



ORDINANCE NO 2010- 6

AN ORDINANCE AMENDING VARIOUS SECTIONS THE UTAH COUNTY LAND USE ORDINANCE, CHAPTER 1, GENERAL PROVISIONS, CHAPTER 2, DEFINITIONS, CHAPTER 3, SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONES, CHAPTER 4, ESTABLISHMENT OF ZONES, CHAPTER 5, REGULATIONS WITHIN ZONES, AND CHAPTER 7, ADMINISTRATION AND ENFORCEMENT

WHEREAS, the Utah County Planning Commission initiated a review 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, during their regularly scheduled agenda meeting 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, including information found in the file and any 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, 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 1, General Provisions, Section 1-2, Intent and Purpose, Section 1-4, Minimum Requirements, Section 1-6, Nonconforming Uses and Noncomplying Structures, and Section 1-7, Structures and Uses Prohibited in Zones Unless Expressly Permitted, are hereby amended to read as follows

1-2 **INTENT AND PURPOSE**

It is the intent and purpose of the Board of County Commissioners of the County of Utah, State of Utah, to avail itself of the powers granted under Title 17, Chapter 27a, of the Utah

Code Annotated 1953, as amended, in a manner that will promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Utah County, and to this end

- A To encourage and facilitate orderly growth and development in the county
- B To secure economy in governmental expenditures in the process of development
- C To promote efficient and economical utilization, conservation, and production of land, water, and other resources and facilities
- D To foster the county's agricultural and other industries
- E To facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements
- F To reduce the waste of physical, financial, and human resources resulting from excessive scattering of population
- G To lessen congestion in the streets, prevent the overcrowding of land, and provide adequate light and air
- H To lessen the hazards to persons and property from fires, floods, traffic hazards, and other dangers
- I To promote a more attractive and wholesome environment
- J To create conditions favorable to prosperity, civic activities, and recreational, educational, and cultural opportunities
- K To protect both urban and non-urban development
- L To enforce the provisions of this ordinance and to minimize the exceptions or variances hereto

1-4 MINIMUM REQUIREMENTS

In interpreting and applying this ordinance, the provisions thereof shall be held to be the minimum requirements needed to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the county. All provisions shall be liberally construed in favor of the governing body. Except as specifically provided herein, it is not intended by the adoption of this ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of laws or ordinances, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to laws relating to the erection, construction, establishment, moving, alteration, or enlargement of any building or improvement, or change in the use of land, nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenant, or other agreement between parties, provided however, that in cases in which this ordinance imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this ordinance shall govern.

The degree of protection from natural hazards, fire, decay, traffic, property value devaluation, and the actions of others is based on scientific and sound planning considerations. The degree of protection from such damages is considered reasonable by the County Commission, but does not imply that any person or property can be completely free from the acts of nature or the actions of others. This ordinance shall not create any liability for reliance on this ordinance or any administrative decision made thereunder on the part of Utah County, any officer or employee thereof, the State of Utah, or, in the case of the FPO, Flood Plan Overlay Zone requirements which were enacted according to federal

requirement, the federal government

1-6 NONCONFORMING USES AND NONCOMPLYING STRUCTURES

A INTENT

It is the intent of this ordinance that noncomplying structures and nonconforming uses of land (except billboards) existing at the time of passage of the zoning ordinance, but not in conformance therewith, be changed, ultimately, to complying structures and conforming uses and that noncomplying structures and nonconforming uses shall not be continued, increased, nor expanded except as permitted herein

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 boundaries of the lot on which the structure or use lies are unchanged, except for the addition of more land area to the lot, fence line or boundary agreements that establish historic boundaries, and dedications of road right-of-way, provided, however, that a noncomplying structure consisting of an inhabited structure shall be allowed to continue in its noncomplying status when the boundaries of the parcel on which the inhabited structure is located are changed to create a platted subdivision lot, if the noncompliance is found by the County Public Works Director to not create a hazard to public safety

2 Recorded noncomplying plats can be amended pursuant to the procedure contained in chapter 6 of this land use ordinance

1-7 STRUCTURES AND USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED

Structures and uses of land which are not expressly permitted within a zone are hereby declared to be expressly prohibited therein. Any use not expressly permitted can only become permitted by amendment of this land use ordinance

