

ORDINANCE NO. 1998-14

EXT 82835 BK 4741 PG 831  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
1998 Aug 18 11:38 am FEE 0.00 BY SS  
RECORDED FOR UTAH COUNTY COMMUNITY DEVEL

AN ORDINANCE AMENDING SECTIONS 2-2-B-113, 2-2-B-136, 3-42, 3-53-B, 5-2-B-17, 5-3-B-4, 5-4-B-4, 5-5-B-11, 5-6-B-10, 5-7-B-19, 6-3-E-6-h OF THE UTAH COUNTY ZONING ORDINANCE REGARDING THE PROVISIONS IN THE ORDINANCE FOR RESIDENTIAL FACILITIES FOR PEOPLE WITH DISABILITIES, EXCEPTIONS TO THE DEFINITION OF "SUBDIVISION", AND THROUGH STREETS IN SUBDIVISIONS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF UTAH

ORDAINS AS FOLLOWS:

**PART I:**

Section 2-2-B-113 [Definitions] Utah County Zoning Ordinance is hereby amended to read as follows:

113. Residential Facilities for Persons with a Disability

A dwelling unit in which more than one person with a disability resides and which is licensed by the Utah Department of Human Services under Title 62A, Chapter 2 ("Licensure of Programs and Facilities") Utah Code Annotated 1953, or its successor statute. Although supervisory or managerial staff persons may be present, the size, appearance and occupancy levels of the dwelling shall be equivalent to the dwellings in the surrounding neighborhood and zone. For this definition, "disability" means a physical or mental impairment that substantially limits one or more of a person's life activities, including a person having a record of such an impairment or being regarded as having an impairment; "disability" shall not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 USC 802; nor shall "disability" include a behavioral or personality disorder as defined in the current edition of the Diagnostic and Statistics Manual of the American Psychiatric Association.

**PART II:**

ENT 82835 BX 4741 PG 832

Subsection c of section 2-2-B-136 [Definitions - Subdivision] of the Utah County Zoning Ordinance is amended to read as follows:

- c. Subdivision does not include:
  - i. A bona fide division or partition of agricultural land for agricultural purposes; or
  - ii. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if no new lot is created and the adjustment does not result in a violation of applicable zoning ordinances; or
  - iii. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.

**PART III:**

Section 3-42 [Supplementary Regulations] is hereby amended to read as follows:

**3-42 RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY**

The Zoning Administrator may grant a permit for a residential facility for persons with a disability provided the following conditions are met:

- A. The facility meets or exceeds all applicable building, safety and health ordinance of Utah County.
- B. The facility has adequate off-street parking provided by the operator.
- C. The facility is located no closer than one (1) mile from any other residential facility for persons with a disability.
- D. The facility is located in the RA-5, RR-5, TR-5, CE-1, CE-2, or M&G-1 Zone and meets the minimum requirements for setback, lot area, lot width, frontage and all

other requirements of the zone for a zoning lot as if the facility were a one-family dwelling.

- E. The facility exhibits the size, appearance, and occupancy levels of dwellings in the surrounding neighborhood and the applicable zoning district.
- F. The facility is licensed by the Utah Department of Human Services under Title 62A, Chapter 2 ("Licensure of Programs and Facilities") Utah Code Annotated 1953, or its successor statute, as a residential facility for persons with a disability.
- G. There is a supervisory or managerial staff person present on a 24-hour basis.
- H. The operator establishes and maintains a community advisory committee through which all complaints and concerns of neighbors may be addressed.
- I. An current county business license is maintained during all periods of occupancy and the facility is available for inspection by the licensing staff.

#### **PART IV:**

Section 3-53-B [Division of Land, Plat Required] of the Utah County Zoning Ordinance is hereby amended to read as follows:

#### **B. EXEMPTION**

Any owner or agent of any owner of real property who seeks to partition land without recording a plat by virtue of the exemption in zoning section 2-2-B-136, part c, for agricultural land, shall first acquire a waiver on forms furnished and signed by the Zoning Administrator. The Zoning Administrator shall approve said waiver upon satisfactory completion of the application form by the applicant, including the recording of satisfactory deed covenants precluding the residential or other non-agricultural use of the land until the recording of a properly approved subdivision plat.

Any sale or other transfer of land into two or more parcels without the owner or agent of the owner first having obtained a signed waiver from the Zoning Administrator, or having recorded an approved subdivision plat, shall be considered prima facie evidence of the illegal subdivision of land and a violation of this ordinance, subject to the penalties stated herein.

**PART V:**

Sections 5-2-B-17, 5-3-B-4, 5-4-B-4, 5-5-B-11, 5-6-B-10, 5-7-B-19 [Regulations within Zones] of the Utah County Zoning Ordinance are each hereby amended to have identical wording, which shall read as follows:

Residential facilities for persons with a disability and residential facilities for elderly persons, subject the standards set forth in zoning sections 3-42 and 3-43, respectively.

