

ORDINANCE NO. 2008<sup>34</sup>

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RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2008 Dec 30 1:55 pm FEE 0.00 BY CS  
RECORDED FOR COMMUNITY DEVELOPMENT

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE, CHAPTER 6, LARGE SCALE DEVELOPMENTS, AND MORE PARTICULARLY AMENDING SECTION 6-2, PLANNED UNIT DEVELOPMENT; DELETION OF SECTION 6-6, MOBILE (MANUFACTURED) HOME PARKS; AMENDING SECTIONS 3-10, 5-3-C-8, 5-3-F AND 6-1-C-2, REFERRING TO THE DELETION OF MOBILE (MANUFACTURED) HOME PARKS; AMENDING SECTIONS 5-3-A AND 5-3-A-6, DECLARATION OF LEGISLATIVE INTENT IN THE RR-5 ZONE; AMENDING SECTION 6-3-E-3, SUBDIVISION STANDARDS AND CONDITIONS; AND AMENDING SECTION 7-24, POWERS AND DUTIES OF THE COUNTY COMMISSION**

**WHEREAS**, the Utah County Planning Commission initiated a review of the Planned Unit Development (PUD) section of the Utah County Land Use Ordinance (UCLUO) to determine the propriety of amending the UCLUO to more appropriately address the goals and policies of Utah County, including those contained in the Utah County General Plan; and

**WHEREAS**, the Planning Commission addressed the proposed amendments to the UCLUO, including those related to PUD, at several meetings of the Planning Commission, and scheduled and held a public hearing regarding the proposed amendments; and

**WHEREAS**, the Planning Commission recommended that the UCLUO be amended, in accordance with the amendments as set forth herein; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the recommendation from the Utah County Planning Commission regarding the proposed amendment to the UCLUO, and all of the file materials, including the public comments contained therein; and

**WHEREAS**, the Board of County Commissioners finds that the proposed amendment to the UCLUO will further the goals and policies of Utah County, including those contained in the General Plan, by facilitating quality developments, protecting the environment, preserving open space, and providing for moderate income housing; and

**WHEREAS**, the Board of County Commissioners finds that the proposed amendment to the UCLUO is in the best interest of the health, safety, and general welfare of the citizens of Utah County.

**THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:**

**Part I:**

Chapter 6, Large Scale Developments, Section 6-2, "Planned Unit Development", of the Utah County Land Use Ordinance is hereby amended to read as follows:

## CHAPTER 6

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### LARGE SCALE DEVELOPMENTS

#### 6-2: PLANNED UNIT DEVELOPMENT

##### A. GENERAL PROVISIONS

###### 1. Declaration of Legislative Intent

The intent of this section is to establish guidelines which will facilitate the approval of a proposed planned unit development plat.

###### 2. Scope

The owner of a tract of land containing the required amount of land as set forth in the zones in which planned unit developments are permitted may construct a planned unit development thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.

###### a. Requirements Minimum.

The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned unit developments.

###### b. Standards May Be Increased.

The County Commission reserves the right to approve a development subject to certain conditions and limitations that will be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of the planned unit development until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:

1. The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the planned unit development upon the County;
2. The creation of additional on-site and/or off-site facilities and improvements necessary for the planned unit development and/or the expansion of the proposed community;
3. The creation of additional utility easements within the development;
4. Additional requirements for moderate income housing units;
5. Additional restrictions on the location and slopes of roadways, and;
6. Any other additional condition or limitation necessary to ensure the implementation of generally accepted principles of good planning necessary for the health, safety, and welfare of County residents.

