subdivided are free from invasive noxious weeds or have undergone appropriate noxious weed control treatment, shall be submitted with the application. The list of invasive noxious weeds shall be recommended by the Utah County Weed Control Board and approved by the County Commission. A certification is considered valid if it has been signed and dated by an individual who is competent in the identification of noxious weeds, which person has been approved by the Utah County Weed Control Board. Such competent individual (Inspector) shall inspect the subject land and ensure the appropriate treatment has been applied to it, as necessary, prior to issuing the certification. The certification shall remain viable for a period of two (2) years from the date applied to the certification by the Inspector. Inspections supporting certification shall be made during the period from April 1 through September 30. In lieu of certification, a two (2) year bond may be approved by the County Commission in the amount of $500.00 per acre with a maximum bond amount of $5000.00. A certification shall be submitted within two (2) years after the date of approval or the bond will be forfeited to Utah County to be used for weed control purposes.

m. A restrictive covenant, in a from acceptable to the Zoning Administrator, prohibiting any residential use of the property described on the plat.

Exception: Caretaker's Dwellings, which meet all the

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requirements of this land use ordinance, are permitted in Planned Nonresidential Subdivisions.

7. **Plat**: The plat shall be reproducible and be drawn in accordance with county standards at a scale of one-inch equals one hundred feet (1"=100') or as directed by the Zoning Administrator, and shall include the following:

    a. Perimeter boundary of the development, including any road dedication areas, and the location of all required survey monuments.

    b. The location of all lot lines and/or building site areas, and the identifying number for each lot, block, and building site in the development.

    c. The name, location, and extent of all streets and the location and nature of all other parcels of land to be dedicated to the public, if applicable.

    d. The location and identification of all easements and their specific use.

    e. The location and extent of all parcels within the development which are subject to deed restrictions or any other limitations, or which are subject to conditions of approval written on the plat.

    f. Statements of limitations or conditions of approval required to be written on the plat by the County Commission, and other statements or information required by this land use ordinance, or other applicable law.

    g. The following certifications:

        (1) The certificate and seal of survey accuracy by the surveyor or engineer preparing the plat.

        (2) The owner's dedication of land for public use, and the owner's conveyance of easements and parcels for utilities or other special use, and the owner's acceptance of the limitations or conditions of approval.

        (3) The acknowledgment of the owner's dedication by a Utah Notary Public (or an equivalent officer authorized to acknowledge conveyances of real estate if the owner is out of state).

        (4) The County Commission's approval of the development and its acceptance of dedication of streets, easements, etc., along with the attesting signature and stamp of the

County Clerk/Auditor. The plat shall include the following signature block for these purposes:

ACCEPTANCE BY COUNTY COMMISSION	
The County Commission of Utah County approves this subdivision and hereby accepts the dedication of all streets, easements, and other parcels of land intended for public purposes for the perpetual use of the public this _____ day of _____ A.D. ____.	
_____ *Commissioner*	_____ *Commissioner*
_____ *Commissioner*	*Attest:* _____ *Commissioner* *Clerk/Auditor*

(5) The County Engineer's certification and stamp that the approved plans for the development conform to the Utah County standards and requirements for roads and other improvements. The plat shall include the following signature block for these purposes:

COUNTY ENGINEER CERTIFICATION	
The County Engineer of Utah County certifies the plans for this development conform to the Utah County standards and requirements for roads and other improvements.	
_____ _____, *Sign*	_____ *Date*

(6) The culinary water and sanitary sewer authority's approval of the culinary water and sanitary sewer facilities of the development. The plat shall include the following signature blocks for these purposes:

APPROVAL BY THE CULINARY WATER AUTHORITY

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The undersigned culinary water authority approves this plat for culinary water purposes, subject to the conditions stated on this plat.	
_____, Sign	_____ Date

APPROVAL BY THE SANITARY SEWER AUTHORITY	
The undersigned sanitary sewer authority approves this plat for sanitary sewer purposes, subject to the conditions stated on this plat.	
_____, Sign	_____ Date

(7) The utility owners' and/or operators' approval of the applicable underground utilities, other utility facilities, easements, rights-of-way, etc., of the development; however, Utah County shall not require the plat to be approved or signed by a person or entity who does not provide a utility or other service directly to the lots within the development, unless provided or required by the Utah Code, as amended. The plat shall include the following signature block for this purpose:

APPROVAL BY OWNERS AND OPERATORS OF UNDERGROUND UTILITIES AND OTHER UTILITY FACILITIES
The undersigned owners or operators of the underground utilities and other utility facilities located on this plat hereby approve the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; hereby approve the location of existing underground and utility facilities; and hereby approve the conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the development, as

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shown on this plat.	
Utility Provider	Utility Provider
Utility Provider	Utility Provider

(8) Certifications required by State Law and other certifications if required by the County Commission, as permitted by this land use ordinance or other applicable law.

Exception: The County Commission in consultation with the County Attorney's Office may approve modifications to the required certifications, as needed, to address the individual circumstances of applications.

D. **Standards and Conditions**: All planned nonresidential subdivisions shall conform to all of the requirements of this land use ordinance and the following standards and conditions.

1. **Design**:

   a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.

   b. The suitability and capability of soils, the convenience of access, the preservation of bodies of water, and other significant features are factors to consider in the design of the development.

   c. Individual lots within the planned nonresidential subdivision shall have a minimum area of one (1) acre.

2. **Size**: The minimum acreage required to qualify for a planned nonresidential subdivision shall be one (1) acre. No minimum lot width shall be required.

3. **Paved Road Access**: All planned nonresidential subdivisions shall abut on and shall have access to a hard-surfaced public street that is part of the paved official county, state or municipal road system. However, a planned nonresidential subdivision that is an extension of a previously approved nonresidential subdivision plat may obtain paved road access through said prior plat.

