

AN ORDINANCE AMENDING THE UTAH COUNTY ZONING ORDINANCE, AS TO SECTION 3-53-B [DIVISION OF LAND, PLAT REQUIRED - EXCEPTION], AND SECTION 7-27 [VIOLATIONS]

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF UTAH ORDAINS AS FOLLOWS:

PART I:

Section 3-53-B of the Utah County Zoning Ordinance is hereby amended to read as follows:

EXEMPTIONS

1. Exception 1 -- agricultural land divided for agricultural purposes.
  - a. If a landowner or agent of any owner of real property seeks to partition a parcel of land without recording a plat, by virtue of the exemption in zoning section 2-2-B-136-c of the Utah County Zoning Ordinance and section 17-27-806(2) Utah Code Annotated 1953 or its successor statute, related to the division of agricultural land for agricultural purposes, such person shall first obtain a waiver on forms furnished and signed by the Zoning Administrator prior to recording the deeds or other instruments of transfer which divide the land. Such deeds or other instruments of transfer shall, before they are recorded, have the signature of approval by the zoning administrator and a reference to the waiver document.
  - b.. The Zoning Administrator shall approve the waiver only if he or she finds:
    - (i) the parcel of land qualifies as "land in agricultural use" under Title 59, Chapter 2, Part 5, Farmland Assessment of Utah Code Annotated 1953 or its successor statute;
    - (ii) the current land uses present on the property are listed uses in the subject zoning district and the parcels resulting from the division meet the minimum lot width and area requirements of such district;
    - (iii) the owners have recorded satisfactory deed covenants which preclude the present and future residential or other non-agricultural use of the parcel to be divided until the recording of a properly approved subdivision plat;

- (iv) the applicants have satisfactorily completed a standard waiver application
  - c. For a parcel with mixed use, where a portion of the parcel to be divided is residential land (or a land use other than for agriculture as such is delineated in Title 15, Chapter 2, Part 5 Utah Code Annotated) and the balance is agricultural land, the agricultural portion may be divided off from the other land only if:
    - (i) no additional parcels of land for residential or non-agricultural use are created (e.g. if the zoning ordinance allows one site for residential use on the parcel before it is divided, no more than one such site may exist after the land is divided; or if no residential site exists before the division, none may exist after the waiver is issued);
    - (ii) all residential parcels and other parcels resulting from the waiver and division must meet the current minimum area, width, public street frontage, set back and other standards of the zone;
    - (iii) the agricultural parcels resulting from the division shall be covered by recorded satisfactory deed covenants which preclude the present and future residential or other non-agricultural use of the land until the recording of a properly approved subdivision plat;
    - (iv) the "record of survey map " which is a component of the waiver application and a requirement of section 17-27-806(2)(b) Utah Code Annotated 1953 shall designate which parcels are for residential or other non-agricultural uses and which are agricultural uses covered by the protective covenant
  - d. No lot or parcel which has been issued a waiver and divided according to this part shall be used for residential or other non-agricultural purposes until a subdivision plat which includes the parcel has been approved and recorded with the county recorder.
- 2. Exception 2 - approved divisions into fewer than 10 lots
  - a. If a landowner or agent of any owner of real property seeks to partition land without recording a plat by virtue of the exemption for qualifying divisions of land into fewer than 10 lots, such person shall first obtain an approval of a waiver on forms furnished and signed by the Zoning Administrator prior to the recording of deeds or other instruments of transfer which divide the land. Such deeds or other instruments of transfer shall, before they are recorded, have the signature of approval by the zoning administrator and a reference to the waiver document.