###### c. Exemption from Rules of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

#### B. PERMITTED USES

Uses permitted in planned unit developments shall be limited to the residential, recreational, and supportive facilities listed below:

1. One-, two-, three-, and multiple-family dwellings, including residential condominium projects; manufactured home parks; and manufactured homes.
2. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
3. Family day-care centers, residential facilities for handicapped persons, and residential facilities for elderly persons.
4. Primary and secondary schools and preschools.
5. Churches and other structures for religious worship.
6. Common indoor storage areas and screened or walled common outdoor storage areas.
7. Common areas and common recreational facilities for use of the residents.
8. Convenience establishments.
9. Driveways, streets, fences, walls, new underground utilities, utility distribution lines and facilities, solid waste collection areas, sewage treatment facilities, ponds, landscape features, and similar uses and structures incidental to the main use.

#### C. APPLICATION REQUIREMENTS

The application shall consist of the following elements.

1. Application and Fee  
A standard conditional use permit application shall be obtained from the Planning Commission staff and shall be completed and submitted with the required fee. The application shall be completed and signed by all owners of record, or applicant shall establish and provide documentary proof that applicant has a right to purchase the property.
2. Developmental Impact Statement  
A developmental impact statement shall be prepared and shall include the layout, density, drainage pattern, types of sewage treatment facilities, water sources and other features of the development. The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement.
3. Layout Map  
A layout map (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Planning Director, and shall show all of the following items. If any of the specified items do not exist, the layout map shall list the item and state "none exist":

- a. Type of development.
- b. Name and address of developer.
- c. Name and address of designer.
- d. Date.
- e. North point, scale, and vicinity map.
- f. Township, range, and section lines.
- g. Zone designation.
- h. Perimeter boundary of the development.
- i. Name and address of adjacent property owners.
- j. Contour intervals.
- k. Location of all existing buildings and structures within the perimeter boundary, and the location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and any area within the boundary of the development in a 100 year or greater flood area.
- m. Existing water and sewer mains and lines--location and size.
- n. Source of water and place of sewage disposal.
- o. Proposed lot and location layout for the development, including lots, building sites, open space, parks, common areas, common facilities, common storage areas, common recreational facilities and structures.
- p. Number of dwelling units within each building.
- q. Dimensioned parking layout showing the location of parking stalls and all areas of ingress or egress.
- r. Proposed pedestrian walkways, streets and roads--location and identification.
- s. Cross-section of proposed streets and roads as per county standards.
- t. Proposed underground power lines, gas lines, water lines, bridges, utilities, and utility easements.
- u. Intended source of water, location of proposed fire hydrants, and location of proposed lighting systems.
- v. Place of sewage disposal and location of solid waste collection points.
- w. Landscape layout and irrigation system.
- x. Any additional information which the Plan Coordinating Committee may require.

4. Tabulations

A list of tabulations shall be individually listed on the plat and shall include:

- a. Total number of acres in the proposed development (including any road dedication areas).
- b. Total number of lots or building sites.
- c. Number of lots for one and two-family detached dwellings.

- d. Number of lots for multiple-family dwellings.
- e. Total number of dwelling units.
- f. Total number of dwelling units for moderate income housing.
- g. Percentage of each of the proposed dwelling types.
- h. Number of off-street parking spaces.
- i. Percentage of area to be used for off-street parking.
- j. Percentage of area and acres to be devoted to roadways.
- k. Percentage of area to be devoted to open space ( twenty percent minimum).
- l. Percentage of area covered by buildings.
- m. Percentage of total area covered with impermeable surfaces.

5. Engineering Drawings

The following engineering drawings shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:

- a. Plans pertaining to the location and size of a proposed gravity pressurized central water system, including tank and delivery lines, a proposed central sewage treatment plant, including sewer lines, fire hydrants, utilities, curbs and gutters, streets, drainage systems and structures, irrigation system plans, and other improvements.
- b. Plans and profiles of all streets, which shall include all portions of streets to be improved and all new streets to be constructed; and shall contain the calculations showing the amount of the improvement bond for road improvements. If access is on a state highway, a letter shall be provided from UDOT granting the access onto the state highway, with the location of the access shown on the plat. The County Public Works Director must approve the plans.
- c. A study and plan of flood protection measures to be taken for both on- and off- site storm and flood water, including seasonal and perennial seeps and springs, man-made roads and other features impacting the drainage, and a plan for dealing with the drainage and flood protection.
- d. A grading plan.
- e. Any other engineered drawings required by the County Public Works Director in order to determine compliance with the Utah County development standards ordinance, this land use ordinance, or other applicable requirements.