4. **Street System**:

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a. All streets shall be constructed to conform to the road standards for public streets as required by the Utah County Public Works Department.

b. In the event that the land within the proposed development is traversed by a proposed street that is shown on the transportation element map of the county general plan, a note shall be placed on the plat that (1) explains that the development is traversed by a proposed street shown on the transportation element map of the county general plan, (2) establishes that dwellings shall not be constructed within fifty (50) feet of the proposed street, and (3) strongly discourages the construction of any permanent structure within one-hundred (100) feet of the proposed street.

c. No vehicular road shall have a grade of more than eight (8) percent.

d. All vehicular roads shall be paved to meet the minimum requirements of the Utah County Public Works Department.

e. Where an existing county road borders the subdivision, the road shall be paved to the full standard width even if the applicant has record title to only a portion of the road easement. The applicant shall be required to dedicate ownership of the portion of the required right-of-way which he owns to the County.

f. All roadways and each intersection shall bear permanent signs sufficient in design for easy identification of street names by emergency vehicles and other motorists, as approved by the County Engineer.

g. Subdivisions may abut an existing dead-end paved county road, but the road system within the subdivision shall consist of through roads. No cul-de-sac roads are permitted.

h. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.

i. If access is on a state highway, a letter shall be provided from UDOT granting the access onto the state highway, with the location of the access shown on the plat. The County Engineer must approve the plans.

The applicable standards of the next three (3) Paragraphs (Water Supply, Water Source, and Water System) are those that must be addressed in the engineering study referenced above in Paragraph C.

5. **Water Supply**:

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a. **Water Rights**:

(1) Culinary-quality water shall be provided to each lot, as follows:

(A) at a flow rate of at least 0.015 cubic feet per second, per lot, and a quantity of at least 1 acre-foot per year, per lot; or

(B) such larger flow rate and quantity recommended in the engineering study.

(2) If the submitted engineering study recommends quantities and flow rates of additional types of water, the County Commission shall determine whether these additional types of water shall be required, after receiving a recommendation from the County Engineer.

b. **Water Quality**:

(1) All nonresidential subdivisions shall be serviced by a central water system, which has been approved as a public water system by the Utah Department of Environmental Quality, Division of Drinking Water.

c. **Types and Duration of Rights**:

(1) Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the engineering study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

6. **Water Source**:

a. The engineer shall confirm that the proposed source water has been tested and found to comply with all applicable, adopted Utah County standards for delivery, flow, and quality, and shall provide his/her opinion on the water system's ability to meet Utah County standards when the project is complete. The engineer's opinion shall be based on best available data.

b. If wells are proposed to provide the water for a central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity

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of water, as per the applicable, adopted Utah County standards.

7. **Water System**:

    a. All planned nonresidential subdivisions shall have a central water system that supplies culinary quality water for culinary use and provides flow for fire protection, which system meets the applicable, current Series 500 rules of Title R309 of the Utah Administrative Code, and any other current, applicable State of Utah drinking water rules and policies, as well as the applicable, adopted county fire codes. If a central water system is proposed to service a planned nonresidential subdivision, but has not yet been constructed, plat application approval shall not occur until water system plan approval has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water; the central water system shall not be put into service until an operating permit has been obtained from the Utah Department of Environmental Quality, Division of Drinking Water.

8. **Sewage Disposal**: Each planned nonresidential subdivision shall be provided with and served by a central sewage disposal system which is approved by the State of Utah and the County Health Department.

9. **Fire Protection**: Fire hydrants and other fire protection shall be determined by the Fire Marshal using applicable adopted codes.

10. **Off-Street Parking and Loading**:

    a. Off-street parking and loading spaces shall be provided according to the provisions of UCLUO 4.60.

11. **Utilities**:

    a. All new utilities shall be installed underground. Existing above-ground utilities that must be relocated are not required to be placed underground, unless required by the utility provider in writing.

    b. Easements of not less than ten (10) feet in width shall be required for all utility lines, the location of which may vary depending upon the design of the development.

    c. No structure shall be placed within the designated easements except utility structures.

12. **Setback Distances**: Each lot in a planned nonresidential subdivision shall meet the applicable setback requirements of this Ordinance, or successor ordinance. A note shall be placed on the plat that states the

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following: "Each lot shall be required to meet the applicable setback requirements of the Utah County Land Use Ordinance, or successor ordinance."

E. **Required Improvements**: All improvements which are required under the terms of this ordinance shall be shown on the layout map, engineered drawings, or recorded plat. Such improvements shall be constructed by the developer in accordance with the Utah County Development Standards Ordinance and inspected by the County Engineer. For planned nonresidential subdivisions, the required improvements include all improvements required by the terms of this land use ordinance, and the following:

1. Hard surfaced streets.
2. Street signs, and traffic control devices.
3. An approved surface water, drainage and flood control system, including both off-site and on-site facilities.
4. An approved central culinary water and fire suppression water supply system, including both off-site and on-site facilities.
5. An approved central sewer system, including both off-site and on-site facilities.
6. Fire hydrants.
7. Permanent survey monuments.
8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.
9. Coverings or fencing for safety of canals and streams, when applicable.
10. Other improvements required by the County Commission.

14.28 Appendix A Developmental Impact Statement Checklist

APPENDIX A
DEVELOPMENTAL IMPACT STATEMENT CHECKLIST

1. **NAME OF PROJECT**
2. **DATE**
3. **NAME AND ADDRESS OF DEVELOPER AND PROJECT ENGINEER**
4. **DESCRIPTION OF THE PROPOSED PROJECT**

   A. Type of action or project (subdivision, recreational site, commercial facility, etc.).

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B. Map or maps (preferably on a topographic base) showing the proposal, action, or project in detail.

5. **DESCRIPTION OF THE ENVIRONMENT**
Base map showing:

A. Topography of the area within and surrounding the proposed action or project for a distance of one-fourth mile from the land involved. U.S. Geological Survey map or better should be used.

B. Location of underground drainage, flood hazards, lakes, rivers, and other bodies of water, drainage channels, wetlands, fire hazards, snow avalanche areas, habitat of endangered species and threatened species, and municipalities.

C. Location of all geologic hazards, including the following:

1. Faults;
2. Landslides/rockfalls;
3. Liquefaction;
4. Shallow groundwater;
5. Soil erosion;
6. Expansive soils;
7. Subsidence.

6. **ANALYSIS OF IMPACTS OF THE PROJECT IN RELATION TO EACH OF THE FOLLOWING:**
Note: Developers are cautioned against overlooking, concealing, or unduly mitigating adverse consequences of the action or project.

A. Types and extent of vegetation and wildlife;

B. Habitat of threatened or endangered species;

C. Surface drainage;

D. Streams or drainage channels in or near the area; identify approximate amount of flow and whether flow is constant or intermittent.

E. Underground drainage;

F. Flood hazards;

G. Lakes, rivers and other bodies of water;

H. Wetlands;

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I. Fire hazards;

J. Snow Avalanche hazards;

K. Geologic hazards:

1. Faults;
2. Landslides/rockfalls;
3. Liquefaction;
4. Shallow groundwater;
5. Soil erosion;
6. Expansive soils;
7. Subsidence.

