

AN ORDINANCE AMENDING SECTION 6-1-E-25, AMENDMENTS TO LARGE SCALE DEVELOPMENT PLATS, AMENDING SECTION 1-6-B, NONCONFORMING USES AND NONCOMPLYING STRUCTURES, AND DELETING SECTIONS 6-4-B-6 AND 6-5-B-10, OF THE UTAH COUNTY LAND USE ORDINANCE

THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

The Utah County Land Use Ordinance, Section 6-1-E-25, is hereby amended to read as follows:

25. Amendments to Large Scale Development Plats.

ENT 161217:2006 PG 1 of 3
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2006 Nov 30 3:18 pm FEE 0.00 BY VM
RECORDED FOR UTAH COUNTY COMMISSIONERS

a. Unrecorded Plats.

If the applicant desires to make changes to an unrecorded large scale development plat that has received a recommendation from the Utah County Planning Commission and/or approval by the Utah County Commission, the applicant must file a new application which complies with the procedures and requirements for a new application, and which application must contain all of the elements required for a new application, provided, however, that the Planning Director can waive any procedures or application elements which the Planning Director determines to be inapplicable to the amended application, or contained in the original application and not requiring amendment or re-submission. The application must then be resubmitted to the Planning Commission for a new recommendation and to the Utah County Commission for approval or denial.

b. Recorded Conforming Plats.

Amendments to approved recorded plats of large scale developments which are not non-conforming uses under this Land Use Ordinance shall comply with the procedures and requirements contained in the Utah Code for plat amendments. In addition, the applicant shall comply with the procedures and requirements for a new large scale development application, and which application must contain all of the elements required for a new application, provided, however, that the Planning Director can waive any procedures or application elements which the Planning Director determines to be inapplicable to the plat amendment application, except for those procedures and requirements contained in the Utah Code for plat amendments. The application must then be submitted to the Planning Commission for a recommendation and to the Utah County Commission for approval or denial.

c. Recorded Non-Conforming Plats.

Amendments to approved recorded plats of subdivisions and large scale developments which are non-conforming uses (plats approved as previously permitted conditional uses under the land use ordinance, but, because of one or more subsequent land use ordinance changes, do not conform to the regulations that now govern the use of the land) shall comply with the procedures and requirements contained in the Utah Code for plat amendments. In addition, the applicant shall comply with the procedures and requirements applicable to the specific development type which was originally approved (now a nonconforming use). Any amendment must comply with all of the parameters, requirements, and restrictions applicable to the original approved development. No such plat amendment can be approved which would increase the number of dwelling units in the plat, increase the number of lots in the plat, increase the number of lots available for residential use in the plat, or add additional land area to the plat. Consistent with the limitations contained herein, the Planning Director can waive any procedures which the Planning Director determines to be inapplicable to the plat amendment application, except for those procedures and requirements contained in the Utah Code for plat amendments. The application must then be submitted to the Planning Commission for a recommendation and to the Utah County Commission for approval or denial.

Part II.

The Utah County Land Use Ordinance, Section 1-6-B, is hereby amended to read as follows:

1-6: NONCONFORMING USES AND NONCOMPLYING STRUCTURES

B. CONTINUATION

1. Except as provided below in this section, a noncomplying structure or a nonconforming use of land may be continued to the same extent and character as that which was legally existing and permitted on the effective date of the ordinance provision(s) causing noncompliance or nonconformity if:
 - a. No increase or expansion is made; and
 - b. The lot on which the structure or use lies is unchanged, provided, however, that a noncomplying structure consisting of an occupied structure shall be allowed to continue in its noncomplying status when the boundaries of the parcel on which the occupied structure is located are changed to create a platted subdivision lot, if the noncompliance is not deemed a hazard to public safety.
2. Recorded noncomplying plats can be amended pursuant to the procedure contained in Section 6-1-E-25-c of the Utah County Land Use Ordinance.

Part III:

The Utah County Land Use Ordinance, Sections 6-4-B-6 and 6-5-B-10, are hereby deleted.

Part IV:

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 copy of the Utah County Land Use Ordinance which is on file with the Utah County Clerk/Auditor.

Part V:

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 VI:

This ordinance shall become effective fifteen (15) days after its passage, and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

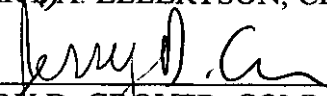
PASSED and ordered published this 24th day of October, 2006.

UTAH COUNTY COMMISSION


VOTE


LARRY A. ELLERTSON, CHAIR

aye


JERRY D. GROVER, COMMISSIONER

aye


STEVE WHITE, COMMISSIONER

aye

ATTEST:

KIM T. JACKSON
County Clerk/Auditor

APPROVED AS TO FORM:

KAY BRYSON
County Attorney

By: 
Deputy

Approved

Disapproved

By: 
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 }

I, Paula Stallings , 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, NOTICE NO. 2006- 35-257068 , and which is a copy, was published in said newspaper, the first publication having been made on the 4th day of November, 2006, and the last on the 4th day of November, 2006; 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.

Paula Stallings

Subscribed and sworn before me
this 6th day of November, 2006.


Karen Jordan

Notary Public

Residence: Orem, Utah

My commission expires April, 2010

NOTICE
ORDINANCE NO. 2006- 35, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON OCTOBER 24, 2006, AMENDING SECTION 6-1-E-25, AMENDMENTS TO LARGE SCALE DEVELOPMENT PLATS, AMENDING SECTION 1-6-B, NON-CONFORMING USES AND NONCOMPLYING STRUCTURES, AND DELETING SECTIONS 6-4-B-6 AND 6-5-B-10, OF THE UTAH COUNTY LAND USE ORDINANCE
A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE. COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER STEVE WHITE AND COMMISSIONER JERRY D. GROVER VOTED IN FAVOR OF THE ORDINANCE.
Legal Notice 257068 Published in The Daily Herald November 4, 2006

 KAREN JORDAN
NOTARY PUBLIC • STATE of UTAH
909 SOUTH 150 WEST
OREM, UTAH 84058
COMM. EXPIRES 4-03-2010