Part II

Utah County Land Use Ordinance, Chapter 2, Definitions, Subsections Number 3, Agriculture Business, 9, Building, 12, Commercial Day Care Center, 14, Conditional Use, 49, Grocery Store, 59 5 Livestock, 62, Marina, 73, Produce Stand, 78, Residential Accessory Structures, 81, Retail and Retail Variety Store, 82, Roads and Travelways, (a) Private Road, and (b) Public Street, 88, Sign, 99, Vehicle, 100, Vehicle, Obsolete, 101, Windmill, and 103, Zone, Residential, are hereby amended to read as follows, and a new definition, Subsection 72 5, Preponderance of Evidence, is hereby added to read as follows

3 Agriculture Business

An enterprise involving agricultural products as opposed to agricultural production.

- 9 Building, Main
The largest building (by volume) on a lot Exception In a residential zone, main building shall always mean the largest building containing a dwelling
- 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 5 00 a m to 10 00 p m only
- 14 Conditional Use
A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts To be deemed a “conditional use”, the use shall be specifically listed in a zone along with the requirement that the County Commission, Planning Commission, or Board of Adjustment review and approve the use before the Zoning Administrator may issue a permit therefor
- 49 Grocery Store
A permanent retail food store which sells, primarily, food and food-related items for human use.
- 59 5 Livestock
Livestock means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined by state code, or any other domestic animal or domestic furbearer raised or kept for profit
- 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, facilities for the sale of marine supplies, and food concessions and vending machines
- 72 5 Preponderance of Evidence
Evidence sufficient to find that a fact is more likely true than not If evidence regarding a fact is evenly balanced, then the fact has not been proved, and the party asserting that fact has failed to establish that fact
- 73 Produce Stand
A farm-based retail food store which sells, exclusively, unprocessed fruit, vegetables, eggs, or other farm products raised on the subject lot or farm unit It does not include the display or sale of manufactured items nor items produced elsewhere and brought to the stand for sale
- 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, and that conforms to the definition of accessory structure as found in the International Residential Code for One- and Two-Family Dwellings, as adopted by Utah County

81 Retail and Retail Variety Store

A store that retails a specific product or a diversified offering of goods and products, but does not include an outside sales lot, and does not include the sale of automobiles, trailers or other vehicles

82 Roads and Travelways

a Private Road

A road in private or public agency ownership over which access is or can be denied to the public, a non-public thoroughfare, a driveway or fire access road

b Public Street

A city street, county road, or state road, as defined below, which is open for general use and access by the public

i City Street A street on the official road system of an incorporated city or town

ii County Road A road on the county system as designated on the Official County Road Map of Utah County adopted by the County Commission

iii State Road A road on the state system identified by the pertinent color and symbols (such as U-147 or US-50) on the Official County Road Map of Utah County, but excluding interstate roads (specifically 1-15), which do not allow access to abutting property)

c Public Thoroughfare

Any city street, county, state or interstate road, or other road upon which the public has a right to travel

d Road

A travel way passable to four wheeled, front or rear wheel drive automobiles

e Street, Major

A public street designated in the general plan as a collector, arterial, or other principal thoroughfare, as distinguished from a minor street

f Street, Minor (Local Street)

Any public street which provides access to property, which street is not shown in the general plan as a major street

88 Sign

Any medium, including its structure, symbols, and other component parts, which is used or intended to be used to attract attention to the subject thereon

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

- b Sign, Area of
The area of a sign shall be considered to include all lettering, working and accompanying designs or symbols together with any background material, where a sign consists of individual letters attached to or painted on a building, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle which encompasses all the letters or symbols
- c Sign Non accessory (including "Billboard")
A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises, and only incidentally on the premises, if at all
- d Sign, Free-standing A sign which is not attached to or part of a building
- e Sign, Pennant A banner of cloth or other supple sheeting which contains advertising words or symbols
- f Directional A sign not greater than nine square feet in area that provides only the name and address of a business, permitted agricultural use, or temporary event, and other directional information to locate such business or uses

99 Vehicle

An automobile, trailer, boat or other device in which a person or object is (or has been or may be, according to the context) transported from one place to another along the ground, through the air, and/or over the water

100 Vehicle, Obsolete

Any vehicle which lacks a current license and state registration, is not in running order without adding parts or repairs, is dismantled, is wrecked, or is abandoned
Exception to the "current license and state registration" requirement type of vehicle which is not required under Utah State law to be registered and have a license to be operated on public roads

101 Windmill

A structure utilizing wind power for the pumping of water for agricultural use, or for electrical power generation for a residence and other allowed structures and uses located within a zone where windmills are designated as a permitted use This definition shall not preclude a windmill which generates it's primary electrical power for use on the premise from selling the surplus to an electrical utility provider, provided that the design of the windmill is only to provide required electrical power for use on the subject parcel of property, and not for commercial electrical power generation Any other wind generated electrical power facility shall be classified as an electrical power generation plant.