6. Documentation

The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:

- a. Executed articles of incorporation and bylaws of the property owners' association.
- b. A fiscal impact report consisting of an analysis of projected revenues and costs to Utah County for governmental services, on-

- site improvements, off-site improvements, including county road usage to the nearest state or federal road or highway and the utilization of Utah County mandated fire and life safety services.
- c. An executed (except by Utah County) open space preservation and maintenance agreement among the developer, the property owners' association, and Utah County, based on the Utah County format. (These must be recorded at the time the plat is recorded.)
  - d. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat and identified on the plat, including the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Partial deeds of reconveyance shall be provided, reviewed, approved and recorded, to release all liens, including all trust deeds and mortgages, from the portion of property being dedicated for streets, easements, and public areas. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.
  - e. If the proposed central water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. If the proposed central water source is not an existing public water system, documents from the Utah State Division of Water Quality approving the proposed public water system.
  - f. A statement signed, dated and stamped by a professional engineer licensed by the State of Utah attesting that the proposed source water has been tested and found to comply with Utah County standards for quality, flow, pressure and delivery, and that the water system will meet Utah County standards when the project is

complete. If wells are proposed to provide the water for the required central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity of water. The engineer's statement and calculations shall be reviewed for accuracy by the County Public Works Director, and the County Public Works Director must provide a letter to the Planning Commission verifying that the County Public Works Director has reviewed the engineer's statement and calculations for accuracy.

- g. A dated, signed and stamped letter from an engineer licensed by the State of Utah, stating how all surface drainage water will be managed. The letter shall certify that, in the engineer's professional opinion, all surface water can be maintained on-site, if this is the proposed method for handling surface drainage water. If all surface drainage water will not or cannot be retained on-site, a letter of approval shall be submitted from the entity owning or controlling any ditch or other disposal facility.
- h. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Public Works Director, stating the cost of installing all required improvements related to the development
- i. A statement from the County Health Department certifying that the proposed central water supply and central sewage disposal system conforms to the pertinent state and county health regulations.
- j. A statement from the County Public Works Director certifying that the proposal conforms to the pertinent provisions of the Utah County development standards ordinance and the road and other improvement standards of the land use ordinance.
- k. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance.
- l. A tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed development perimeter boundary have been paid, including greenbelt rollback taxes.

7. Plat

The plat shall be reproducible and drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100') or as directed by the Planning Director, and shall show the following:

- a. Perimeter boundary of the development, including any road dedication areas, and the location of all required survey monuments.
- b. The location of, all lot lines and setback lines, and/or building site areas, and the identifying number for each lot, block, and building site in the development.

- c. The location and identification of the building sites of common facilities, recreational structures and service buildings.
- d. The name, location, and extent of all streets and the location and nature of all other parcels of land to be dedicated to the public or reserved for common use by the residents of the development.
- e. The location and identification of all easements and their specific use.
- f. The location and extent of all parcels within the development which are subject to the restrictions imposed by the open space preservation agreement or any limitations and conditions of approval written on the plat.
- g. Statements of limitations or conditions of approval required to be written on the plat by the County Commission, and other statements or information required by this land use ordinance, or other applicable law.
- h. The following certifications:
  - i. The certificate of survey accuracy by the surveyor or engineer preparing the plat.
  - ii. The owner's dedication of land for public use, the owner's conveyance of easements and parcels for utilities or for common use by the residents of the development, and the owner's acceptance of the limitations or conditions of approval.
  - iii. The acknowledgment of the owner's dedication by a Utah Notary Public (or an equivalent officer authorized to acknowledge conveyances of real estate if the owner is out of state).
  - iv. The County Commission's approval of the development and its acceptance of dedication of streets, easements, etc., along with the attesting signature of the County Clerk/Auditor.
  - v. Certifications required by State Law and other certifications if required by the County Commission.
- i. A certification that lands being subdivided are free from invasive noxious weeds or have undergone appropriate noxious weed control treatment, shall be submitted with the application. The list of invasive noxious weeds shall be recommended by the Utah County Weed Control Board and approved by the Board of County Commissioners. Certifications are considered valid if performed by persons competent in the identification of noxious weeds and approved by the Utah County Weed Control Board. Inspections supporting certification shall be made during the period from April 1 through September 30. In lieu of certification, a two (2) year bond may be approved by the Board of County Commissioners in the amount of \$1,000.00 per acre. A certification shall be

