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ANDREA ALLEN  
UTAH COUNTY RECORDER  
2021 May 24 4:13 pm FEE 0.00 BY LT  
RECORDED FOR COMMUNITY DEVELOPMENT

**ORDINANCE NO. 2021-450**

**AN ORDINANCE AMENDING CHAPTER 8, “USES WITH SPECIAL REVIEW PROVISIONS- SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONE” OF THE UTAH COUNTY LAND USE ORDINANCE TO PROVIDE CLARITY AND CONSISTENCY TO VARIOUS LAND USE REGULATIONS**

**WHEREAS**, the Utah County Planning Commission initiated a review of Chapter 8, “Uses With Special Review Provisions – Supplementary Requirements and Procedures Applicable Within Zones” of the Utah County Land Use Ordinance (UCLUO) to provide clarity and consistency to various land use regulations; 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 April 20, 2021, 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:**

Chapter 8, “Uses With Special Review Provisions – Supplementary Requirements and Procedures Applicable Within Zones” of the Utah County Land Use Ordinance is hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to read as follows:

**EXHIBIT "A"****8: Uses with Special Review Provisions – Supplementary Requirements and Procedures  
Applicable Within Zones****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 Chapter 27A of Title 17 of the Utah Code.
  - 2. If the county fails to provide the notice, or the copy of the staff report, to the 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 Chapter 27A of Title 17 of the Utah Code.
- 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 Chapter 27A of Title 17 of the Utah Code.
- 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 Chapter 27A of Title 17 of the Utah Code.
- E. Third party notice. When the county requires notice to adjacent property owners, the county shall provide the notice required by Chapter 27A of Title 17 of the Utah Code.
- 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 lot or 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 addressed to the owner (as found on the most recent county assessment roll) of each lot or 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 Chapter 27A of Title 17 of the Utah Code.
- 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 Chapter 27A of Title 17 of the Utah Code.
- I. Notice to canal company or canal operator. Notice shall be provided to a canal company or canal operator as required by Chapter 27A of Title 17 of the Utah Code.
- J. Notice challenge. If notice given under authority of this Land Use Ordinance is not challenged under Section 17-27a-801, Utah Code Annotated, 1953 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 or parcel 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 \$10,000.00, is first posted with the County to guarantee the timely removal of the manufactured home.
  2. The owner(s) of the lot or parcel and manufactured home agree to remove the 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 or parcel 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 lot or 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, the G-1 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.

### **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 lot or parcel that is not less than five (5) acres in area and is not part of a recorded subdivision plat.
- 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.
- 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 chapter 3 of this ordinance.
- 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 than 200 feet from any dwelling except the dwelling that exists on the lot or parcel of the small temporary event.
- i. 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 lot or 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 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 lot or parcel as the construction project, located on an adjacent lot or parcel to the construction project, or located on a lot or parcel whose closest boundary lies within one-half mile of the closest boundary of the lot or 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" above, 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 I-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 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 lot or 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 have a use which is a permitted use in the zone; (iii) meets the currently adopted state building code standards for the proposed use of the structure; (iv) has had all residential occupancy facilities removed unless such facilities are allowed in the proposed use of the structure.

- 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 subsection (b) above. An extension of the thirty-day period may be made by the Zoning Administrator when unusual weather or other conditions exist.

6. 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 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 haunted 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 to 10:00 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 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.

7. 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, G-1, Grazing 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.

8. 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 by the property owner.
- b. The temporary commercial filming event has a duration of more than two(2) consecutive days.
- c. 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.
- d. Any film set structure, prop or other material shall be removed and any land disturbance restored upon completion of the filming in that location.
- e. The temporary use permit is for zoning compliance only; approval from other county departments or agencies may also be required.

- f. 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. The temporary commercial filming shall meet all applicable requirements of this Land Use Ordinance.

9. 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 lot or parcel if the Zoning Administrator finds that all of the following conditions and requirements are met:

- a. The equipment shall be on the same lot or 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 lot or parcel during a calendar year.

10. 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 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.

11. 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 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 lot or parcel of land on which the auxiliary parking will be located is adjacent to the lot or 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 lot or 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 lot or 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 clean up 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.