103 Zone, Residential

"Residential zone" in this ordinance shall refer to the RA-5, Residential Agricultural Zone, the RR-5 Rural Residential Zone, the TR-5 Transitional Residential Zone, the CE-2 Critical Environmental Zone, and residential land uses within the PC, Goshen Valley Planned Community Zone, this definition does not apply to the general plan land use designations

Part III

Utah County Land Use Ordinance, Chapter 3, Supplementary Requirements and Procedures Applicable Within Zones, Section 3-2, Yards to be Unobstructed, Exceptions, Section 3-3, Storage of Junk, Debris and Obsolete Vehicles in Yards Prohibited, Section 3-4, Rendering Plants, Section 3-7, Adjacent Unsubdivided Parcels in the Same Ownership, Section 3-11, Frontage on an Approved Public Street Required, Exceptions, Section 3-14, Storage of Trucks in Certain Zones Prohibited, Section 3-15, Off-Street Parking and Loading, 3-16, Off-Street Loading Space Required, Section 3-17, Setbacks From Streets, Section 3-31, Signs, and Section 3-45, Division of Land, Plat Required, are hereby amended to read as follows

3-2 YARDS TO BE UNOBSTRUCTED, EXCEPTIONS

Every part of a required yard shall be open to the sky and unobstructed from the ground upward for the entire breadth of the required setback distance, except for fences, swimming pools, open decks and patios that do not require guardrails, a footbridge or a vehicle bridge with vehicle guardrails that meet the minimum requirements of adopted codes and ordinances with no overhead structure, pump houses not greater than 120 square feet in area nor more than nine (9) feet in height that do not encroach into the designated road right-of-way as measured from the road centerline and will not create a sight barrier to the driveway access, and un-walled roof extensions, provided no roof may extend more than two (2) feet into the required yard area Also excepted are canopies over gasoline pumps in the NC-1 and HS-1 Zones, which may extend up to ten (10) feet into the required setback or separation distance

3-3 STORAGE OF JUNK, DEBRIS AND OBSOLETE VEHICLES IN YARDS PROHIBITED

No structure, accessory structure, yard, field, or open space shall be used for the placement or storage of junk, debris, or obsolete vehicles

Exception Structures and land within the walls of a properly approved automobile wrecking yard or salvage yard in the I-1 Industrial Zone may be used for such purpose, and not more than four (4) obsolete vehicles may be stored on a lot within a totally enclosed residential accessory structure, provided that the storage of said vehicles is a not for profit hobby of the resident of the dwelling carried out solely by the resident of the dwelling, and all of such obsolete vehicles are owned by the resident

3-4 RENDERING PLANTS

Provisions of the land use ordinance that permit the care and keeping of livestock, fowl, or fur bearing animals, fabrication and portion control of domestic livestock and poultry, the sorting of meat of domestic livestock and poultry, the pelting of fur bearing animals, processing, packaging, freezing, thawing, canning or storage of farm products, recycling of useful materials, or other permitted or permitted conditional uses of land not specifically containing the words 'rendering plant' shall not be deemed to permit the rendering, storage or processing of livestock or animal by-products, or the storage or processing of animal waste materials

Exclusion This section shall not prevent any customary farm practices of removing or disposing of manure from a barn or pen used for raising livestock, fowl, or fur bearing

animals

3-7 ADJACENT UNSUBDIVIDED PARCELS IN THE SAME OWNERSHIP

Where two or more adjacent parcels of land are owned by the same person or entity, and are not included within a recorded large scale development plat, the land included in the parcels may be considered to be one parcel for the purpose of meeting the requirements of this ordinance for a building lot, provided the owner(s) records a deed with the County Recorder which describes the subject parcels as one consolidated parcel which meets the requirements for a zoning lot within the subject zone "Adjacent" shall mean touching along a common side

