



**ORDINANCE NO. 2010-32**

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE, SUBSECTION 3-26-C, MANUFACTURED HOMES; SECTION 4-1, ZONES ESTABLISHED, TO ADD TDR SENDING AND RECEIVING OVERLAY ZONES; SUBSECTIONS 5-8-C-5 & 5-8-D-2, NC-1 ZONE, SUBSECTIONS 5-9-C-3 & 5-9-D-2, HS-1 ZONE AND SUBSECTIONS 5-10-C-10 & 5-10-D-1, I-1 ZONE, TO AMEND PLANNED COMMERCIAL AND INDUSTRIAL SUBDIVISIONS TO PLANNED NONRESIDENTIAL SUBDIVISIONS; SUBSECTION 6-1-C-2, TO ADD PLANNED NONRESIDENTIAL SUBDIVISIONS WITHIN SPECIFIC ZONES AND TO ADD THE PC ZONE TO PLANNED UNIT DEVELOPMENTS, PLANNED SUBDIVISIONS AND PLANNED NONRESIDENTIAL SUBDIVISIONS; SUBSECTION 6-3-E-3, TO DELETE MINIMUM LOT AREA AND WIDTH OF THE NC-1, HS-1 AND I-1 ZONES AND TO ADD THE PC PLANNED COMMUNITY ZONE.**

**WHEREAS**, the Utah County Planning Commission initiated a review of amending the Utah County Land Use Ordinance, "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:**

Subsection 3-26-C, Manufactured Homes, is amended to read as follows:

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RODNEY D. CAMPBELL  
UTAH COUNTY RECORDER  
2010 Dec 14 3:24 pm FEE 0.00 BY SS  
RECORDED FOR UTAH COUNTY COMMISSIONERS

3-26: MANUFACTURED HOMES

- C. As a caretaker dwelling in the NC-1 or HS-1 Zones when incidental to, and located on, the same parcel of land as a principal use permitted in the zone, subject to the requirements set forth in said zone.

**Part II:**

Section 4-1, Zones Established, is amended to read as follows:

4-1: ZONES ESTABLISHED

In order to carry out the purposes of this ordinance, the unincorporated territory of Utah County, Utah, is hereby divided into zones as follows:

RA-5	Residential Agricultural Zone
RR-5	Rural Residential Zone
TR-5	Transitional Residential Zone
CE-1	Critical Environmental Zone
CE-2	Critical Environmental Zone
M&G-1	Mining and Grazing Zone
NC-1	Neighborhood Commercial Zone
HS-1	Highway Service Zone
I-1	Industrial Zone
FPO	Flood Plain Overlay Zone
NHO	Natural Hazards Overlay Zone
A-40	Agricultural Zone
APO	Airport Overlay Zone
PF	Public Facilities Zone
PC	Goshen Valley Planned Community Zone
TDR-R	Transfer of Development Rights Receiving Overlay Zone
TDR-S	Transfer of Development Rights Sending Overlay Zone

**Part III:**

Subsections 5-8-C-5 & 5-8-D-2, NC-1 Neighborhood Commercial Zone, are hereby amended to read as follows:

5-8: NC-1 NEIGHBORHOOD COMMERCIAL ZONE

- C. PERMITTED CONDITIONAL USES
  - 5. A planned nonresidential subdivision 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.
- D. AREA REQUIREMENTS
  - 2. Each gasoline service station or automobile repair facility, preschool, commercial day-care center, nursing home, or planned nonresidential subdivision, shall be located on a lot that contains at least one (1) acre.

**Part IV:**

Subsections 5-9-C-3 & 5-9-D-2, HS-1, Highway Service Zone, are amended to read as follows:

5-9: HS-1, HIGHWAY SERVICE ZONE

C. PERMITTED CONDITIONAL USES

3. A planned nonresidential subdivision 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.

D. AREA REQUIREMENTS

2. Each gasoline service station or planned nonresidential subdivision, shall have a minimum lot area of one (1) acre.

**Part V:**

Subsections 5-10-C-10 & 5-10-D-1, I-1 Industrial Zone, are hereby amended to read as follows:

5-10: I-1 INDUSTRIAL ZONE

C. PERMITTED CONDITIONAL USES

10. A planned nonresidential subdivision 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.

D. AREA REQUIREMENTS

1. Each planned nonresidential subdivision shall contain at least one (1) acre of land.

**Part VI:**

Subsection 6-1-C-2, General Provisions, Scope, is amended to read as follows:

6-1: GENERAL PROVISIONS

C. SCOPE

2. Types of Large Scale Developments

The following types of large scale developments may be constructed, but only in the zones as indicated:

Planned Unit Developments: (RR-5, TR-5, PC)

Planned Subdivisions: (RA-5, RR-5, TR-5, CE-1, CE-2, M&G-1, A-40, PC)

Planned Nonresidential Subdivisions: (NC-1, HS-1, I-1, PC)

Mountain Home Developments: (CE-2)

Recreational Resorts: (CE-2)

**Part VII:**

Subsection 6-3-E-3, Planned Subdivisions, Standards and Conditions, is hereby amended to read as follows:

6-3: PLANNED SUBDIVISIONS

E. STANDARDS AND CONDITIONS

3. Lot Area and Width Requirements

The area and width of individual lots within planned subdivisions shall be in accordance with the following schedule.

<u>Zone</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u> at any point between the frontage and the front of the primary structure
RA-5	5 acres	250 feet
RR-5	20,000 sq ft	100 feet
TR-5	20,000 sq ft	100 feet
CE-1	50 acres	330 feet
CE-2	20 acres	330 feet
M&G-1	50 acres	330 feet
A-40	40 acres	330 feet
PC	As per the PC Zone Dev. Standards	As per the PC Zone Dev. Standards

**Part VIII:**

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 IX:**

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 X:**

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 7th day of December, 2010.

UTAH COUNTY COMMISSION


VOTE

  
 \_\_\_\_\_  
 STEVE WHITE, CHAIR

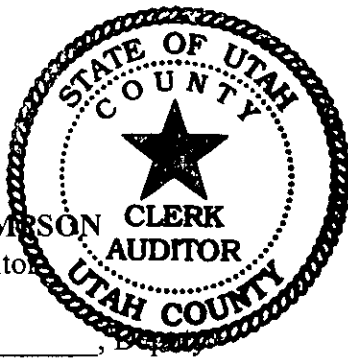
aye

  
 \_\_\_\_\_  
 GARY J. ANDERSON, COMMISSIONER

aye

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

aye



ATTEST:  
BRYAN E. THOMPSON  
County Clerk/Auditor

By: *Bryan Thompson*

APPROVED AS TO FORM:  
JEFFREY R. BUHMAN  
County Attorney

By: *Jeffrey R. Buhman* Deputy

Date of Publication: Once only, as soon as possible

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November 16, 2010

## UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION: - Public Hearing
- A. APPLICANT - Utah County Planning Commission
- B. REQUEST - Proposed Land Use Ordinance Text Amendments to Section 3-26-C, Manufactured Homes; Section 4-1, Zones Established, to add TDR Sending and Receiving Overlay Zones; Section 5-8-C-5 & 5-8-D-2, NC-1 Zone, Section 5-9-C-3 & 5-9-D-2, HS-1 Zone and 5-10-C-10 & 5-10-D-1, I-1 Zone, to amend Planned Commercial and Industrial Subdivisions to Planned Nonresidential Subdivisions; Section 6-1-C-2, to add Planned Nonresidential Subdivisions within specific zones and to add the PC Zone to Planned Unit Developments, Planned Subdivisions and Planned Nonresidential Subdivisions; Section 6-3-E-3, to delete minimum lot area and width of the NC-1, HS-1 and I-1 Zones and to add the PC Planned Community Zone.

## II. STAFF ANALYSIS:

The following proposed amendments to the Utah County Land Use Ordinance have originated due to the need for consistency and/or clarification with the previous amendments to the land use ordinance and the inclusion of Section 5-16, Transfer of Development Rights Receiving and Sending Overlay Zones, and Section 6-6, Planned Nonresidential Subdivisions. There has been no attempt to alter the intent of the zone districts or the goals and policies of the general plan by the proposed amendments.

The proposed amendments to various sections of the land use ordinance indicate deletions in the shaded areas and additions in *bold italics* are, as follows:

### 3-26: MANUFACTURED HOMES

- C. As a caretaker dwelling in the I-1, NC-1 or HS-1 Zones when incidental to, and located on, the same parcel of land as a principal use permitted in the zone, subject to the requirements set forth in said zone.