submitted within two (2) years after the date of approval or the bond will be forfeited to Utah County to be used for weed control purposes.

#### E. STANDARDS AND CONDITIONS

All planned unit developments shall conform to all of the requirements of this land use ordinance and the following standards and conditions.

##### 1. Design

- a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.
- b. The developer is encouraged to stagger the front setback of individual lots as shown on the plat, to create a diversified streetscape.
- c. Spacing of development clusters, dwelling units and residential structures is encouraged to allow for uninterrupted common area and the utilization of integrated open space; and each development cluster shall be not less than 200 feet from an adjacent development cluster as measured between the nearest structures.
- d. At least ten(10) percent of the dwellings or units shall meet the moderate income housing criteria, as defined in the Utah Code.
- e. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the convenience of access, the preservation of bodies of water, and other significant features are factors to consider in the design of the development.
- f. Individual building lots within the planned unit development shall average a minimum of 10,000 square feet per lot.

##### 2. Landscape Layout

- a. All areas not included within designated open space and not covered by buildings, off-street parking or driveways, shall be landscaped and shall be maintained in accordance with good landscape practice, or maintained in natural vegetation found on the site. The layout shall include both existing and proposed landscape areas and shall specify the general types of plants and architectural features to be used.
- b. The installation of permanent sprinkler or irrigation systems are required when necessary to sustain planted areas.

##### 3. Open Space, Parks, Playgrounds, and Facilities

- a. At least twenty percent (20%) of the area in the proposed development shall be designated for open space. The land covered by vehicular roads, off-street parking, yard areas around the dwellings, common storage facilities, and service buildings shall not be included in the area used to meet the open space requirement.
- b. As assurance that the designated area will remain in open space, the developers shall execute an open space preservation and maintenance agreement with the county in which the developer and

the home owner's association to maintain the open space and agree to refrain from constructing dwellings or other structures on the designated open space areas.

- c. The open space shall not be a separate or unimproved parcel of land, but shall be fully integrated into the design of the development in a manner which is most useful and convenient for the residents of the development; a minimum of at least twenty-five percent (25%) of the total open space shall be landscaped and suitable for both active and passive recreational use.
- d. All flood plain areas, if any, natural or man made streams, ponds or other water features or any riparian habitat shall be identified and preserved as common open space.
- e. Construction of all common areas and facilities shall be provided by the developer and shall be maintained by the property owners' association.
- f. A lot for a commercial convenience establishment may be permitted if approved by the County Commission.

4. Size

The minimum acreage required to qualify for a planned unit development shall be twenty (20) acres. The maximum size of a planned unit development shall be seventy-five (75) acres.

5. Density

The dwelling units may be situated in one or more buildings and the building locations are encouraged to be clustered, provided that the total number of dwelling units within the development shall not exceed two (2) times the number of acres within the development. The ratio of dwelling units per acre may be increased from two (2) times the number of acres in the development to three (3) times the number of acres in the development by the County Commission, if any of the following are provided in the development:

- a. the amount of open space is increased from the minimum of twenty percent (20%) of the area of the development to at least thirty percent (30%) of the area;
- b. where the number of moderate income housing units is increased from the minimum of ten percent (10%) of the total dwelling units to at least twenty percent (20%) of the total dwelling units; or
- c. the open space is open for the use of the general public and provides amenities to the general public, such as a trail that is part of an adopted state or county trail system.