3-11 FRONTAGE ON AN APPROVED PUBLIC STREET REQUIRED, EXCEPTIONS

- A For adequate access by emergency vehicles and local occupants, the frontage of each lot used as a site for a dwelling, commercial establishment, manned industrial plant or other facility occupied by humans, shall abut on an official state road, county road, or city street which has been paved under the direction of the unit of government having jurisdiction, and from which frontage such facility gains vehicular and pedestrian access exclusively and entirely across the subject lot. The following are exceptions to the above requirement
- 1 In commercial campgrounds or recreation vehicle courts access shall be by paved access driveways that have been provided according to the terms of land use ordinance chapter 3
 - 2 In the NC-1 or HS-1 zones where the land use is a listed, permitted use in the zone and abuts a paved parking area which enters onto a paved public street, access shall be from said paved parking area
 - 3 In large-scale developments that have been recorded with the County Recorder and where the lots or building sites abut on paved roads platted as a part of the development, access shall be from the frontage of said paved platted road across the subject lot or building site
 - 4 In those specific large-scale developments approved and platted before the universal road paving requirements were adopted on August 8, 1984, and wherein the subject road was not required to be paved, the lot or building site shall abut a road that meets the criteria of a suitable "graveled road" as defined in the land use ordinance chapter 2 and the Utah State Code. The gravel surfacing material must cover the full road surface width that was approved for the development and extend the entire distance of the road across the lot frontage and on to the point where the gravelled road connects with the paved road system
 - 5 Building permits for those land uses identified in paragraph "A" above, may utilize unpaved county roads for frontage which have been part of the county road system and continuously shown on the official county road map since December 12, 1975, meet the criteria of a suitable "graveled road" under the land use ordinance chapter 2 and the Utah State Code, and which have the required gravel surfacing material covering the entire travel-surface width as designated for the specific type of development in the Utah County Development Standards Ordinance. This gravel road

requirement must be met across the entire lot frontage and on to the point where the graveled road connects with the paved road system

- 6 In approved, noncommercial campgrounds, access from a paved county or state road or city street may be by a surfaced access driveway of sufficient design 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. Minimum driving surface width shall be twelve (12) feet and shall be provided according to the terms of chapter 3 of this ordinance. A road maintenance agreement must be entered into guaranteeing vehicular access during all periods of occupancy.
- 7 In the M&G-1, CE-1 and CE-2 Zones, the vehicular and pedestrian access must be gained from the frontage, but need not be exclusively and entirely across the subject lot, if the Zoning Administrator finds that all of the following conditions are met
- 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 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
- 8 In the CE-1 and M&G-1 Zones, a nonconforming lot of record that lies within 500 feet of an official county road or municipal street that is separated from official road frontage by land in State or Federal ownership, may gain vehicular access to the lot by a written permanent perpetual easement or private road easement, in the official form utilized by the governmental entity and approved by the Zoning Administrator, granted to the owner of the subject lot and appurtenant to the subject lot, if said vehicular access driveway conforms to Utah County standards, currently adopted codes and other adopted applicable ordinances Unless prohibited by the applicable governmental entity providing the access, the granting document shall be recorded in the Office of the Utah County Recorder The owner of the subject lot shall sign and record 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 The access driveway must be designed and constructed to a grade no greater than 12 percent, unless a more restrictive requirement applies, using engineering standards for a minimum of "H-20" loading in accordance with A Policy of Geometric Design of 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
- 9 In the M&G-1 and I-1 Zones, access to Mining operations that are listed as permitted uses shall be from a paved city street, county road or state road or highway, and access must be approved by the agency having jurisdiction of the paved public street Vehicular access from the paved public street to the mining operation that is not exclusively across land in the same ownership as the parcel upon which the mining operation is

located may be approved if the Zoning Administrator finds that all of the following conditions are met

- a the owner of the property on which the portion of the access which falls outside of the land in the same ownership as the parcel on which the mining operation is located has granted to the owner of the parcel on which the mining operation is located, a written access easement, in a form acceptable to the Zoning Administrator, which complies with all the requirements for a legal access, which is appurtenant to the parcel upon which the mining operation is located, and which easement has been recorded in the office of the Utah County Recorder, or, if a governmental entity is the owner of the property on which the portion of the access which falls outside of the parcel on which the mining operation is located, the governmental entity has granted a private road easement, in the official form utilized by the governmental entity, to the owner of the parcel on which the mining operation is located, and
- b the owner of the parcel on which the mining operation is located 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 easement, or the governmental issued private road easement, is terminated, for any reason, the permits and approvals issued by Utah County related to the mining operation will immediately and automatically be revoked and become null and void, and the subject parcel will not be used for a mining operation, and
- c engineering plans showing the proposed access road alignment, road grades, road loading, and road cross-sections have been submitted to and approved by the Utah County Public Works Director