L. Socio-economic factors:

1. Probable changes in population resulting from action or project;
2. Probable changes in economic structure of area (i.e., farming, recreation, commercial, etc.);
3. Probable amount and effect of traffic on streets;
4. Availability and adequacy of utilities (water, electricity, gas);
5. Availability and adequacy of facilities for waste disposal—both liquid and solid waste;
6. Availability of health care, police protection, and road maintenance;
7. Adequacy of streets for emergency response;
8. Sources of funds for on-site and off-site improvements;
9. Comparison of the anticipated tax revenues vs. cost of services which will likely be imposed on local government for services rendered.

MITIGATION DETAILS FOR THE NEGATIVE PROJECT IMPACTS TO THE ITEMS LISTED IN THIS APPENDIX

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16 ADMINISTRATION AND ENFORCEMENT

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16.04 Zoning Administrator Appointed

The Zoning Administrator, or his/her authorized agent, is designated as the Zoning Administrator, and is charged with the administration and enforcement of this Land Use Ordinance.

16.08 Powers And Duties Of The Zoning Administrator

The Zoning Administrator is designated as the Land Use Authority to act upon the following duties concerning land use;

A. Issue building and land use permits.

B. Issue business licenses.

C. Issue zoning compliance permits.

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D. Issue and renew, where applicable, temporary use permits.

E. Enforce the provisions of this ordinance.

F. Conduct inspections which are necessary to insure compliance with the various provisions of this ordinance.

G. Maintain a copy of the current Utah County land use regulations, zone map, and records of amendments thereto.

H. Refer matters to the Planning Commission, County Commission, or other agency as required by the terms of this ordinance.

I. Perform such other duties as are assigned by this ordinance.

16.12 Scope

From the time of the effective date of this ordinance, permits shall not be granted for the construction or alteration of any building or structure, or for the moving of a building or structure onto a lot, or for the commencement, continuation, or change in use of any land, building, or structure, if such construction, alteration, moving, or use would be in violation of any of the provisions of this ordinance.

16.16 Permits For Building, Grading, And Land Use

Any owner or authorized agent who intends to establish or change the use of land, fill, excavate, or grade earth materials, construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the building and safety codes adopted by the County, or to cause such work to be done, shall first make application to the Zoning Administrator or other applicable entity and shall obtain the required permits and any applicable zoning compliance permit. A zoning compliance permit shall not be required for any structure determined to be exempt from a building permit by the currently adopted building construction codes of Utah County. However, such structure(s) shall be required to meet all other applicable provisions of this ordinance, including setback requirements.

16.20 Plans Required

All applications for permits as required in the land use ordinance, UCLUO 16 shall be accompanied by the appurtenant permit fee in the current amount as set by the County Commission and by the required plot plans and construction drawings containing complete information as required for the type of permit desired. An application shall not be considered ready for an initial plan review of construction drawings for a project until approvals are obtained by the applicant from all applicable reviewing County departments and other agencies.

16.24 Permit To Comply With Ordinance

No permit shall be issued by the Zoning Administrator, or any other person or agency, which is not in conformance with the provisions of this ordinance. Any permit so issued shall be null and void.

16.28 Utility Installation Unlawful Without Permit

A. It shall be unlawful for any person, property owner, contractor, corporation, or other entity to install or allow to be installed any electrical, natural gas, sewer, or water utility line or facility before a permit therefor has been approved and issued by the Zoning Administrator; however, if a utility line or utility facility is located in or is proposed to be located in a public road right-of-way, and is exempt from the requirement for a building permit by the currently adopted building construction codes of Utah County, the applicant and/or property owner shall obtain a permit from the County Engineer or other applicable governmental entity, and not the Zoning Administrator.

B. The installation and/or maintenance of utility lines and utility facilities that are controlled by a public utility or governmental utility service provider, which are completely within a recorded utility easement for such lines or facilities, shall be exempt from the permitting requirements of this Ordinance.

C. The installation of required improvements for large scale developments, as set forth in UCLUO 14, shall be governed by the provisions of UCLUO 14 and not subject to the permitting requirements of UCLUO 16.

16.32 Construction And Use To Comply With Permit

All permits for conditional uses, building permits, zoning compliance permits, and other permits for land uses, building, grading, and occupancy authorize only the lot, use, layout, extent of construction, and the other terms of issuance set forth in the approved application and plans. Any remodeling or any change in the lot, use, layout, construction or other item that varies from that which is stated on the approved application form, plan and permit shall be a violation of this ordinance. To be lawful, a new permit must be issued to authorize such remodel or other change.

16.36 Zoning Compliance Permit Required

A. **Initial Zoning Compliance Permit**: It shall be unlawful to construct, use or occupy, or permit the construction, use or occupancy, of any building or land until any applicable zoning compliance permit has been issued by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this ordinance.

B. **Zoning Compliance Permit to Change A Nonconforming Use or a Noncomplying Structure**: No nonconforming use or noncomplying structure shall be changed or extended until any applicable zoning compliance permit is

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issued by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this ordinance.

C. **Certificate of Occupancy or Completion, Limited Review**: Where the Zoning Administrator has determined that a proposed building or use will comply with this ordinance and issues approval for a permit pursuant thereto; and the construction has been completed; the Administrator's scope of review in issuing any applicable certificate of occupancy or completion shall be limited to the approved application form, approved plans, and the terms of the approved permits, not a review de novo.

D. **Certificate of Occupancy or Completion Issued Upon Completion of Construction; Exception**: Any applicable certificate of occupancy or completion shall not be issued until all construction is completed.

16.40 Board Of Adjustment Created, Members, Terms

A. There is hereby created a Board of Adjustment which shall consist of five members (termed "regular members") appointed by the County Commission plus whatever number of alternate members the County Commission may appoint. The term of a regular member shall be for a period of three years and until their successors are appointed, and the term of an alternate member shall be for the time period specified at the time of appointment. The terms of the regular members shall be staggered so that the term of at least one member shall expire each year on December 31. Appointments to fill vacancies shall be for the unexpired term of the vacant office.

B. Both regular members and alternate members shall be administered the oath of office after being appointed but before taking part in any deliberations of the Board. An alternate member shall have full power to act in any capacity of a regular member when there are fewer than five regular members present. When there is a vacancy and more than one alternate member is available at the meeting, the Chairman of the Board of Adjustment shall select which alternate shall sit with the Board. If, while deliberations on an agenda item are in progress, a regular member arrives, the regular member shall not take the seat of an alternate member until the next agenda item comes before the Board.