12. 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 lot or parcel or adjacent lots or 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:
  - i. Guided tours of the farm;
  - ii. Petting zoo with farm animals, including pony rides;
  - iii. Pumpkin patch or pumpkin walk;
  - iv. Corn maze;
  - v. Farm related educational games and activities;
  - vi. Farm day camps;
  - vii. 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:
  - i. All existing and proposed structures, along with all proposed activity areas;
  - ii. Designated off-road parking area(s) designed to eliminate the need for an individual to cross a public road to access the site;
  - iii. Restroom locations;
  - iv. Boundary of the entire area to be utilized;
  - v. Concession locations;
  - vi. Lighting locations with illumination direction;
  - vii. Location of all required fire apparatus;
  - viii. 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:
  - i. the dwelling is located on the subject lot(s) or parcel(s);
  - ii. the dwelling is in the same ownership as the property on which the agritourism is located; or
  - iii. 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:
  - i. 10:00 a.m. to 10:00 p.m. Sunday through Thursday
  - ii. 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.
- 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;
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 lot or 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 part B above, accessory signs (a sign which is located on the lot or parcel and which advertises legal uses located on the lot or 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.
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 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 part B above, 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 part B above, 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, 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.
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. SUBSTITUTION CLAUSE

Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

**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 parcel or farm unit produced within the boundaries of Utah.
2. 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. Parking spaces shall meet the provisions of UCLUO 4.60.

**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.

**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 or parcel shall abut on a state or county road and shall have a valid access permit.
4. No overnight camping shall be allowed.

**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 be constructed to a height of at least eight (8) feet

which meets all applicable requirements of this ordinance and adopted building code.

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.

#### **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 regulations, policies, procedures, and standards, regulated by the County.

D. DEFINITIONS.

As used in this Section, the following terms shall have the following meanings:

1. "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.
2. "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.
3. "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:
  - a. (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.
  - b. (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.
  - c. (Equal opportunity) means achieving equal results as between a person with a disability and a non-disabled person.
4. "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.
5. "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 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:
      - i. The owner of the subject property; or
      - ii. 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 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 Subsection 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 Subsection 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 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 Subsection G above.

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 Subsection M.

J. EFFECTIVE DATE.

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 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 respond 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 zoning regulations.
3. The property owner is required to record the termination or release of any agreement provided by this Subsection.

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 Subsection 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 Subsection 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 Subsection 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).
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 or other data transmission 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 chapter 7, Utah County Land Use Ordinance, 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.
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

1. 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.
2. Adequate public road capacity, utilities, parking, and runway design shall be available for the level of use of the facility.
3. 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.

4. The facilities shall be shown to not reduce the value or use of land available to other property owners in the area due to noise or safety.
5. There is adequate evidence of a safe design of the facilities, including a written acceptance or statement of exemption by the Federal Aviation Administration.
6. 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.

G. 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, Utah County Land Use Ordinance, 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 or parcel 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 lots or 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.

### **8.56 Public Park and Public Park Facilities**

#### 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 drawn to a readable scale, 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, contact information, and job title of the governmental official managing the park; and the name, address, and contact information 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 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).
2. Vehicular roads in the park, the public or private road used to access the park, and off-street parking shall be shown to be adequate to accommodate the anticipated use of the park.
3. The park shall be shown to not reduce the property values of adjacent lot or parcels of land.
4. 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 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.

### **8.60 Landscape Park Recreational Facilities**

#### A. SCOPE

The Board of Adjustment, in accordance with the provisions of UCLUO 16, Utah County Land Use Ordinance, 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, readable drawn-to-scale site plan 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

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 contact information of the property owner, the park developer/designer, and the manager or operator of the park.
- c. The provision for trash removal, water and sewer, and security.
- d. The endowment or other means which will be used to construct and maintain the park and facilities.
- e. The management and operations procedures, including any mitigating measures to limit the impacts of the park and facilities to the neighborhood.

#### C. STANDARDS

2. Walkways, access roads, and off-street parking facilities in the park shall be adequate to accommodate the anticipated use of the landscape park recreational facility.
3. The landscape park recreational facility shall be shown to not reduce the property values of adjacent lots or parcels of land.
4. No overnight camping nor sleeping rooms shall be allowed.

#### D. PERMITS REQUIRED

1. Before commencing construction of the park, the owner shall obtain any applicable building or land use permit. The 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.

### **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, G-1, or M&G-1 zone and meet the minimum area requirements of the zone.
3. 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.
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. 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 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 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 readable drawn-to-scale site and construction plan 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 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 PERMITS REQUIRED

Any applicable building permit or zoning compliance permit is required before any construction is commenced on a recreational vehicle court or commercial campground. 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 or zoning compliance permit.