6. Paved Road Access

All planned unit developments shall abut on and shall have access to a hard-surfaced public street that is part of the paved official county, state or municipal road system. However, a planned unit development that is an extension of a previously approved plat may obtain paved road access through said prior plat.

7. Street System

- a. All public streets shall conform to the official street standards for public streets as adopted by Utah County, including the full width of pavement for county roads bordering the development.
- b. The road system of the development shall conform to the officially approved county standards for planned unit developments with respect to width, alignment, grades, length of cul-de-sacs, size of turnarounds, and other features of design.
- c. The street system should be designed in such a way as to avoid, where possible, the fronting of residential dwellings on collector or arterial streets.
- d. No vehicular road shall have a grade of more than eight (8) percent.

Exception: A grade of ten (10) percent may be approved, upon recommendation of the County Public Works Director, when the County Commission finds all of the following criteria are met:

- i. The grade is necessary to eliminate extra cuts, fills, or circuitous routes.
- ii. No section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length.
- iii. The total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development.
- iv. Police, fire, ambulance, snow removal, and other essential services can be provided at an equal level of quality.
- v. No section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.
- e. All vehicular roads in the development shall be paved with a three (3) inch asphaltic surface over a six (6) inch crushed gravel base, and suitable sub-base, or the equivalent in concrete surfacing, in accordance with the Utah County development standards ordinance.
- f. Each intersection shall bear permanent street name signs sufficient in design for easy identification for emergency vehicles and others
- g. The maximum length of any dead-end road or cul-de-sac shall be six hundred (600) feet.
- h. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.

8. Curbs, Gutters and Sidewalks

Curbs, gutters, and sidewalks meeting the Utah County development standards shall be constructed by the developer along county roads located within the development and along the abutting side of county roads adjoining the development. Curbs, gutters, sidewalks, and walkways not along or abutting county roads shall be provided within the development

according to the developer's circulation plan and storm drainage plan as approved by the County Commission.

8. Drainage System Plan

The drainage system plan shall show the following:

- a. An analysis of the nature and extent of hazard from floods originating off the premises and a plan indicating how such flooding hazard will be accommodated within the development. (Said analysis and plan may be waived by the County Public Works Director when ample information already exists for the area.)
- b. An analysis of the nature and extent of the drainage and flood problems which will be created by the development, including an analysis of the amount of water generated as a result of the covering of absorption areas and a plan indicating how the drainage and flood waters will be accommodated.
- c. The location and size of any ditches, culverts, drains, sumps, percolation basins, curbs and gutters, and other proposed structures and facilities.
- d. A method of handling all runoff on site when an existing storm water system is not available.
- e. A statement of acceptance of the drainage waters from the appropriate agencies where excess surface drainage from the development will flow into an irrigation channel or into a public street or otherwise be directed off the premises.
- f. A method of covering, fencing, or similar safety treatment of canals and waterways traversing the development.

9. Water Supply

a. Water Rights

The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

- i. Culinary-quality water for use inside the dwelling shall be provided to each dwelling unit at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per dwelling unit. Where the development is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.
- ii. Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided at the rate of at least 1 acre-foot per year per occupied structure (including dwellings) and building site, which water shall be available from April 30 to October 1 annually.
- iii. Water for irrigation shall be provided at a rate of at least 1.5

acre-feet per acre per year for the entire area of the development, except for the area of the development covered by paved surfaces and permanent structures, and except for the area equal to 10,000 square feet times the number of occupied structures (including dwellings) and building sites for which the 1 acre-foot of landscaping water is required, which quantity of water must be available from April 30 to October 1 annually.