B Notwithstanding the above provisions, no road which is a county road due to its location within the ownership boundaries of the United States National Forest, the lands of the Bureau of Land Management (BLM), or the lands of another agency of the United States government, and maintained by Utah County under contract with the Forest Service, BLM, or other appropriate federal agency, shall be deemed to give adequate frontage unless

- 1 Utah County has actual ownership of the right-of-way in the form of a recorded deed or written perpetual easement
- 2 The road surface is paved, in accordance with applicable County standards, to connect the subject site to the rest of the paved part of the county road system.

3-14 STORAGE OF TRUCKS IN CERTAIN ZONES PROHIBITED

The parking or other outdoor storage of trucks having a rated capacity of over one (1) ton, commercial vehicles over one (1) ton, and commercial construction equipment, are prohibited in all zones except the I-1, Industrial Zone

Exception Trucks rated greater than one (1) ton capacity and equipment that are used exclusively for agriculture production and farm maintenance may be stored on an agricultural parcel containing the farm dwelling or an agricultural parcel adjacent to the farm dwelling which is in the same ownership as the farm trucks and equipment

3-15 OFF-STREET PARKING AND LOADING

A INTENT AND SCOPE

The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles. Requirements for parking lots and facilities shall be as follows

B NUMBER OF SPACES

The following shall be the minimum number of off-street parking spaces required for each particular use and shall be in addition to any parking located along a road right-of-way

- 1 Residential structures shall have the number of parking spaces per dwelling unit as follows
 - a One-family dwelling or mobile home--two spaces (except in recreational resorts where land use ordinance chapter 6 applies)
 - b Two-family dwellings--two spaces per dwelling unit
 - c Multiple-family dwellings--one and one--half (1.5) spaces per dwelling unit
 - d All other--two spaces per dwelling unit

As a means of encouraging the occupants of multiple dwellings to use the required off-street parking space in preference to on-street parking spaces, entrances to buildings containing multiple dwellings shall be provided in locations that are at least as direct and convenient to the required off-street parking spaces as are the fronting streets
- 2 Churches shall have one (1) parking space per three (3) seating spaces in the main assembly room
- 3 Retail stores and personal service shops shall have parking space at the rate of five(5) parking spaces per one thousand (1,000) square feet of floor area
- 4 Industrial, manufacturing, warehousing, and wholesale establishments shall have one (1) parking space per two (2) employees based on the largest shift
- 5 Automobile wrecking yards shall have five (5) parking spaces
- 6 Produce stands shall have five (5) parking spaces
- 7 Veterinarian offices and facilities shall have two (2) parking spaces plus four (4) parking spaces times the number of veterinarians on the staff
- 8 Uses not listed--for any occupied building or structure, or any recreational or other open land where people will be present, and the parking requirements are not listed above, the number of required parking spaces

shall be determined by the Zoning Administrator using comparable parking space needs to those uses listed in this section, other parking data available for the specific use intended, data and recommendations from the Utah County Public Works Department, and/or by a parking plan prepared by an engineer licensed to practice in the State of Utah

C LOCATION AND CONTROL OF PARKING FACILITIES

The off-street parking spaces required by this ordinance shall be located on the same lot or parcel of land as the use it is intended to serve

Exception The Zoning Administrator may approve a separate parcel for parking use if he finds that the following standards are met

- 1 There is a case of practical difficulty in placing all of the parking spaces on the same parcel as the main use to be served
- 2 The additional parcel is an adjacent parcel, or a parcel lying within two hundred (200) feet of the lot with the main use served by the parking spaces, and it shall be substantially equivalent in safety and ease of accessibility as parking on the main lot
- 3 The additional parcel is in the same ownership or leasehold as the lot with the main use to be served and will be maintained for parking as long as the main use exists A deed restriction or equivalent document executed by the owners, which limits the offsite parcel to parking use, shall be filed with the County Recorder and remain in effect during the life of the main use
- 4 Parking and loading facilities may be located any place on the premises except for areas that are required to be landscaped In a residential zone no more than thirty percent (30%) of the area contained within a required front yard shall be used for the parking of automobiles