### 4-1: ZONES ESTABLISHED

NC-1  
HS-1  
I-1

In order to carry out the purposes of this ordinance, the unincorporated territory of Utah County, Utah, is hereby divided into zones as follows:

RA-5	Residential Agricultural Zone
RR-5	Rural Residential Zone
TR-5	Transitional Residential Zone
CE-1	Critical Environmental Zone
CE-2	Critical Environmental Zone
M&G-1	Mining and Grazing Zone
NC-1	Neighborhood Commercial Zone
HS-1	Highway Service Zone
I-1	Industrial Zone
FPO	Flood Plain Overlay Zone
NHO	Natural Hazards Overlay Zone
A-40	Agricultural Zone
APO	Airport Overlay Zone
PF	Public Facilities Zone
PC	Goshen Valley Planned Community Zone
<b>TDR-R</b>	<b><i>Transfer of Development Rights Receiving Overlay Zone</i></b>
<b>TDR-S</b>	<b><i>Transfer of Development Rights Sending Overlay Zone</i></b>

5-8: NC-1 NEIGHBORHOOD COMMERCIAL ZONE

C. PERMITTED CONDITIONAL USES

5. A planned commercial **nonresidential** subdivision 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.

D. AREA REQUIREMENTS

2. Each gasoline service station or automobile repair facility, preschool, commercial day-care center, nursing home, or planned commercial **nonresidential** subdivision, shall be located on a lot that contains at least one (1) acre.

5-9: HS-1, HIGHWAY SERVICE ZONE

C. PERMITTED CONDITIONAL USES

3. A planned commercial **nonresidential** subdivision 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.

D. AREA REQUIREMENTS

2. Each gasoline service station or planned commercial **nonresidential** subdivision, shall have a minimum lot area of one (1) acre.

5-10: I-1 INDUSTRIAL ZONE

C. PERMITTED CONDITIONAL USES

10. A planned industrial **nonresidential** subdivision 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.

D. AREA REQUIREMENTS

1. Each planned industrial *nonresidential* subdivision shall contain at least one (1) acre of land.

CHAPTER 6

LARGE SCALE DEVELOPMENTS

6-1: GENERAL PROVISIONS

C. SCOPE

2. Types of Large Scale Developments

The following types of large scale developments may be constructed, but only in the zones as indicated:

Planned Unit Developments: (RR-5, TR-5, *PC*)

Planned Subdivisions: (RA-5, RR-5, TR-5, CE-1, CE-2, M&G-1, NC-1, HS-1, I-1, A-40, *PC*)

*Planned Nonresidential Subdivisions: (NC-1, HS-1, I-1, PC)*

Mountain Home Developments: (CE-2)

Recreational Resorts: (CE-2)

6-3: PLANNED SUBDIVISIONS

E. STANDARDS AND CONDITIONS

3. Lot Area and Width Requirements

The area and width of individual lots within planned subdivisions shall be in accordance with the following schedule.

<u>Zone</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u> at any point between the frontage and the front of the primary structure
RA-5	5 acres	250 feet
RR-5	20,000 sq ft	100 feet
TR-5	20,000 sq ft	100 feet
CE-1	50 acres	330 feet
CE-2	20 acres	330 feet
M&G-1	50 acres	330 feet
<u>NC-1</u>	<u>1 acre</u>	<u>none</u>
<u>HS-1</u>	<u>1 acre</u>	<u>none</u>
<u>I-1</u>	<u>1 acre</u>	<u>none</u>
A-40	40 acres	330 feet
<i>PC</i>	<i>As per the PC Zone Dev. Standards</i>	<i>As per the PC Zone Dev. Standards</i>

## STAFF RECOMMENDATION

That the Utah County Planning Commission recommend the above proposed land use ordinance amendments to the Utah county Commission for approval, based on the following findings:

1. To correct an error and/or to provide consistency between like sections and clarification to county staff and the public.
2. To place appropriate references within the Utah County Land Use Ordinance for the recently adopted Transfer of Development Rights Sending and Receiving Overlay Zone, and the recently adopted chapter in the subdivision ordinance for Planned Noncommercial Subdivisions.