

ORDINANCE NO. 1999- 14

AN ORDINANCE AMENDING SECTIONS 2-2-B-121 AND 5-7-C-3 OF THE UTAH COUNTY ZONING ORDINANCE, LIMITING THE DEFINITION OF SCHOOLS TO PROVIDING DAYTIME SERVICES ONLY AND ADDING A NEW SECTION 2-2-B-24.5 OF THE UTAH COUNTY ZONING ORDINANCE, DEFINING PRIVATE CORRECTIONAL INSTITUTIONS TO LIMIT THEM TO PUBLIC, NOT PRIVATELY-RUN FACILITIES

WHEREAS, Mining and Grazing zones are traditionally located in remote and isolated areas of Utah County, and

WHEREAS, Provision of essential services, such as fire and law enforcement protection are unduly difficult to provide in remote and isolated areas of the County due to poor access and response times, and

WHEREAS, Density in the Mining and Grazing Zone is one single family dwelling per 50 acres which is far exceeded by residential boarding schools, and

WHEREAS, residential boarding schools are not a need necessitated by the residents of the unincorporated area of Utah County, and

WHEREAS, Utah County does not provide urban infrastructure or urban services such as water, power, or sewer in the unincorporated areas of the County and the terms and conditions of the Utah County Zoning Ordinance encourage and foster the orderly development and growth of the County by encouraging urban development by annexation into cities and towns, and

WHEREAS, the terms and conditions of the following ordinance are in the best interest of the residents of Utah County and will foster the general health safety and welfare of the inhabitants of Utah County,

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF UTAH HEREBY ORDAINS AS FOLLOWS:

PART I:

Subsection (a) of section 2-2-B-121 [Definitions - School] of the Utah County Zoning Ordinance is hereby repealed and section 2-2-B-121 [Definitions - School] of the Utah County Zoning Ordinance is hereby amended and re-enacted as follows:

121. School

An educational institution accredited by the State of Utah as a primary or secondary school; also a preschool. Schools, including primary, secondary and preschools, shall not provide for residential, overnight or sleeping accommodations, but are for daytime only care and instruction of students.

a. Preschool.

(1) Private. A school or place of instruction which has three or more children who (a) are under the age of six; (b) receive instruction from a teacher licensed by the State of Utah; and (c) attend the school less than four hours per day. This definition shall not apply to the usual activities of a family in its residence.

(2) Public. A school or place of instruction for children under the age of six for the care and instruction of its charges that is an approved program by a state or federal agency or a local school district.

b. Primary School.

A school accredited by the State of Utah as a primary school for grades kindergarten through grade six (6).

c. Secondary School.

A school accredited by the State of Utah as a secondary school for grades seven (7) through twelve (12).

PART II:

Section 2-2-B [Definitions] of the Utah County Zoning Ordinance is amended to add a new subsection 24.5, which shall read as follows:

24.5 Correctional Institution

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

PART III:

Section 5-7-C-3 [Permitted Conditional Uses of the M&G-1 Zone] of the Utah County Zoning Ordinance is amended to read as follows:

- 3. A correctional institution which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

PART IV:

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.

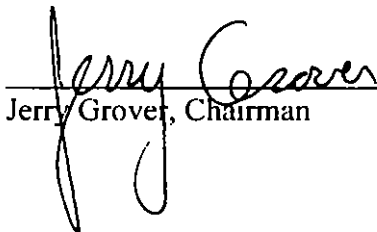
PART V:

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 20th day of July, 1999.

