

ORDINANCE NO. 2008- 20

AN ORDINANCE AMENDING SECTION 1-6-B-1(b), CONTINUATION OF NONCONFORMING LOT; AMENDING SECTIONS 2-2-B, DEFINITIONS, SUBSECTIONS 12, 32, 62, 78, 84, 88, AND 90; DELETING SECTIONS 2-2-B-93 AND 2-2-B-96; AMENDING SECTION 3-25, NOTIFICATION PROCEDURE FOR SPECIAL PERMITS; AMENDING SECTION 3-33, MARINAS; AND AMENDING SECTION 3-37, PUBLIC FACILITIES; OF THE UTAH COUNTY LAND USE ORDINANCE

THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 1-6-B-1(b), Nonconforming Uses and Nonconforming Structures, Continuation, of the Utah County Land Use Ordinance is hereby amended to read as follows:

- b. The lot on which the structure or use lies is unchanged, except for dedication of road right-of-way, 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.

Part II:

Section 2-2-B, Definitions, subsections 12, 32, 62, 78, 84, 88, and 90, of the Utah County Land Use Ordinance, are amended to read as follows:

12. Commercial Day Care Center
A building along with ancillary playground facilities wherein care and supervision are provided by adults to minor children between the hours of 7:00 a.m. to 7:00 p.m. only.
32. Family Day Care
A dwelling wherein care and supervision are provided between the hours of 7:00 a.m. to 7:00 p.m. only, by the resident family to not more than six (6) people who are not related to such family. To qualify, approval must be obtained for such use by the State Department of Social Services.
62. Marina
A facility which shall include a boat launching ramp or ramps, boat storage structures or open storage yards, parking areas, and mooring docks; and may include one or more of the following: breakwaters; deep water channels; domestic water and sanitary facilities; security and fee structures; facilities for rental of boats and water sport vehicles; facilities for the sale and rental of fishing gear and supplies; and facilities for the sale of marine supplies, food concessions and vending machines.

78. Residential Accessory Structures

A detached independent building or structure on the same lot as a dwelling, which structure is used by the occupants of the dwelling for a customarily incidental and subordinate noncommercial use to a residence.

84. Roping and Riding Arena

A livestock enclosure within a structure or in an open corral, for the purpose of carrying out activities related to the riding of horses.

- a. Private Roping and Riding Arena - Used exclusively by the property owner of the property on which the arena is located and their personally owned horses and livestock.
- b. Commercial Roping and Riding Arena - Used for the training and boarding of horses, riding schools, horse grooming, and for teaching roping, rodeo or other equestrian skills, but not including any public entertainment such as a rodeo event, horse racing, horse jumping or other equestrian events that are made available for public viewing.

88. Sign

- a. Sign, Accessory

A sign which is located on the premises and which directs attention to a permitted use or permitted conditional use allowed in the zone and which use is currently conducted on the premises.

90. Sleeping Apartment

A room or specific space for sleeping and living quarters which shall not contain cooking facilities. In a suite of interconnected bedrooms (motel rooms) which have no cooking facilities, each three bedrooms (motel rooms) shall be considered one "sleeping apartment". A dormitory, lodge, barrack, or other quarters that provide bedrooms (each bedroom shall not exceed five hundred [500] square feet in total floor area) that connect by hallway or central court shall be considered one "sleeping apartment" for each ten (10) bedrooms or for each twenty (20) persons, whichever is less. The sleeping apartment, whether a structure, manufactured home, travel trailer, or other type of structure, must be constructed to currently adopted building and fire codes and/or other appropriate federal or state agency requirements for construction or licensing, prior to occupancy of the sleeping apartment and the issuing of a business license if required.

Part III:

Utah County Land Use Ordinance, Section 2-2-B-93 and Section 2-2-B-96 are deleted, and the numbering of the definitions from Section 2-2-B-93 to the end of the chapter are to be corrected.

Part IV:

Section 3-25, Notification Procedure for Special Permits, of the Utah County Land Use

Ordinance, is amended to read as follows:

3-25 NOTIFICATION PROCEDURE FOR SPECIAL PERMITS

Notice of the date, time, and place of a public hearing for a proposed conditional use (including a large scale development under chapter 6 of this land use ordinance), or variance, shall be provided by actual notice, or by notice as follows:

- A. Mailed not less than seven calendar days before the public hearing and addressed to the owner (as found on the most recent county assessment roll) of each adjacent parcel (touching along a common side or so close in proximity as to be separated only by the width of a road, canal, railroad track, or similar right-of-way); or
- B. Posted not less than seven calendar days before the public hearing, on the property proposed for a conditional use (including a large scale development under chapter 6 of this land use ordinance), or variance, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to those who pass by.

Part V:

Section 3-33, Marinas, of the Utah County Land Use Ordinance, is amended to read as follows:

3-33 MARINAS

A. INTENT

The intent and purpose of this section is to utilize suitable locations along the shores of Utah Lake and other bodies of water in Utah County for boating and water-related recreation where it can be determined that such use will not cause a deleterious effect upon the agricultural industry or other land uses in the area.

B. SITE PLAN

Any application for a marina shall be accompanied by a site plan having a scale of one (1) inch equals one hundred (100) feet or larger, which shall contain:

- 1. The perimeter metes and bounds description of the boundary of the marina.
- 2. The access points for ingress and egress.
- 3. The layout of roads, driveways, parking areas, and launching sites.
- 4. The location of all buildings and structures.
- 5. All landscaped areas.