- b. The Zoning Administrator shall approve the waiver only if he or she finds:
  - (i) that the total number of parcels or splinters of land resulting from divisions from the initial parcel shall be fewer than 10; this shall not allow a series of land divisions occurring at different periods of time to result in a total of 10 or more parcels; and this requirement shall be interpreted to run with the land, not the owners, so that subsequent owners shall not each be entitled to make a division into fewer than 10 lots without recording an approved subdivision plat;
  - (ii) each of the parcels resulting from the division shall abut on a public street which has been platted and dedicated in fee to Utah County; furthermore, no street dedications, dedications of public easements, parks, floodways or other public places shall be necessary because such already exist for each of the parcels resulting from the division;
  - (iii) each of the parcels resulting from the divisions shall meet the current minimum area, width, public street frontage, set back and other standards of the zone;
  - (iv) the land within the boundaries of the parcels resulting from the divisions shall not be traversed by a the mapped lines of a proposed street shown on the general plan.
  
- 3. Any sale or other transfer of land into two or more parcels without either obtaining a signed waiver from the Zoning Administrator, or recording an approved subdivision plat with the county recorder shall be prima facie evidence of the illegal subdivision of land and a violation of this ordinance, subject to the penalties stated herein.

**PART II:**

Section 7-27 of the Utah County Zoning Ordinance is hereby amended to add a new subsection C, which shall read as follows:

The owner or agent of an owner who records a subdivision plat that has not been approved under the terms of Chapter 6 of this Utah County Zoning Ordinance, or who transfers land that has been divided into two or more parcels without being included in an approved, recorded subdivision plat, or granted a waiver under section 3-53-B of this ordinance, shall be in violation of this ordinance for each such lot which has been transferred or sold. Besides the other remedies listed in section 7-28, the parties seeking remedies thereunder may involve the property owners involved, including both past and present owners of the divided land, to obtain an injunction, abatement, or merger of title to remedy the improper division.

**PART III:**

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 Auditor/Clerk.

**PART IV:**

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 22nd day of August, 2000.

**UTAH COUNTY COMMISSION**

**VOTE**

Jerry D. Grover  
Jerry D. 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:**

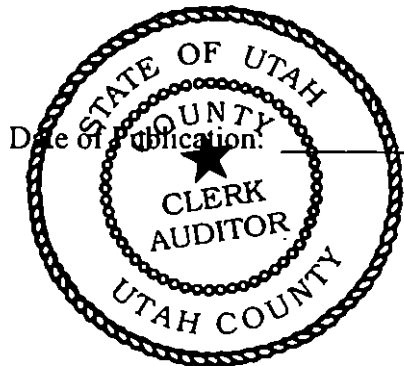
Kay Bryson, County Attorney

By: Linda Sjostland  
Deputy

Approved

Disapproved

By: [Signature]  
Deputy



[one time, as soon as possible]

STATE OF UTAH  
Utah County

S.S.

I, Konnie Lynn Davis, being first duly

ORDINANCE NO. 2000-20

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(ii) all residential parcels and other parcels resulting from the waiver and division must meet the current minimum area, width, public street frontage, set back and other standards of the zone;

(iii) the agricultural parcels resulting from the division shall be covered by recorded satisfactory deed covenants which preclude the present and future residential or other non-agricultural use of the land until the recording of a properly approved subdivision plat;

and future residential or other non-agricultural use of the land until the recording of a properly approved subdivision plat;

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d. No lot or parcel which has been issued a waiver and divided according to this part shall be used for residential or other non-agricultural purposes until a subdivision plat which includes the parcel has been approved and recorded with the county recorder.

2. Exception 2 - approved divisions into fewer than 10 lots

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Residence: Eagle Mountain, Utah

January 13, 2001

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UTAH COUNTY COMMISSION  
Jerry D. Grover, Chairman  
Gary R. Herbert, Commissioner  
David J. Gardner, Commissioner

ATTEST: APPROVED AS TO FORM:  
Alvin V. Kuhl, Kay Bryson, County Attorney  
County Auditor/Clerk By: David H. Shawcroft  
By: [Signature] Deputy

Legal Notice No. 604054 Published in The Daily Herald September 1, 2000

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