Exception to part 'iii': The County Commission may increase or decrease the required quantity of irrigation water from 1.5 acre-feet per acre per year based upon the findings of an engineering study, prepared, and signed by an engineer licensed in the State of Utah, conducted in the preparation of the irrigation plan if the County Commission finds that less water is needed to establish and to meet the green plant needs of alfalfa due to a water table that is sufficiently near the surface on an annual growing season basis to allow such reduction. The engineering study shall determine the quantity of water needed to establish and to maintain alfalfa, in the green condition, having a low flammability, and shall identify the high water table by area and depth below natural grade.

- b. Water Quality
  - 1. Culinary water for use inside the dwelling and water for fire protection shall be provided by a central water system, approved as a public water system by the Utah Division of Drinking Water and by the Utah County Health Department.
- c. Types and Duration of Rights
  - i. The developer must present an engineering study demonstrating that the standards of this ordinance for water rights and water systems will be met.
  - ii. Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

10. Water System

- a. All planned unit developments shall have a central water system which shall supply culinary quality water for culinary use and which shall supply water meeting the supply and flow requirements for fire protection.
- b. The water system shall have a storage facility which has a capacity to meet peak hourly culinary use, based on state health department standards, plus a minimum fire protection storage in an amount as

determined by the Fire Marshal using applicable adopted codes, but not less than 120,000 gallons. The storage capacity shall be increased, as determined by the Fire Marshal using applicable adopted codes, if residential buildings over 3600 square feet in floor area (or other structures needing increased capacity) are to be permitted in the development, or if irrigation water is to be stored in the culinary - fire protection storage facility.

- c. The culinary water- fire protection system shall be designed and located so as to produce a gravity-induced fire flow in an amount as determined by the Fire Marshal using applicable adopted codes, but not less than 1000 gallons per minute for a duration for at least two hours, in addition to simultaneous culinary or irrigation use. The delivery rate and duration amount shall be increased, as determined by the Fire Marshal using applicable adopted codes, if residential buildings over 3600 square feet in floor area (or other structures needing increased capacity) are to be permitted in the development.
- d. Water mains in the culinary water- fire protection system supplying fire hydrants, dwellings, and any irrigation needs, shall be sized according to an engineering study to adequately supply those uses, but in no case shall they be less than six (6) inches in diameter (no less than 8 inches in diameter if supplying a fire hydrant on a dead-end run longer than four hundred feet in length).
- e. Irrigation systems need not have a central storage facility, but must be designed to provide the required irrigation water flows and coverage.

11. Sewage Disposal

Each planned unit development shall be provided with and served by a central sewage disposal system which is approved by the State of Utah and the County Health Department.

12. Fire Protection

Fire hydrants and other fire protection shall be determined by the Fire Marshal using applicable adopted codes.

- a. The proposed development shall provide two off street parking spaces for each dwelling unit.
- b. Additional off-street parking spaces for visitors shall be provided at a ratio of one-half parking space per dwelling unit, which shall be located within 400 feet from the dwelling unit it is intended to serve.
- c. Additional off-street parking spaces for other uses shall also be required as set forth in this land use ordinance.

14. Utilities

- a. All new utilities shall be installed underground. Existing above-ground utilities that must be relocated are not required to be placed underground, unless required by the utility provider in writing.

- b. Easements of not less than ten (10) feet in width shall be required for all utility lines, the location of which may vary depending upon the design of the development.
- c. No structure shall be placed within the designated easements except utility structures.
- d. A renewable source energy production plant such as solar or geothermal may be installed if more than sixty percent (60%) of the energy produced is consumed within the development and if the County Commission finds that the appearance of the plant is compatible with the overall design of the planned unit development.