C. Members of the Board of Adjustment shall be residents of Utah County and may reside in either the unincorporated area or an incorporated municipality

D. Any member of the Board of Adjustment may be removed for cause by the County Commission if written charges are filed against the member with the County Commission. The County Commission shall provide the member with a public hearing, if he requests one, before taking action on the charges.

16.44 Organization, Meetings, Records

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A. The Board of Adjustment shall organize, shall elect a chairman and other officers necessary to fulfill its duties, and shall adopt rules in accordance with the provisions of this ordinance. "Roberts' Rules of Order" shall be followed in the conduct of meetings wherever applicable. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.

B. The chairman or, in his absence, the acting chairman shall conduct all meetings and may administer oaths and compel the attendance of witnesses. The Secretary of the Board of Adjustment shall keep minutes of the proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions. These minutes and records, along with the appeal application, written statements, and other facts bearing on the appeal and decision of the Board, shall be filed in the office of the Board of Adjustment and shall be public record.

C. The Secretary of the Board of Adjustment may make a tape recording of the proceedings of the Board, and a transcription may be requested from the Secretary. The Board shall establish rules relating to such requests, including a reasonable compensation to be paid to the Secretary for making the transcription. The secretary shall oversee the making of the transcript and shall be responsible for maintaining the integrity of the tape. Where more than one record exists or is purported to exist, a transcription caused to be prepared by the Secretary and certified to its accuracy before a notary public, shall be the official record of the proceedings of the Board of Adjustment.

16.48 Powers And Duties Of The Board

The powers and duties of the Board of Adjustment shall be limited to the following:

A. The Utah County Board of Adjustment is designated as the appeal authority to hear and decide appeals from any order, requirement, refusal or other decision made in applying this Land Use Ordinance.

B. The Utah County Board of Adjustment is designated as the appeal authority to hear and decide appeals for variances from the area, width, setback or other terms of this Land Use Ordinance; except a use variance shall not be granted.

C. The Utah County Board of Adjustment is designated as the Land Use Authority to hear and decide requests for conditional uses which are specifically authorized in this ordinance.

16.52 Power Of Board Limited

The powers and duties of the Board of Adjustment are limited to the judicial and administrative guidelines set forth in this ordinance. The Board shall not have the authority to amend this ordinance, nor to act outside of the authorized rules set forth in

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UCLUO 16 nor the Utah Code, as amended. Moreover, no decision shall be made in such a way so as to destroy the intent and purpose of the land use ordinance. Furthermore, the Board of Adjustment does not have the power to sue and be sued; its decisions are subject to review only according to the provisions of UCLUO 16 and the Utah Code, as amended.

16.56 Requests To Appear Before The Board Of Adjustment

Any person or entity wishing to appeal a decision made in applying the land use ordinance, or to appeal for a variance, or to request a conditional use, may commence such action by completing the standard forms adopted by the Board of Adjustment and filing the forms in the office of the Board. The Secretary of the Board of Adjustment, or other person designated by the Board to receive and process appeals forms, shall accept and process such forms only if they are properly completed and accompanied by the filing fee in the current amount set by the County Commission. To be heard at any meeting of the Board of Adjustment, such forms must be received in proper form with the filing fee before 5:00 P.M. of the thirtieth (30th) day prior to the date of the meeting. Moreover, any appeal of a decision made in applying the zoning ordinance must present every theory of relief that the appellant can raise in district court and must be properly filed within forty-five (45) days of the date of the contested decision, or it shall be time-barred and not heard. Any theory of relief not raised by the appellant in the written appeal form shall be barred.

16.60 Procedure

Upon receipt of the request forms, the Secretary of the Board of Adjustment or, other person appointed to receive the forms, shall forthwith notify the zoning administrator of the matter and invite his response; also notice shall be given as required elsewhere by this ordinance and state law. If the Board of Adjustment finds that the request forms were properly filed, and the filing fee paid, it shall hold a public meeting and take action on the request.

16.64 Hearing

A. The Board of Adjustment shall fix a reasonable time for hearing the appeal, give public notice thereof by publication of notice at least ten days prior to the date of the meeting, and decide the same. The Board of Adjustment shall set a standard procedure for conducting public meetings and reviewing requests before the Board, which may include: reasonable limits of time in which appellants, respondents, and other parties may speak; sign-up sheets for those who wish to request to speak at the public meeting (and cut off times for adding names); deadlines for submitting written comment; and other rules needed to conduct a fair and orderly meeting. Such procedures, prior to adoption, shall be reviewed and approved by the Utah County Attorney.

B. The decision of the Board shall be based upon the facts and not upon

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expressions of support or protest, or lack of support or protest, which may be made at the meeting. Any party may appear at the meeting in person or by agent or by attorney.

16.68 Action Taken By The Board Of Adjustment, Approval, Denial

A. **Quorum**: To take action on a request, the Board of Adjustment must have at least three (3) members participating in the deliberations.

B. **Approval**:

1. An appeal shall be approved only when the Board finds that all of the forms, procedures, and rules have been completed and fully complied with.

2. To reverse any order, requirement, decision, or determination made in administering or interpreting the land use ordinance by any administrative official or agency; or to decide in favor of any appellant who has been denied a permit or approval according to the terms of the land use ordinance and who has requested a variance; it shall require the concurring vote of three members of the Board of Adjustment.

3. To approve any request for a conditional use it shall require the concurring vote of a majority of those participating in the deliberations.

4. When an appeal or request is approved, the Board shall enter into the official minutes the specific reasons for approval, any conditions or limitations of the approval, and the names of those voting for and against.

C. **Denial**: If the decision of the Board of Adjustment is to deny an appeal or request, the Board shall enter into the official minutes the specific reasons for denial and the names of those voting for and against.

16.72 Rules For Hearing And Deciding Appeals On Alleged Errors

When the Board of Adjustment acts under its power to hear and decide appeals in which it is alleged that there is error in an order, requirement, decision, or determination made in the administration or interpretation of the land use ordinance, the Board shall not grant the reversal or relief appealed for unless it finds that all of the following standards have been met:

A. **Jurisdictional Requirements**: Prior to filing the appeal with the Board of Adjustment, the Board shall lack jurisdiction and shall not hear the appeal unless all the following requirements have been met:

1. Within twenty (20) days of the date of the decision being appealed, the appellant must present the Zoning Administrator, or other person or entity

which made the decision in question, with a claim of error which fully sets forth:

a. A brief statement of the facts; and

b. The nature of the claim of error.