UTAH COUNTY COMMISSION

VOTE



 Jerry Grover, Chairman

_____ Aye _____

Gary R. Herbert
Gary R. Herbert, Commissioner

 Aye

David J. Gardner
David J. Gardner, Commissioner

 Aye

ATTEST:
Arlyn V. Kuhni,
County Auditor/Clerk

APPROVED AS TO FORM:
Kay Bryson, County Attorney

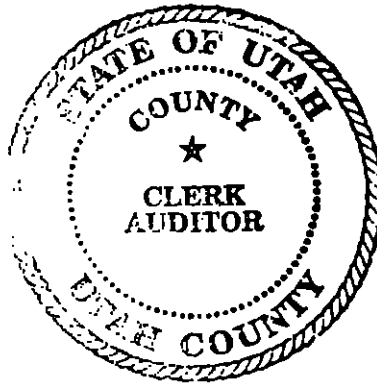
Approved

Disapproved

By: Linda Stickleland
Deputy

By: E. Kurt Sundler
Deputy

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



AN ORDINANCE AMENDING SECTIONS 2-2-B-121 AND 5-7-C-3 OF THE UTAH COUNTY ZONING ORDINANCE, LIMITING THE DEFINITION OF SCHOOLS TO PROVIDING DAYTIME SERVICES ONLY AND ADDING A NEW SECTION 2-2-B-24.5 OF THE UTAH COUNTY ZONING ORDINANCE, DEFINING PRIVATE CORRECTIONAL INSTITUTIONS TO LIMIT THEM TO PUBLIC, NOT PRIVATELY-RUN FACILITIES

WHEREAS, Mining and Grazing zones are traditionally located in remote and isolated areas of Utah County, and

WHEREAS, Provision of essential services, such as fire and law enforcement protection are unduly difficult to provide in remote and isolated areas of the County due to poor access and response times, and

WHEREAS, Density in the Mining and Grazing Zone is one single family dwelling per 50 acres which is far exceeded by residential boarding schools, and

WHEREAS, residential boarding schools are not a need necessitated by the residents of the unincorporated area of Utah County, and

WHEREAS, Utah County does not provide urban infrastructure or urban services such as water, power, or sewer in the unincorporated areas of the County and the terms and conditions of the Utah County Zoning Ordinance encourage and foster the orderly development and growth of the County by encouraging urban development by annexation into cities and towns, and

WHEREAS, the terms and conditions of the following ordinance are in the best interest of the residents of Utah County and will foster the general health safety and welfare of the inhabitants of Utah County,

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF UTAH HEREBY ORDAINS AS FOLLOWS:

PART I:

Subsection (e) of section 2-2-B-121 [Definitions - School] of the Utah County Zoning Ordinance is hereby repealed and section 2-2-B-121 [Definitions - School] of the Utah County Zoning Ordinance is hereby amended and re-enacted as follows:

121. School
An educational institution recognized by the State of Utah as a primary or secondary school; also a preschool. Schools, including primary, secondary and preschools, shall not provide for residential, overnight or sleeping accommodations, but are for daytime only care and instruction of students.

a. Preschool
(1) Private. A school or place of instruction which has three or more children who (a) are under the age of six (6) receive instruction from a teacher licensed by the State of Utah; and (c) attend the school less than four hours per day. This definition shall not apply to the usual activities of a family in its residence.

(2) Public. A school or place of instruction for children under the age of six for the care and instruction of its charges that is an approved program by a state or federal agency or a local school district.

b. Primary School
A school accredited by the State of Utah as a primary school for grades kindergarten through grade six (6).

c. Secondary School
A school accredited by the State of Utah as a secondary school for grades seven (7) through twelve (12).

PART II:

Section 2-2-B [Definitions] of the Utah County Zoning Ordinance is amended to add a new subsection 24.5, which shall read as follows:

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

PART III:

Section 5-7-C3 (Permitted Conditional Uses of the MSG-1 Zone) of the Utah County Zoning Ordinance is amended to read as follows:

3. A correctional institution which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

PART IV:

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

PART V:

This ordinance shall take effect: 1. sixteen (16) days after it is passed, or 2. after it has been published, whichever date is later.
PASSED and ordered published this 8th day of July, 1999.

UTAH COUNTY COMMISSIONERS
VOTE
Jerry Grover, Chairman
eye
Gery R Herbert, Commissioner
eye

ATTEST:
Arlyn V. Kuhni,
County Auditor/Clerk
By: /s/ Linda Strickland
APPROVED AS TO FORM:
Key Bryson, County Attorney
By: /s/ E. Kent Bundberg
Deputy

Legal Notice No. 601883 Published in The Daily Herald August 8, 1999

OF OF PUBLICATION

from

The Daily Herald

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, #5101663-PO#D10054-ORDINANCE N, and which is a copy, was published in said newspaper, the first publication having been made on the 8th day of August, 1999, and the last on the 8th day of August, 1999; 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 10th day of August, 1999

Lisa Danette Stone
Notary Public

Residence: Orem, Utah

My commission expires January 13, 2001