C. CONDITIONS

Upon receipt of a complete application, the Zoning Administrator shall grant a permit for a marina if the Zoning Administrator finds that all of the following conditions and requirements are met:

- 1. Approval from the Utah County Health Department for water, restroom facilities and any food concessions.
- 2. The marina shall have twenty (20) double-length parking spaces per each twenty-foot-width of the launching ramp in addition to the parking spaces required by land use ordinance, chapter 3.
- 3. The lot shall abut on a state or county road and shall have a valid access

permit.

4. No overnight camping shall be allowed.
5. An annual Utah County business license is obtained to operate the marina.

Part VI:

Section 3-37, Public Facilities, of the Utah County Land Use Ordinance, is amended as follows:

3-37: PUBLIC FACILITIES

A. PERMITTED USES

Upon receipt of a complete application, the Zoning Administrator shall approve the following public facilities in any zone if the Zoning Administrator finds that all of the conditions and requirements are met:

1. Motor vehicle roads and driveways, public transportation parking lots accessory to a public transit station and parking lots for park and ride car pooling.
2. Railroad tracks, public rail transit stations and other public transit stations and facilities.
3. Bicycle and foot trails.
4. Electric power transmission and distribution lines and substations (lines of 345 kV and over within a new transmission corridor require conditional use approval by the Board of Adjustment).
5. Gas transmission and distribution lines and pumping stations.
6. Canals and water transmission and distribution lines and pumping stations.
7. Sewer lines and sewage pumping and lift stations.
8. Telephone lines.
9. Cable television lines.
10. Cellular telephone, radio, television, or microwave transmission facilities that do not exceed the maximum height of the zone and stealth telecommunications transmission facilities.
11. Any rights-of-way, service driveways, or accessory structures which are appurtenant to the above uses.

2. STANDARDS

Public facilities shall be subject to all of the standards for the zoning district in which they are located except:

1. There shall be no minimum area of the zoning lot required.
2. Only walled and/or roofed structures shall be required to meet the setback standards of the zone, except a public transit station that may require being adjacent to a road or rail line for safety, otherwise the public facilities listed in this section shall have no minimum setback requirement.
3. For utility line structures, there shall be no maximum height (this does not include cellular telephone, radio, television, or microwave transmission facilities).

Part VII:

The Utah County Land Use Ordinance, as amended herein, is hereby adopted in book form and a copy of said Utah County Land Use Ordinance is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part VIII:

If any of the sections, sentences, clause 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 VIV:

This ordinance shall become effective fifteen (15) days after it is passed, 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 June, 2008

UTAH COUNTY COMMISSION



GARY J. ANDERSON, CHAIR



LARRY A. ELLERTSON, COMMISSIONER

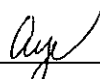


STEVE WHITE, COMMISSIONER

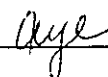
VOTE



aye



aye



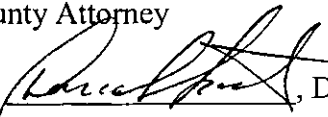
aye



ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

By:  Deputy

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By:  Deputy

Date of Publication: Once only, as soon as possible

PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH }
Utah County } SS

NOTICE
ORDINANCE NO. 2008-20 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON JUNE 24, 2008, AMENDING SECTION 1-6-B-1(b), CONTINUATION OF NONCONFORMING LOT; AMENDING SECTION 2-2-B, DEFINITIONS, SUBSECTIONS 12, 32, 62, 78, 84, 88, AND 90; DELETING SECTIONS 2-2-B-93 AND 2-2-B-96; AMENDING SECTION 3-25, NOTIFICATION PROCEDURE FOR SPECIAL PERMITS; AMENDING SECTION 3-33, MARINAS; AND AMENDING SECTION 3-37, PUBLIC FACILITIES; OF THE UTAH COUNTY LAND USE ORDINANCE.

A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE. COMMISSIONER GARY J. ANDERSON, COMMISSIONER LARRY A. ELBERTSON, AND COMMISSIONER STEVE WHITE VOTED IN FAVOR OF THE ORDINANCE.

Legal Notice 325031 Published in The Daily Herald July 12, 2008.

I, Morgan Bassett, 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, 325031-ORDINANCE NO. 2008-20, and which is a copy, was published in said newspaper, the first publication having been made on the 12th day of July, 2008, and the last on the 12th day of July, 2008; 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.

Morgan Bassett

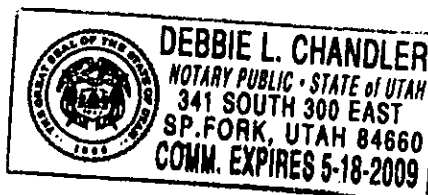
Subscribed and sworn before me this 14th day of July, 2008.

Debbie L. Chandler

Notary Public

Residence: Spanish Fork, Utah
My commission expires 5/18/2009

JUL 21 RECD



PROOF Of PUBLICATION

from

The Daily Herald

STATE OF UTAH }
Utah County } ss

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Morgan Bassett

Subscribed and sworn before me this 14th day of July, 2008.

Debbie L. Chandler Notary Public

Residence: Spanish Fork, Utah
My commission expires 5/18/2009

JUL 21 REC'D