D ACCESS TO AND CIRCULATION WITHIN PARKING FACILITIES

- 1 Access to a parking facility from a city street, county road, or state route, shall be approved by the Utah County Public Works Director or the Utah Department of Transportation (UDOT)
- 2 Circulation within a parking facility shall be approved by the Utah County Public Works Department Director and the Utah County Fire Marshal

E LIGHTING OF PARKING AREAS

Any lighting used to illuminate off-street parking facilities shall be accomplished by shielded light sources to direct the light down and away from the adjoining premises

F CONTINUING OBLIGATION

The required off-street parking and loading facilities shall be a continuing obligation of the property owner as long as the main use served by the facilities continues It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading facilities without

providing other vehicle parking or loading facilities which meet the requirements of this ordinance

G PLOT PLAN APPROVAL REQUIRED

At the time a building permit is requested for any building or structure, or at the time the use of land is changed which requires additional off street parking, a plot plan shall be submitted showing the location and layout of the required parking spaces along with access aisles and driveways. The Zoning Administrator shall not approve the plot plan and permit if he/she finds that the layout is such that some or all of the required spaces cannot be readily used by standard-sized automobiles or that the plan does not comply with the requirements for off-street parking as set forth in this land use ordinance

3-16 OFF-STREET LOADING SPACE REQUIRED

Every building which receives or distributes goods, materials, merchandise, or supplies by vehicle, shall be provided with at least one (1) off-street loading space. One (1) additional loading space shall also be provided for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater

3-17 SETBACKS FROM STREETS

The required distance from which buildings and structures shall be setback from public streets shall be

- A One hundred (100) feet from the center line of any city street, county road or state road designated as an "arterial" street in the adopted county general plan, (or 50 feet from the right-of-way line, whichever is greater),
- B Sixty-three (63) feet from the center line of any city street, county road or state road designated as a "collector" street in the adopted county general plan (or 30 feet from the right-of-way line, whichever is greater), and
- C Fifty-eight (58) feet from the center line of all other public streets (or 30 feet from the right-of-way line, whichever is greater)

Exception Recorded large scale development plats that indicate a greater or lesser setback from the street as recorded on such plat, and other setback exceptions found in this land use ordinance

3-31 SIGNS

A LEGISLATIVE INTENT

The purpose of this Section is to promote and protect the public health, safety and welfare. It is intended to

- 1 Stabilize and reinforce property values to protect private and public investment,
- 2 Preserve and reinforce the natural, historic, and architectural qualities of neighborhoods,
- 3 Establish and enhance aesthetic and architectural compatibility within neighborhoods and commercial areas,
- 4 Create a regular and impartial process for businesses and/or persons seeking to erect signs,
- 5 Reduce sign or advertising distractions and obstructions that may

contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way,

6 Provide for approved sign locations that provide the advertising need for the specific zone in which the sign is located,

7 Provide the property owner or business owner with the ability to advertise goods and services, and

8 Allow the expression of noncommercial copy

B SIGNS PERMITTED IN ALL ZONES

In addition to other signs which may be permitted, the following signs shall be permitted in any zone

1 Temporary real estate signs that advertise the sale or rental of the property on which such signs are located, provided no sign is larger than thirty-two (32) square feet in area nor closer than six hundred sixty (660) feet to another such sign on the same parcel of property

2 Traffic, street name, and information signs placed by a governmental agency on public property

3 Political signs

4 Temporary directional signs for time limited events, limited to two (2) signs per specific event or site(s) related to the event that do not exceed nine (9) square feet of sign face per sign, that may be placed ten (10) days prior to the event and must be removed within ten (10) days from the closing day of the event. Directional signs shall only contain the name and address of the event or site and directional information to locate the event or site

C SIGNS IN THE RR-5, TR-5, RA-5, M&G-1, A-40, CE-1 AND CE-2 ZONES

In addition to the signs permitted by part B above, accessory signs (a sign which is located on the parcel and which advertises legal uses located on the parcel) are permitted in the RR-5, TR-5, RA-5, M&G-1, A-40, CE-1 and CE-2 Zones subject to the following limitations

1 Such signs, in aggregate, shall be limited to a total of two (2) per lot

2 Any such sign in the RR-5, TR-5, and CE-2 Zones shall not exceed sixteen (16) square feet in area, except that signs located in an approved, recorded, recreational resort plat, shall not exceed the size limitation as shown on said plat