2. Within thirty-five (35) days of the date of the decision being appealed, the Zoning Administrator, or other person or entity which made the decision in question may, but is not required to, respond in writing to the claim of error. The claim of error shall be deemed denied if the Zoning Administrator, or other person or entity which made the decision in question, fails to approve or deny the claim of error or otherwise respond.

B. **Required Standards**: When the Board of Adjustment acts under its power to hear and decide appeals in which it is alleged that there is error in an order, requirement, decision, or determination made in the administration or interpretation of the land use ordinance, the Board shall not grant the reversal or relief appealed for unless it finds that all of the following standards have been met:

1. The appellant has complied with the jurisdictional requirements of Paragraph A.
2. The appellant has filed a properly completed application for appeal, which states with specificity the nature of the alleged error and how the appellant has been adversely affected by said alleged error.
3. The application for appeal was properly filed with the Board forty-five (45) days or less after the date of the decision being appealed.
4. The appellant must be a party which was adversely affected by the subject decision applying the land use ordinance.
5. The decision in question must be one made in applying this, the land use ordinance, not some other state or county law, office policy, personnel matter, or other decision beyond the purview of the zoning ordinance.
6. Legislative zoning decisions (e.g. decisions made by the County Commission enacting or amending the land use ordinance) shall not be within the purview of the Board of Adjustment.
7. If the Board of Adjustment grants the appellant's request, the result must be consistent with the provisions of the land use ordinance, and not waive or modify any of the terms or requirements thereof.
8. The applicant has the burden of proving that an error was made; however, expressions of support or protest alone shall not constitute the basis of approval or denial.

9. The Board of Adjustment shall presume that the order, requirement, decision, or determination made in the administration or determination of the land use ordinance is valid; and determine only whether or not the order, requirement, decision, or determination is arbitrary, capricious, or illegal.

    a. An order, requirement, decision, or determination is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.

    b. A determination of illegality requires a determination that the order, requirement, decision, or determination violates a law, statute, or ordinance in effect at the time the order, requirement, decision, or determination was made.

10. If there is a record, the Board of Adjustment's review is limited to the record provided; and the Board of Adjustment may not accept or consider any evidence outside the record, unless that evidence was previously offered and it was improperly excluded. If there is no record, the Board of Adjustment may call witnesses and take evidence.

16.76 Rules For Hearing And Deciding Appeals For Variances

Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the zoning ordinance. The Board of Adjustment shall not grant approval unless it finds that all of the following standards have been met:

A. The substance of the variance must be a request to vary the requirements for height, bulk, width, setback, or other numerical or quantitative requirement, as distinguished from approval to have a land use that is not listed as permitted in a zone (e.g. no "use variance" shall be granted).

B. The appellant has filed a properly completed application which states the normal or standard amount of area, distance, size or volume required by the land use ordinance, the specific amount of variance being requested, and all other information required by the application form.

C. The Board of Adjustment may grant a variance only if:

    1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance;

    2. There are special circumstances attached to the property that do not generally apply to their properties in the same district;

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3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of the land use ordinance is observed and substantial justice done.

D. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Paragraph C,1, the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship:

1. Is located on or associated with the property for which the variance is sought; and
2. Comes from circumstance peculiar to the property, not from conditions that are general to the neighborhood.

E. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Paragraph C,1, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

F. In determining whether or not there are special circumstances attached to the property under Paragraph C,2, the Board of Adjustment may find that special circumstances exist only if the special circumstances:

1. Relate to the hardship complained of; and
2. Deprive the property of privileges granted to other properties in the same district.

G. The applicant shall bear the burden of proving by a preponderance of the evidence that all of the conditions justifying a variance have been met.

H. Variances run with the land, subject to UCLUO 16.84 Paragraph E.

I. Neither the Board of Adjustment nor any other body may grant use variances.

J. Any variance granted shall be no greater than the minimum amount necessary to afford relief.

K. In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:

1. Mitigate any harmful affects of the variance; or
2. Serve the purpose of the standard or requirement that is waived or modified.

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16.80 Rules For Hearing And Deciding Appeals For Conditional Uses

When the Board of Adjustment acts under its power to hear and decide requests for conditional uses, the conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. The Board shall grant approval if the following rules and applicable standards have been met:

A. The applicant has filed a properly completed conditional use application form.

B. The land use ordinance specifically identifies the conditional use in question as one which the Board is empowered to approve.

C. The conditional use shall meet the following standards:

1. It shall not degrade the public health, safety, or welfare.
2. It shall be consistent with the general purposes and intent of the land use ordinance.
3. It shall be consistent with the "characteristics and purposes" stated for the zoning district involved and the adopted general plan.
4. It shall be compatible with the public interest and with the characteristics of the surrounding area.
5. It shall not adversely affect local property values.
6. It shall comply with all of the terms and requirements of the land use ordinance, including but not limited to those found in UCLUO 4, UCLUO 6, UCLUO 8, and UCLUO 12.
7. It shall not result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of essential services, including but not limited to: roads and access for emergency vehicles and residents: fire protection; police protection; schools and school busing; healthful water, sewer, and storm water facilities; and garbage removal.

D. The applicant has the burden of proving by a preponderance of the evidence that all the conditions for granting a conditional use have been met and must meet that burden based on the facts presented for the record; expressions of support or protest alone shall not constitute the basis of approval or denial.

E. When necessary, the Board may attach conditions which work out an adjustment between the conditional use and the surrounding area and to mitigate any harmful effects; such conditions may include, but are not limited to, the following:

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1. Parking;
2. Traffic acceleration lanes;
3. On-site storm water retention facilities;
4. Special security or fire protection facilities;
5. Water, sewer, and garbage facilities;
6. Landscape screening or buffer areas;
7. Requirements for the management and maintenance of the above facilities;
8. Limited hours of operation;
9. Limited use of equipment emanating offensive noise, light, dust, or traffic;
10. Travel or route restrictions.

F. Conditional Uses run with the land, subject to UCLUO 16.84 Paragraph E.

16.84 Notification And Duration Of Approval

A. Within fifteen (15) days after a decision has been made, the secretary shall file a written notice of the decision of the Board of Adjustment in its offices and mail a copy of the notice to the applicant at the address supplied in the application form. The decision of the Board shall be deemed final at the time it is filed in its offices.

B. After each decision of the Board of Adjustment has been filed in its offices and become final, as provided in Paragraph A, said Board shall record the decision with the Utah County Recorder.