15. Location Requirements for Buildings and Structures

The location of all buildings and structures not located on a separate platted lot shall be shown on the plat, along with the building's proposed use. Where the developer elects to plat separate lots, setback lines shall be shown on the final plat, along with the specified use for the separate lots. Setback distances shall conform to the following standards:

- a. Front and Rear Setback.  
All buildings and structures shall have a combined front and rear setback of at least thirty (30) feet, but not less than ten (10) feet from the front and ten (10) feet from the rear unless a greater setback is required by chapter 3 of this land use ordinance. The developer/builder is encouraged to stagger the front setbacks to create a diversified streetscape.
- b. Side Setback.  
All buildings and structures shall be set back from a side property line a distance of at least five (5) feet. The side setback from any street shall be not less than ten (10) feet unless a greater setback is required by chapter 3 of this land use ordinance.

16. Outdoor Storage Facility

A common outdoor storage area may be provided for the planned unit development and designed in accordance with the following standards:

- a. The facility shall be enclosed within a sight-obscuring fence or wall not less than six (6) feet in height
- b. The facility shall be readily accessible from the street system of the planned unit development.

F. REQUIRED IMPROVEMENTS

All improvements which are required under the terms of this ordinance shall be shown on the layout map or recorded plat. Such improvements shall be constructed by the developer in accordance with the Utah County Development Standards Ordinance and inspected by the County Public Works Director. For planned unit developments, the required improvements include all improvements required by the terms of this land use ordinance, and the following:

- 1. Streets, driveways, and parking areas which shall be graded, graveled, and hard-surfaced as per the approved street plan and street cross-sections.
- 2. Walkways, street signs, and traffic control devices.

3. An approved surface water, drainage, and flood control system, including both off-site and on-site facilities.
4. An approved central culinary water and fire suppression water supply system, including both off-site and on-site facilities.
5. An approved central sewer system, including both off-site and on-site facilities.
6. Fire hydrants.
7. Permanent survey monuments.
8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.
9. Landscaping in common areas.
10. An approved landscape watering and irrigation system, including both off-site and on-site facilities.
11. Coverings or fencing for safety of canals and streams, when applicable.
12. All facilities and amenities shown for common use, including all fences, walls and other common area improvements and structures.
13. Other improvements required by the County Commission.

**Part II:**

Section 6-6: MOBILE HOME PARKS, of the Utah County Land Use Ordinance is hereby deleted in its entirety.

**Part III:**

Section 3-10: ONE DWELLING PER LOT, of the Utah County Land Use Ordinance is hereby amended to delete the words “or mobile home park” from the section and add the word “or” in front of the words “recreational resort”.

**Part IV:**

Section 5-3-C-8, RR-5 Zone; of the Utah County Land Use Ordinance is hereby deleted in its entirety, that reads as follows:

8. A manufactured home park which has been approved as a conditional use and plat approval by the County Commission according to the provisions of chapter 6 of this land use ordinance.

**Part V:**

Section 5-3-A: DECLARATION OF LEGISLATIVE INTENT, RR-5 Zone, of the Utah County Land Use Ordinance is hereby amended to add the following sentence to the end of Paragraph A, to read as follows:

- A. The zone may also facilitate the creation on new incorporated municipalities where services are available or have been provided by the developer.

**Part VI:**

Section 5-3-A: DECLARATION OF LEGISLATIVE INTENT, RR-5 Zone, of the Utah County Land Use Ordinance is hereby amended to include an additional Subsection 6 to read as follows:

6. To provide for the transition of certain lands in unincorporated Utah County into a new incorporated municipality.

**Part VII:**

Section 5-3-F, LOCATION REQUIREMENTS, RR-5 Zone, of the Utah County Land Use Ordinance is hereby amended to read as follows:

- F. Except in recorded planned unit development the minimum location requirements within the RR-5 zone shall be as follows:

**Part VIII:**

Section 6-3-E-3: STANDARDS AND CONDITIONS, Lot Area and Width Requirements, of the Utah County Land Use Ordinance is hereby amended to change the minimum lot area of the RR-5 Zone and the TR-5 Zone from "10,000 sq ft" to "20,000 sq ft."

**Part IX:**

Section 6-1-C-2: SCOPE, Types of Large Scale Developments, of the Utah County Land Use Ordinance is hereby amended to delete the words "Mobile Home Parks: (RR-5)".