**PART VI:**

Section 6-3-E-5-h [Subdivisions - Street System Standards and Conditions] of the Utah County Zoning Ordinance is hereby amended to read as follows:

- h. Subdivisions may abut an existing dead-end paved county road, but the road system within the subdivision shall consist of through roads.

**PART VII:**

Insert pages reflecting the above amendments are hereby ordered to be filed in the three file copies of the Official Utah County Zone Map on file with the Utah County Clerk.

**PART VIII:**

This ordinance shall take effect: 1. sixteen (16) days after it is passed, or 2. after is has been published, whichever date is later.

**PASSED** and ordered published this 28 day of July, 1998.

**UTAH COUNTY COMMISSION**

Gary R. Herbert  
Gary R. Herbert, Chairman

David J. Gardner  
David J. Gardner, Commissioner

Jerry D. Grover  
Jerry D. Grover, Commissioner

**ATTEST:**  
Arlyn V. Kuhni,  
County Auditor/Clerk

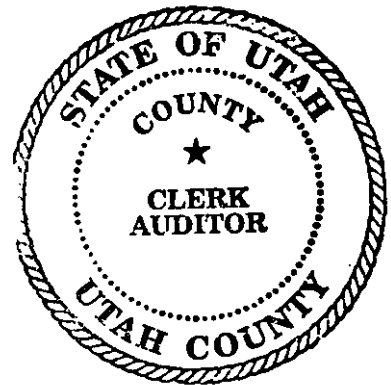
By: Lyndai Strickland  
Deputy

**VOTE**

Aye

Aye

Aye



**APPROVED AS TO FORM:**

Kay Bryson, County Attorney

☒ Approved

☐ Disapproved

By: Dan H. Hammett  
Deputy

Date of Publication: \_\_\_\_\_ [once only, as soon as possible]

# PROOF OF PUBLICATION

from

## The Daily Herald

STATE OF UTAH

Utah County

S.S.

### ORDINANCE NO. 1998-14

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Section 2-2-B-113 (Definitions) Utah County Zoning Ordinance is hereby amended to read as follows:

#### 113. Residential Facilities for Persons with a Disability.

A dwelling unit in which more than one person with a disability resides and which is licensed by the Utah Department of Human Services under Title 62A, Chapter 2 (Licensure of Programs and Facilities) Utah Code Annotated 1953, or its successor statute. Although supervisory or managerial staff persons may be present, the size, appearance and occupancy levels of the dwelling shall be equivalent to the dwellings in the surrounding neighborhood and zone. For this definition, "disability" means a physical or mental impairment that substantially limits one or more of a person's life activities, including a person having a record of such an impairment or being regarded as having an impairment; "disability" shall not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 USC 802; nor shall "disability" include a behavioral or personality disorder as defined in the current edition of the Diagnostic and Statistical Manual of the American Psychiatric Association.

#### PART II:

Subsection c of section 2-2-B-136 (Definitions) Subdivision of the Utah County Zoning Ordinance is amended to read as follows:

Subdivision does not include:

A. A bona fide division or partition of agricultural land for agricultural purposes; or

B. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if no new lot is created and the adjustment does not result in a violation of applicable zoning ordinances; or

C. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.

#### PART III:

Section 3-42 (Supplementary Regulations) is hereby amended to read as follows:

#### 3-42. RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY.

The Zoning Administrator may grant a permit for a residential facility for persons with a disability provided the following conditions are met:

A. The facility meets or exceeds all applicable building, safety and health ordinance of Utah County.

B. The facility has adequate off-street parking provided by the operator.

C. The facility is located no closer than one (1) mile from any other residential facility for persons with a disability.

D. The facility is located in the RA-5, RR-5, TR-5, CE-1, CE-2, or MSG-1 Zone and meets the minimum requirements for setback, lot area, lot width, frontage and all other requirements of the zone for a zoning lot as if the facility were a one-family dwelling.

E. The facility exhibits the size, appearance, and occupancy levels of dwellings in the surrounding neighborhood and the applicable zoning district.

F. The facility is licensed by the Utah Department of Human Services under Title 62A, Chapter 2 (Licensure of Programs and Facilities) Utah Code Annotated 1953, or its successor statute, as a residential facility for persons with a disability.

G. There is a supervisory or managerial staff person present on a 24-hour basis.

H. The operator establishes and maintains a community advisory committee through which all complaints and concerns of neighbors may be addressed.

I. An current county business license is maintained during

I, Konnie Lynn Davis, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, #104777-PO#C00377-, and which is a copy, was published in said newspaper, the first publication having been made on the 21th day of August, 1998, and the last on the 21th day of August, 1998; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

Konnie Lynn Davis  
Subscribed and sworn before me  
this 21th day of August, 1998

Lisa Danette Stone  
Notary Public

Residence: Orem, Utah

My commission expires January 13, 2001