C. Except as provided in Paragraph D, if a request for a variance or conditional use is approved, the notice shall also contain the date such approval terminates if a building permit (or other permit or license, if applicable) is not obtained pursuant thereto. Such termination shall automatically be one year from the date of the decision of the Board of Adjustment.

D. The Board of Adjustment may, as a condition of approval, set a different termination date for a variance or conditional use on a finding that a different date is necessary for substantial justice to be done. After the hearing, the Board of Adjustment may order the termination date for a variance or conditional use enlarged if the request was made in writing, made before the expiration of the period originally prescribed, and a different date is necessary for substantial justice to be done. Any request for an enlargement of time shall comply with the applicable notice requirements for a variance or conditional use. This request for an enlargement of time shall not be considered a rehearing under UCLUO 16.

E. Variances and Conditional Uses are subject to abandonment as follows:

1. Variances and Conditional Uses which are rendered unoccupiable or otherwise unusable by the destruction of a fire, flood, or other calamity or act of nature may be restored and the preexisting use resumed provided that a building permit for reconstruction is obtained within one year from the date of destruction and construction is diligently prosecuted to completion and re-occupancy. Such restoration shall not increase the Variance and Conditional Use previously approved by the land use authority. If a building permit is not issued within one year from the date of destruction, or if the building permit is so issued but construction is not diligently prosecuted to completion and re-occupancy, then the Variance and Conditional Use shall be conclusively deemed abandoned, and the Variance and Conditional Use shall terminate.
2. Variances and Conditional Uses which are not occupied or not used for a continuous period of one year or longer, shall not thereafter be relicensed, reoccupied or used anew, and the Variance and Conditional Use shall be conclusively deemed abandoned, and the Variance and Conditional Use shall terminate.

16.88 Recourse From Actions Taken By The Board

A. Any person adversely affected by any decision of the Board of Adjustment may file a petition with the 4th District Court for Utah County for a review of that decision. Any such appeal or petition shall be barred unless it is filed within 30 days of the date when the decision becomes final, which is the date said decision is filed in the office of the Board. The petition shall be limited to the allegation that the decision of the Board of Adjustment was arbitrary, capricious, or illegal.

B. The Board of Adjustment shall transmit to the reviewing court the complete record of its proceedings, including applications, exhibits, minutes, findings, orders, and any transcript of tape recordings which may be on file with the Board. The person or entity filing the petition for review shall request from the secretary to the Board a verbatim transcript of the record and such person or entity shall pay the reasonable transcription fees as set by the Board. If there is a record, the review of the District Court is limited to the record, and the Court may not accept or consider evidence outside of the record unless it determines that such evidence was offered to the Board of Adjustment and improperly excluded. If there is no record, the Court may call witnesses and take evidence.

C. The Court shall affirm the decision of the Board of Adjustment if the decision is supported by substantial evidence in the record.

D. Filing a petition for review with the Court does not automatically stay the decision of the Board of Adjustment.

1. Before filing the petition for review with the Court, the aggrieved party may petition the Board of Adjustment to stay its decision. The Board shall take action on any petition to stay only in a meeting where proper notice was given and where a quorum is present. Upon considering such petition to stay, the Board may grant the stay if it finds such to be in the best interests of the county.
2. After filing a petition for review with the Court, the petitioner may seek an injunction staying the decision of the Board of Adjustment.

E. No decision of the Board of Adjustment shall be subject to rehearing by the Board, except when remanded from a court of competent jurisdiction.

16.92 Powers And Duties Of The Planning Commission

A. There is hereby created a Planning Commission which shall consist of seven members (termed "regular members") appointed by the County Commission, plus up to two alternate members appointed by the County Commission. The terms of the regular members shall be for a period of three years and until their successors are appointed, and terms of the alternate members shall be for a period of one year and until their successors are appointed. The terms of the regular members shall be staggered so that terms of at least two and no more than three of the regular members shall expire each year on December 31; any unexpired terms shall be filled for the remainder of the term. The County Commission may appoint residents of the unincorporated area and residents of incorporated municipalities. Regular members and alternate members may be removed with or without cause by the County Commission. The Planning Commission shall elect a chair from its regular members, and may employ a Zoning Administrator and other agents or staff to carry out its duties. Alternate members shall have full power to act in the capacity of regular members when there are fewer than seven regular members present. When there is a vacancy and more than one alternate member is available at the meeting, the Chair of the Planning Commission shall select which alternate member shall sit with the Commission. If, while deliberations on an agenda item are in progress, a regular member arrives, the regular member shall not take the seat of an alternate member until the next agenda item comes before the Commission. The Planning Commission members may receive a stipend for their services and may be reimbursed for mileage or other actual expenses incurred. To carry out its duties, the Planning Commission and its agents and staff shall have the powers granted to such by this chapter and by the Utah Code, as amended.

B. The Planning Commission may prepare and recommend a general plan for Utah County, or amendments thereto, in accordance with Utah Code, as amended, which plan, once adopted, shall be used by the Planning Commission as an advisory guide for land use decisions and recommendations.

C. The Planning Commission may propose a land use ordinance and zone map for Utah County or may propose amendments of an existing land use ordinance or zone map to the County Commission, and may adopt procedures for the proposals to be initiated by its members, its staff, or members of the public at large. The Planning Commission shall also consider and give its recommendations on any amendment to the land use ordinance which is proposed by the County Commission and submitted to the Planning Commission for recommendation. Before the Planning Commission proposes any land use ordinance or zone map amendment, or makes a favorable recommendation of an amendment, it shall find that:

1. The amendment will conform to the land use element and other provisions of the general plan (or conform to a proposed amendment to the general plan which is considered concurrently with the zoning amendment).
2. The amendment is in the best interest of the health, safety, and welfare of the public.
3. The amendment will more fully carry out the general purposes and intent of this ordinance.
4. In considering a proposed amendment to the land use ordinance or zone map, the Planning Commission may submit a recommendation to the County Commission for or against the proposal, or it may recommend an alternate amendment.

