



ENT 194085:2021 PG 1 of 4  
ANDREA ALLEN  
UTAH COUNTY RECORDER  
2021 Nov 18 9:12 am FEE 0.00 BY JR  
RECORDED FOR COMMUNITY DEVELOPMENT

**ORDINANCE NO. 2021- 1026**

**AN ORDINANCE AMENDING SECTIONS 4.44-A AND 4.48-E OF THE UTAH COUNTY LAND USE ORDINANCE TO MODIFY REQUIREMENTS RELATING TO FRONTAGE AND VEHICULAR ACCESS IN THE M&G-1, CE-1, AND CE-2 ZONES**

**WHEREAS**, an applicant initiated a review of Chapter 4 of the Utah County Land Use Ordinance (UCLUO) to amend frontage and vehicular requirements to allow shared driveways in limited circumstances that initiate from a point off the property line; 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 September 21, 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:**

Section 4.44-A-7 of the Utah County Land Use Ordinance is hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to add the following as a condition:

f. if access is gained from a point other than the frontage of the subject lot, the following must be met in addition to all other requirements:

1. the point of access is along the same qualifying road from which the lot or parcel meets the frontage requirement,
2. the point of access is no more than 330 feet from the subject property as measured along the road length,
3. any lot or parcel the access road crosses is immediately adjacent to the subject lot or parcel,
4. the access easement in UCLUO 4.44(A)(7)(c) specifically permits the use utilizing the access easement, an address for each lot or parcel gaining access to the County or State road is in compliance with building and fire requirements and is located visibly at the point of access, and
5. obtaining access from the frontage of the subject parcel requires at least one of the following conditions:
  - a. an additional stream crossing,
  - b. the slope of the lot or parcel between the frontage and the front setback along the entirety of the front setback area is in excess of twelve (12) percent as measured perpendicularly from the frontage
  - c. for a lot or parcel with frontage along a state road, a statement from UDOT that the frontage of the lot or parcel does not qualify for an access permit
  - d. for a property where a new dwelling would require an additional railroad crossing, a statement from the railroad company that a railroad crossing cannot be granted

## **Part II:**

Sections 4.48-E 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:

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

otherwise permitted in this ordinance;

**Part III:**

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 IV:**

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 V:**

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 10<sup>th</sup> day of November 2021.

**UTAH COUNTY COMMISSION**

  
WILLIAM C. LEE, CHAIR

  
THOMAS V. SAKIEVICH, VICE-CHAIR

  
AMELIA POWERS GARDNER, COMMISSIONER



**VOTE**

YEA

YEA

YEA

**ATTEST:**

**JOSH DANIELS**

Utah County Clerk/Auditor

By:   
Deputy

**APPROVED AS TO FORM:**

**DAVID O. LEAVITT**

Utah County Attorney

Approved

Disapproved

By: 

Deputy

Date of Publication: Once only, as soon as possible