3 Any such sign in the RA-5, M&G-1, A-40, and CE-1 Zones shall not exceed thirty-two (32) square feet in area

4 No sign may exceed the height of eight (8) feet, except for a sign attached to a building, in which case the sign shall not exceed the height of the wall to which it is attached, except that signs located in an approved, recorded, recreational resort plat, shall not exceed the height limitation as shown on said plat

D SIGNS IN THE RA-5, M&G-1, A-40 AND CE-1 ZONES

Directional signs (a sign that provides information to locate a business at the location indicated on the approved business license or the site of an approved agricultural use), maximum of two signs per business or agricultural location that do not exceed nine (9) square feet of sign face per sign, which shall only contain

the name and address of the business or agriculture use and directional information to locate the business or agricultural site

E SIGNS IN THE HS-1 AND NC-1 ZONES

Signs in the HS-1 and NC-1 Zones shall be limited to those permitted by part B above, plus attached and freestanding accessory signs which advertise legal uses located within the HS-1 or NC-1 zoning district boundaries within which the sign is located

F SIGNS IN THE I-1 ZONE

Signs in the I-1 Zone shall be limited to those permitted by part B above, plus attached and freestanding accessory signs and non-accessory signs (billboards), subject to the following

- 1 Freestanding non-accessory signs shall be separated by a minimum distance of 500 feet from another such non-accessory sign
- 2 Freestanding non-accessory signs may have a maximum of two sign facings which must oppose each other

G LOCATION AND SETBACK

In any zone, except for traffic, street name, and information signs placed by a governmental agency on public property, signs shall be set back from a public street or property line so that no portion of the sign or its supporting structure shall protrude into the right-of-way of a public street or into an adjacent property. Prior to receiving a building permit for a sign, the County Engineer must find that vehicle safety and driver sight distances will not be reduced below adopted standards by the location, design, and lighting of the sign

H LIGHTING

Illumination of signs shall be accomplished by means of shielded light sources in such a manner that no glare shall extend beyond the property lines of the property upon which such signs are located, and no glare shall disturb the vision of passing motorists or constitute a hazard to traffic. No flashing, non-constant, or moving light sources shall be permitted or constitute a part of any sign, with the exception of public service information signs owned by a governmental entity

I LICENSES FOR NON-ACCESSORY SIGNS

A yearly business license fee shall be paid to Utah County for each non-accessory sign as long as the sign remains on its site

J SUBSTITUTION CLAUSE

Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure

3-45 DIVISION OF LAND, PLAT REQUIRED

A PLAT REQUIRED

Any owner or agent of any owner of real property which is located within a subdivision as defined by this ordinance who sells, assigns, or otherwise transfers a lot, parcel of land, or structure before the subdivision plat is given final approval and recorded in the office of the County Recorder, shall be guilty of a separate violation of this ordinance for each lot, parcel, or structure so transferred or sold, and the county may enjoin such transfer or sale by action for injunction brought in any court of equity jurisdiction or may recover a penalty by civil action in any

court of competent jurisdiction The occupancy or use of the facilities involved may be remedied, in addition to other remedies provided by law, by action for injunction mandamus, abatement, or other appropriate action or actions

B EXEMPTION FROM PLAT REQUIREMENTS

- 1 The Board of County Commissioners, after receiving a recommendation from the Planning Commission, may approve the subdivision of unincorporated land into ten lots or less without a plat by certifying in writing that
 - a the county has provided notice as required by this ordinance, and
 - b the proposed subdivision
 - i is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes, and
 - ii has been approved by the culinary water authority and the sanitary sewer authority, and
 - iii is located in a zoned area, and
 - iv conforms to all applicable provisions of this Land Use Ordinance, or has properly received a variance from the conflicting requirements of this Land Use Ordinance, and
 - c the boundaries of each lot or parcel exempted here under have been graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a subdivision plat, shall be recorded with the county recorder

2 DIVISION of Agricultural Land Exemption

- a A parcel resulting from a division of agricultural land is exempt from the plat requirements if each resulting parcel
 - i qualifies as land in agricultural use under Section 59-2-502, Utah Code Annotated, 1953 as amended, and
 - ii meets the following minimum size requirements of the zone in which the parcel is located