D. The Planning Commission is designated as the Land Use Authority to take action to approve or disapprove any applications for a conditional use permit where its approval is required by this ordinance. When the Planning Commission acts under its power to hear and decide applications for conditional uses, the conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. The Planning Commission shall grant approval if the following rules and applicable standards have been met:

1. The appellant shall have submitted a properly completed application form.
2. The land use ordinance specifically identifies the conditional use in question as one which the Planning Commission is empowered to approve.
3. The conditional use shall meet the following standards:

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a. It shall not degrade the public health, safety, or welfare.

b. It shall be consistent with the general purposes and intent of the land use ordinance.

c. It shall be compatible with the public interest and with the characteristics of the surrounding area.

d. It shall not adversely affect local property values.

e. It shall comply with all of the terms and requirements of the land use ordinance, including but not limited to those found in UCLUO 4, UCLUO 6, UCLUO 8 and UCLUO 12.

f. It shall not result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of essential services, including but not limited to: roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; healthful water, sewer, and storm water facilities; and garbage removal.

4. The applicant has the burden of proving by a preponderance of the evidence that all conditions for granting a conditional use have been met and must meet that burden based on the facts presented for the record, expressions of support or protest alone shall not constitute the basis of approval or denial.

5. When necessary, the Planning Commission may attach conditions to fit the use with the surrounding area, and to mitigate any harmful effects; such conditions may include, but are not limited to, the following:

a. Parking.

b. Water, sewer, and garbage facilities.

c. Landscape screening or buffer areas.

d. Traffic acceleration lanes.

e. On-site storm water retention facilities.

f. Special security or fire protection facilities

g. Requirements for the management and maintenance of the above facilities.

h. Limited hours of operation.

i. Limited use of equipment emanating offensive noise, light, dust, or traffic.

j. Travel or route restrictions.

E. The Planning Commission shall take action to recommend to the County Commission approval or disapproval of any proposed large scale development projects, except for minor subdivisions and plat amendment applications (unless the County Commission elects to forward a plat amendment application to the Planning Commission according to the provisions of UCLUO 14), in accordance with the terms of UCLUO 14 and any procedural bylaws the Planning Commission may have adopted under authority of this ordinance. UCLUO 14 constitutes the standards and criteria for recommending approval or disapproval of the requested conditional use permit and for recommending approval or disapproval of a plat. Approval of a plat constitutes the granting of a conditional use permit for a large scale development. The fact that "dwellings" may be permitted uses in the underlying zone does not alter or affect the standards and criteria applicable for approval or disapproval of a large scale development.

F. The Planning Commission may adopt rules of procedure for the conduct of its meetings and the performance of its other duties, which rules shall not be in conflict with state law or the terms of this ordinance.

G. The Planning Commission shall perform other duties as required under the terms of this ordinance.

H. The Planning Commission adopts the following Rules of Order and Procedure related to parliamentary order and procedure, ethical behavior, and civil discourse:

1. The Planning Commission shall generally follow "Rosenberg's Rules of Order," unless the Chair, or Acting Chair, determines that a variance from the Rules is justified. Failure to follow the Rules shall not invalidate any action taken by the Planning Commission.

2. Members shall adhere to the ethical and conflict of interest constraints as set forth in the Utah Code. In addition, to protect the right of each applicant and potentially affected adverse party to be heard, Members shall be restricted from ex parte contact (contact other than in a noticed public meeting), including site or office visits, electronic communication, written communication, and verbal conversation either face-to-face or over the telephone, when such interaction involves a quasi-judicial matter, including a request for a conditional use permit, and a request for approval of a Large-scale Development, from and after the time that an application for such an approval is filed, until final action in taken on the application, and while the application is under appeal, if an appeal is filed. Ex parte contact shall be prohibited, and if such ex parte contact inadvertently occurs, it shall be disclosed on the record at the next meeting of the Planning Commission, including the substance of the communication, the party who originated the communication and whether the communication will affect the Member's ability to impartially consider the evidence presented.

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3. To protect the right of each applicant and potentially affected adverse party to be heard, Members are discouraged from ex parte contact (contact other than in a noticed public meeting), including site or office visits, electronic communication, written communication, and verbal conversation either face-to-face or over the telephone, when such interaction involves a legislative matter, including the adoption or amendment of the general plan, the land use ordinance, or the zoning map, from and after the time that an application is filed, until final action in taken on the application, and while the application is under appeal, if an appeal is filed. Ex parte contact shall be discouraged, and if such ex parte contact occurs, it shall be disclosed on the record at the next meeting of the Planning Commission, including the substance of the communication, the party who originated the communication and whether the communication will affect the Member's ability to impartially consider the evidence presented.

4. Members shall ethically serve the public interest by making decisions and taking actions which will enhance the public health, safety and welfare of the citizens of Utah County and by promoting public confidence in the integrity, independence, ability, and impartiality of the Planning Commission. Members shall uphold the prestige of their office, and avoid impropriety and the appearance of impropriety. Individual Members shall not convey the impression that they are in a position to determine the outcome of a decision of the Planning Commission and shall not attempt to use their office to influence or sway the professional staff recommendation. Members shall discharge their duties and responsibilities without favor or prejudice toward any person or group. Members shall not allow personal or business relationships to impact upon their conduct or decisions in connection with Planning Commission business and shall not lend their influence towards the advancement of personal interests or towards the advancement of the interests of friends or business associates. Members shall not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything else of value, if such thing is given with the understanding or possibility that it will influence the official action of the Member during Planning Commission proceedings. The same standard shall apply to a gift, loan, favor, etc. for the spouse, child or relative or business partner of the Member.

5. Members shall prepare for each meeting, shall create a positive environment in meetings of the Planning Commission, shall maintain an attitude of courtesy and consideration toward colleagues, citizens and staff during all discussions and deliberations, and shall allow citizens, colleagues and staff sufficient opportunity to present their views, within the prescribed rules for conduct of meetings of the Planning Commission. Members shall avoid the use of abusive, threatening or intimidating

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language or gestures directed at colleagues, citizens or staff, shall avoid comments, body language or distracting activity that conveys a message of disrespect and lack of interest, and shall respect all local, state and federal laws, rules and other regulations.

6. Public hearing and public comment: Participants shall generally be limited to three minutes per individual and should not be redundant; participants will be requested to complete a speaker sign-up sheet; participants will be requested to speak at the microphone when called, state their name and address, and not to speak from the audience; participants should be respectful of the Commission and others in the audience and not be disruptive; participants should direct comments to the Commission and not to staff, applicants, or audience members. The three minute limit may be waived by the Chair or a majority of the Commission.

16.96 Powers And Duties Of The County Commission

A. The powers and duties of the County Commission concerning zoning and planning shall be as found in Utah Code, as amended.

B. The County Commission may adopt a general plan for Utah County, or amend any existing general plan, by following the procedures of Utah Code, as amended.

