

**AN ORDINANCE AMENDING SECTION 3-10-A-7, FRONTAGE  
ON AN APPROVED PUBLIC STREET REQUIRED, EXCEPTIONS,  
OF THE UTAH COUNTY ZONING ORDINANCE**

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

ENT 31564:2005 PG 1 of 3  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2005 Mar 28 11:31 am FEE 0.00 BY SFS  
RECORDED FOR UTAH COUNTY COMMISSIONERS

**Part I:**

Utah County Zoning Ordinance, Section 3-10-A-7, is hereby amended to read as follows:

- a. because of the topography, the construction of an access from the frontage to the facility, exclusively and entirely across the subject lot, would require excessive cuts and fills; and
- b. because of the topography, the construction of an access from the frontage to the facility, exclusively and entirely across the subject lot, would require an access of excessive length; and
- c. the owner of the property on which the portion of the access which falls outside of the subject lot is located, has granted to the owner of the subject lot, and to the subject lot owner's heirs, successors, and assigns, a written permanent perpetual easement, in a form acceptable to the Zoning Administrator, which complies with all requirements for a legal access, which is appurtenant to the subject lot, and which easement has been recorded in the office of the Utah County Recorder, or, if the United States of America is the owner of the property on which the portion of the access which falls outside of the subject lot is located, the United States of America has granted a private road easement, in the official form utilized by the governmental entity, to the owner of the subject lot; and
- d. the owner of the subject lot has signed and recorded in the office of the Utah County Recorder a restrictive covenant and acknowledgment, in a form acceptable to the Zoning Administrator, which provides that, if the permanent perpetual easement, or the governmental issued private road easement, is terminated, for any reason, the Occupancy Permit issued by Utah County will immediately and automatically be revoked and become null and void, and the subject lot will not be used for human occupancy, either temporarily or permanently, until such time as the permanent perpetual easement, or the governmental issued private road easement, is reinstated and approved by the Zoning Administrator; and

- e. the access driveway must be designed and constructed to a grade no greater than 12 percent using engineering standards for a minimum of "H-20" loading in accordance with A Policy of Geometric Design of Highways and Streets (1990 edition) American Association of State Highways and Transportation Officials (AASHTO) or its equivalent counterpart in subsequent editions. A road maintenance agreement must be entered into between the owner of the subject lot and Utah County guaranteeing that the owner of the subject lot will maintain the access driveway in a condition to allow vehicular access during all periods of occupancy.

**Part II:**

Insert pages reflecting the above amendments, including a title page which bears the enactment date of this ordinance, are hereby ordered to be filed in the three copies of the Utah County Zoning Ordinance which are on file with 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 take effect: 1) fifteen (15) days after it is passed, or 2) after it has been published, whichever date is later.

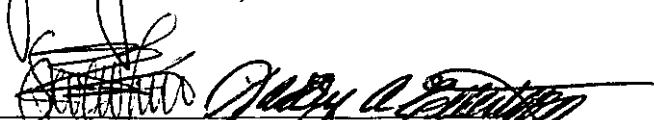
PASSED and ordered published this 2nd day of March, 2005.

UTAH COUNTY COMMISSION

VOTE

  
 \_\_\_\_\_  
 JERRY D. GROVER, CHAIR

Aye

  
 \_\_\_\_\_  
 LARRY A. ELLERTSON, COMMISSIONER

Aye

  
 \_\_\_\_\_  
 STEVE WHITE, COMMISSIONER

Aye

**ATTEST:**  
**KIM T. JACKSON**  
County Clerk/Auditor

By: *Lynnda J. Dickblans*  
Deputy

**APPROVED AS TO FORM:**  
**KAY BRYSON**  
County Attorney

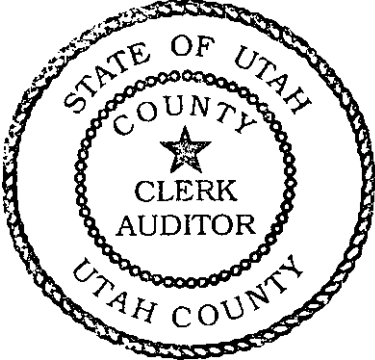
Approved

Disapproved

By: *[Signature]*  
Deputy

Date of Publication: Once only, as soon as possible

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# PROOF OF PUBLICATION

from

## The Daily Herald

STATE OF UTAH } SS.  
Utah County }

### NOTICE

ORDINANCE NO. 2005-5, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH ON MARCH 22, 2005, AMENDING SECTION 3-10-A-7, FRONTAGE ON AN APPROVED PUBLIC STREET REQUIRED, EXCEPTIONS, OF THE UTAH COUNTY ZONING ORDINANCE.

A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER JERRY D. GROVER, COMMISSIONER STEVE WHITE, AND COMMISSIONER LARRY A. ELLERTSON VOTED IN FAVOR OF THE ORDINANCE.

Legal Notice 159036 Published in The Daily Herald March 25, 2005

I, Gayleen Wilson, 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, 159036-NOTICE ORDINANCE NO. , and which is a copy, was published in said newspaper the first publication having been made on the 25th day of March, 2005, and the last on the 25th day of March, 2005; 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.

*Gayleen Wilson*

Subscribed and sworn before me  
this 25th day of March, 2005.

*Denise K. White* Notary Public

Residence: Orem  
My commission expires 2/20/2007