RA-5	Residential Agricultural Zone - 5 acres
RR-5	Rural Residential Zone - 5 acres
TR-5	Transitional Residential Zone - 5 acres
CE-1	Critical Environmental Zone - 50 acres
CE-2	Critical Environmental Zone - 20 acres
M&G-1	Mining and Grazing Zone - 50 acres
NC-1	Neighborhood Commercial Zone - 5 acres
HS-1	Highway Service Zone - 5 acres
I-1	Industrial Zone - 5 acres
A-40	Agricultural Zone - 40 acres, and
 - iii has access directly from an adjacent public road, or is provided with an access easement roadway from a public road to each parcel, which access roadway has been constructed in accordance with road standards adopted by Utah County for farm roads

Part IV

Utah County Land Use Ordinance, Chapter 4, Establishment of Zones, Section 4-2, Declaration, and Section 4-4, Boundaries of Zones, are hereby amended to read as follows

4-2 DECLARATION

It is hereby declared that in establishing zones, the boundaries thereof, and regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses with a view to conserving property values and encouraging appropriate land uses for unincorporated Utah County

4-4 BOUNDARIES OF ZONES

Where uncertainty exists with respect to the boundaries of various zones, the Zoning Administrator shall make a determination of the zone boundary location based on the findings of information on file or recorded in the offices of Utah County

Part V

Utah County Land Use Ordinance, Chapter 5, Regulations Within Zones, Section 5-3, RR-5, Rural Residential Zone, Section 5-4, TR-5, Transitional Residential Zone, and PF, Public Facilities Zone, are hereby amended to read as follows

5-3 RR-5 RURAL RESIDENTIAL ZONE

B PERMITTED USES

The following shall be permitted in the RR-5 zone upon compliance with the standards and requirements as set forth in this ordinance

- 1 One-family dwellings and manufactured homes
- 2 Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant, and the requirement that the total floor area of all such structures shall not exceed 1,000 square feet unless the lot exceeds one (1) acre in area, which would allow a total maximum floor area of all such structures of 2,000 square feet per lot

5-4 TR-5 TRANSITIONAL RESIDENTIAL ZONE

B PERMITTED USES

The following shall be permitted in the TR-5 zone upon compliance with the standards and requirements as set forth in this ordinance

- 1 One-family dwellings and manufactured homes
- 2 Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant, and the requirement that the total floor area of all such structures shall not exceed 1000 square feet, unless the lot exceeds one (1) acre in area, which would allow a total maximum floor area of all such structures of 2,000 square feet per lot

5-15 PF-PUBLIC FACILITIES ZONE

F LOCATION REQUIREMENTS

The minimum location requirements of the PF-Public Facilities Zone shall be as follows

1 Front Setback

All buildings, structures, compost areas or other operational areas, shall be set back from the right-of-way line of a county road (as designated by the Utah County General Plan, 2006, and the Department of Public Works, Utah County Development Standards), city street or state road a minimum distance of one hundred (100) feet

2 Side and Rear Setback

All buildings, structures, compost areas or other operational areas, shall have a side and rear set back of fifteen (15) feet, unless a greater setback is required by chapter 3 of this land use ordinance or by adopted building and fire codes

Part VI

Utah County Land Use Ordinance, Chapter 7, Administration and Enforcement, Section 7-24, Powers and Duties of the County Commission, are hereby amended to read as follows

7-24 POWERS AND DUTIES OF THE COUNTY COMMISSION

- D The County Commission shall take action to approve or disapprove proposed large scale development projects by following chapter 6 of this land use ordinance Chapter 6 constitutes the standards and criteria for approval or disapproval of the requested conditional use permit and for approval or disapproval of a plat Approval of a plat constitutes the granting of a conditional use permit for a large scale development The fact that "dwellings" may be permitted uses in the underlying zone does not alter or affect the standards and criteria applicable for approval or disapproval of a large scale development

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 IX

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 30th day of March, 2010

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UTAH COUNTY COMMISSION

VOTE

Steve White
STEVE WHITE, CHAIR

Aye

Gary J Anderson
GARY J ANDERSON, COMMISSIONER

Aye

Larry A Ellertson
LARRY A ELLERTSON, COMMISSIONER

Aye

ATTEST
BRYAN E THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM
JEFFREY R BUHMAN
County Attorney

By *Linda Strickland*, Deputy

By *Jeffrey R Buhman* Deputy

Date of Publication Once only, as soon as possible