### **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 readable scale:

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 and proposed source of water, 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. 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 Annotated 1953, as amended.
2. The lot or 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. Areas maintained as per landscaping plan.
  2. Repair of any deterioration or damage to the grounds and facilities.
  3. The designation of a corporate or other perpetuating party as trustee to operate and maintain the cemetery.
  4. The removal and proper disposal of the remains at the termination of the 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).
  5. 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.
  6. 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:
    - i. 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
    - ii. has been approved by the culinary water authority and the sanitary sewer authority; and
    - iii. is located in a zoned area; and
    - iv. 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:
    - i. each resulting parcel qualifies as land in agricultural use under Section 59-2-502, Utah Code Annotated, 1953 as amended; and
    - ii. each resulting parcel is not used and will not be used for any nonagricultural purpose; and
    - iii. 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 Section 59-2-502, Utah Code Annotated, 1953 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 subsection 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 lot, or lots, located within the recorded large-scale development plat.
3. Division of Agricultural Land Exemption in connection with Parcel with Existing Dwelling
  - a. A parcel of land may be divided without complying with the subdivision plat requirements of this ordinance, if:

- i. the parcel contains an existing legal one-family dwelling unit;
- ii. the division results in two parcels, one of which is agricultural land;
- iii. the parcel of agricultural land:
  - (A) qualifies as land in agricultural use under Section 59-2-502, Utah Code Annotated, 1953 as amended; and
  - (B) is not used, and will not be used, for a nonagricultural purpose;
- iv. 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
- v. 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 Section 59-2-502, Utah Code Annotated, 1953 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 subsection is later used for a nonagricultural purpose, the exemption provided in this subsection no longer applies, and the county shall require the owner of the parcel to:
  - i. retroactively comply with the subdivision plat requirements of this ordinance; and
  - ii. comply with all other applicable requirements of this ordinance.
- C. Documents recorded in the county recorder's office that divide property by a 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 Section 57-3-106, Utah Code Annotated, 1953 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 Annotated 1953, 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 Annotated 1953, 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 or parcel 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 or parcel" 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 or parcel 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 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.
10. Remote yurts for use by patrons of the resort.

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 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 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 and mitigated if necessary.
5. The Board of Adjustment must find that the accessory ski lifts and associated mountain resort facilities will not reduce property values of adjacent lots or parcels of land.
6. The Board of Adjustment must find that the accessory ski lifts and associated

mountain resort facilities are designed in a manner to be directly integrated into the existing ski resort to which the proposed development is appurtenant.

7. 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.
8. 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 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 occupied structures associated with the dude ranch shall be on a lot or parcel which has 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 forty-five (45) 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 unless otherwise determined by Utah County.

D. ZONING COMPLIANCE PERMIT

After any construction, but prior to occupancy of the dude ranch, the owner shall qualify for and obtain any applicable zoning compliance permit from the Zoning Administrator.

**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 be located on a lot or parcel which has 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 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-of-way for the county road classification deeded to Utah County unless otherwise determined by Utah County.

D. ZONING COMPLIANCE PERMIT

After any construction, but prior to occupancy of the reception center, the owner shall qualify for and obtain any applicable zoning compliance permit from the Zoning Administrator.

**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 be located on a lot or parcel which has 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 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 any applicable zoning compliance permit from the Zoning Administrator.

**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 be located on a lot or parcel which has 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 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 lot or 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 lot or 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 any applicable 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

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 be located on a lot or parcel which has 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 any applicable 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:

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, lots or 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 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 lots or 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.
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 facilities 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.
  - 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 any applicable zoning compliance permit from the Zoning Administrator.

### **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. An accessory dwelling unit which is detached from the single-family dwelling on the subject property shall have a total maximum floor area of 1,000 square feet for all habitable stories.

**Exception:** The detached 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 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, the detached accessory dwelling unit 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. An internal accessory dwelling unit as defined under Utah Code 17-27a-526, as amended, shall have no total maximum floor area.
5. The accessory dwelling unit shall meet all adopted state and county health codes and requirements for the provision of culinary water and sewage disposal.

6. 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.
7. 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.
8. A detached accessory dwelling unit shall be provided with a minimum of two(2) additional off-street parking spaces. An internal accessory dwelling unit shall be provided with a minimum of one(1) additional off-street parking space.
9. The accessory dwelling unit shall only be occupied by one(1) family.
10. 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.
11. The accessory dwelling unit shall be located on a lot or parcel which qualifies for the single-family dwelling to which the accessory dwelling unit is accessory.
  - a. A detached accessory dwelling unit, along with the qualifying single-family dwelling to which it is accessory, shall have a minimum lot or parcel area of one(1) acre.

See Exhibit "A"

**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 12<sup>th</sup> day of May 2021.

**UTAH COUNTY COMMISSION**

**VOTE**

  
WILLIAM C. LEE, CHAIR

YEA

  
THOMAS V. SAKIEVICH, VICE-CHAIR

YEA

  
AMELIA POWERS GARDNER, COMMISSIONER

YEA

**ATTEST:**  
**JOSH DANIELS**  
Temporary Manager - Utah County Clerk/Auditor



By: 

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

Approved  
 Disapprove

By:   
Deputy

Date of Publication: Once only, as soon as possible