   1. Notwithstanding anything contained in this Ordinance to the contrary, the general plan for Utah County is only an advisory guide for land use decision.

   2. All proposals to amend the Utah County General Plan, or this ordinance, to allow for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within unincorporated Utah County are rejected.

C. The County Commission may amend, change, or modify any provisions of the land use ordinance or zone map provided:

   1. The proposed amendment, change, or modification has first been proposed by the Planning Commission or submitted to it for its recommendations; (However, if the Planning Commission, after holding any required public hearing, fails to return its recommendation within sixty-five (65) days from its receipt of the proposed amendment, the County Commission may assume an affirmative recommendation.)

   2. Before taking action, a public hearing on the proposed amendment was held by the Planning Commission and notice given as specified herein.

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3. The County Commission shall consider each proposed land use ordinance or zone map amendment recommended to it by the Planning Commission and may adopt or reject the proposed amendment, either as proposed by the Planning Commission, or after making any revision the County Commission considers appropriate.

4. Any amendment to the zoning map which changes the zoning of property to the RR-5 Rural Residential Zone, shall be subject to the following restrictions and conditions:

    a. The property to be rezoned must be located not closer than two (2) miles from the boundaries of any incorporated municipality, as measured from the closest property line of the property to be rezoned, and must not be located within two (2) miles from the boundaries of any other property which has been rezoned within the previous five (5) year period, as measured from the closest property line unless either:

        (1) The County Commission approves a zone change upon finding the requirements of Paragraph A would hinder the intent of promoting the orderly transition of new developments into incorporated municipalities, or:

        (2) The property to be rezoned is contiguous to, or within reasonable proximity of, land which has been rezoned within the previous five (5) year period such that the parcel to be rezoned can reasonably and cost effectively connect to services provided, or proposed to be provided, by the developer(s) on the previously rezoned parcel.

    b. The maximum contiguous area of property subject to rezoning to the RR-5 Rural Residential Zone shall be seventy-five (75) acres.

    c. A Large-scale Development Plat encompassing all of the rezoned property shall receive approval by Utah County and be recorded in the office of the Utah County Recorder within four (4) years from the effective date of the amendment to the zoning map and the rezoning of the property, or the amendment of the zoning map and the rezoning of the property shall be void, and the zoning map and zoning of the property shall automatically revert to the status of the zoning map and the zoning of the property as they existed prior to the effective date of the amendment, and any unrecorded Large-scale Development Plat approval related to the rezoned property shall be void.

        Exception: In a planned unit development which has been approved as a phased planned unit development, the amendment

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of the zoning map and the rezoning of the property shall be void, and the zoning map and zoning of the property shall automatically revert to the status of the zoning map and the zoning of the property as they existed prior to the effective date of the amendment, and any unrecorded Large-scale Development Plat approval related to the rezoned property shall be void, unless

(1) phased planned unit development plats encompassing all of the rezoned property have received approval by Utah County within four (4) years from the effective date of the amendment to the zoning map and the rezoning of the property,

(2) the initial plat of the phased planned unit development has been recorded in the office of the Utah County Recorder within four (4) years from the effective date of the amendment to the zoning map and the rezoning of the property, and

(3) all subsequent phased planned unit development plats, encompassing all of the rezoned property, have been recorded in the office of the Utah County Recorder within seven (7) years from the effective date of the amendment to the zoning map and the rezoning of the property.

5. Where necessary, the County Commission shall amend the general plan to conform to the finished provisions of the land use ordinance or zone map.

D. The County Commission shall take action to approve or disapprove proposed large-scale development projects, including minor subdivisions, by following UCLUO 14. UCLUO 14 constitutes the standards and criteria for approval or disapproval of the requested conditional use permit and for approval or disapproval of a plat. Approval of a plat constitutes the granting of a conditional use permit for a large-scale development. The fact that "dwellings" may be permitted uses in the underlying zone does not alter or affect the standards and criteria applicable for approval or disapproval of a large-scale development.

E. The County Commission shall perform other duties as required under the terms of this ordinance or state law.

16.100 Amendments To Ordinance And Map

A. Either the Planning Commission or the County Commission may propose amendments to this Land Use Ordinance or the zone map.

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B. Any other person or organization seeking an amendment of the Land Use Ordinance or zone map shall petition the Planning Commission, in writing, to initiate such amendment using the petition forms and procedures adopted by the Planning Commission. The petitioner shall designate fully and clearly on the forms the change desired and the reasons therefor.

C. Upon receipt of the petition, the Planning Commission shall consider the amendment request and may: recommend approval, approval with change, disapproval, or hold the matter for future consideration.

D. All recommended amendments shall conform to the general plan (or to proposed amendments to the general plan which are adopted concurrently with the land use amendment) and be consistent with the other provisions of this land use ordinance.

E. Amendments to this ordinance may be adopted by the County Commission only after a public hearing by the Planning Commission at which parties of interest and other persons have an opportunity to be heard. Notice of the date, time and place of the first public hearing to consider the adoption or modification of the Land Use Ordinance shall be made as specified herein.

16.104 Violations

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

B. Any person who violates any provision of this Land Use Ordinance is guilty of a class C misdemeanor upon conviction. In addition, the provisions of this Land Use Ordinance may also be enforced by injunction, mandamus, abatement, civil penalty, or any other remedy provided by law.

C. Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this Land Use Ordinance may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

D. Whenever any act or omission is made unlawful in this Land Use Ordinance, it shall include causing, permitting, aiding, or abetting such act or omission.

E. Any one, all, or any combination of the penalties and remedies set forth herein may be used to enforce the provisions of the Land Use Ordinance.

F. Each day that any violation exists shall be considered a separate offense for purposes of the civil penalties and other remedies set forth in this Land Use Ordinance.

G. Utah County may withhold building permits, zoning compliance permits, and all other permits related to a use or parcel of property in violation of this Land Use Ordinance, until all violations of this Land Use Ordinance are resolved.

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H. The civil penalties for any violation of this Land Use Ordinance shall be as follows:

1. $25.00 per day per offense if the offense is corrected prior to the date of mailing of written notification of violation from the County.
2. $50.00 per day per offense if the offense is corrected within fifteen (15) days from the date of mailing of written notification of violation from the County.
3. $100.00 per day per offense if the offense is corrected within thirty (30) days from the date of mailing of written notification of violation from the County.
4. $1,000.00 per day per offense if the offense is not corrected within thirty (30) days from the date of mailing of written notification of violation from the County.