**Part X:**

Section 7-24: POWERS AND DUTIES OF THE COUNTY COMMISSION, Subsection C, of the Utah County Land Use Ordinance is hereby amended to include a new paragraph to read as follows:

4. Any amendment to the zoning map which changes the zoning of property to the RR-5 Rural Residential Zone, shall be subject to the following restrictions and conditions:
  - a. The property to be rezoned must be located not closer than two (2) miles from the boundaries of any incorporated municipality, as measured from the closest property line of the property to be rezoned, and must not be located within two (2) miles from the boundaries of any other property which has been rezoned within the previous five (5) year period, as measured from the closest property line unless either:
    1. The County Commission approves a zone change upon finding the requirements of subsection (a) would hinder the intent of promoting the orderly transition of new developments into newly incorporated municipalities, or;

- 2. The property to be rezoned is contiguous to, or within reasonable proximity of, land which has been rezoned within the previous five (5) year period such that the parcel to be rezoned can reasonably and cost effectively connect to services provided, or proposed to be provided, by the developer(s) on the previously rezoned parcel.
- b. The maximum contiguous area of property subject to rezoning to the RR-5 Rural Residential Zone shall be seventy five (75) acres.
- c. A Large Scale Development Plat encompassing all of the rezoned property shall be approved by Utah County and recorded in the office of the Utah County Recorder within three (3) years from the effective date of the amendment to the zoning map and the rezoning of the property, or the amendment of the zoning map and the rezoning of the property shall be void, and the zoning map and zoning of property shall automatically revert to the status of the zoning map and the zoning of the property as they existed prior to the effective date of the amendment, and any Large Scale Development Plat approval related to the rezoned property shall be void.

**Part XI:**

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 XII:**

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 XIII:**

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 23rd day of December, 2008.

UTAH COUNTY COMMISSION




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GARY J. ANDERSON, CHAIR




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LARRY A. ELLERTSON, COMMISSIONER

VOTE

aye

aye

*Steve White*

STEVE WHITE COMMISSIONER

*Aye*

ENT 135212:2008 P6 19 of 19

**ATTEST:**  
**BRYAN E. THOMPSON**  
County Clerk/Auditor

By: *Lucia Strickland*, Deputy

**APPROVED AS TO FORM:**  
**JEFFREY R. BUHMAN**  
County Attorney

By: *Jeffrey R. Buhman*, 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. 2008-34 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON DECEMBER 23, 2008, AMENDING THE UTAH COUNTY LAND USE ORDINANCE, CHAPTER 6, LARGE SCALE DEVELOPMENTS, AND MORE PARTICULARLY AMENDING SECTION 6-2, PLANNED UNIT DEVELOPMENT; DELETION OF SECTION 6-8, MOBILE (MANUFACTURED) HOME PARKS; AMENDING SECTIONS 3-10, 5-3-C-8, 5-3-F AND 6-1-C-2; REFERRING TO THE DELETION OF MOBILE (MANUFACTURED) HOME PARKS; AMENDING SECTIONS 5-3-A AND 5-3-A-6, DECLARATION OF LEGISLATIVE INTENT IN THE RR-5 ZONE; AMENDING SECTION 6-3-E-3, SUBDIVISION STANDARDS AND CONDITIONS; AND AMENDING SECTION 7-24, POWERS AND DUTIES OF THE COUNTY COMMISSION.

A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER GARY J. ANDERSON, COMMISSIONER LARRY A. ELERTSON, AND COMMISSIONER STEVE WHITE VOTED IN FAVOR OF THE ORDINANCE.  
Legal Notice 337097 Published in The Daily Herald January 10, 2009.

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, 337097-ORDINANCE NO. 2008-34, and which is a copy, was published in said newspaper, the first publication having been made on the 10th day of January, 2009, and the last on the 10th day of January, 2009; 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 12th day of January, 2009.

*Debbie L. Chandler* Notary Public

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

JAN 21 REC'D

