



ENT 41710-2024 PG 1 of 4  
ANDREA ALLEN  
UTAH COUNTY RECORDER  
2024 Jun 25 10:17 AM FEE 0.00 BY CS  
RECORDED FOR UTAH COUNTY COMMUNITY DEVE

**ORDINANCE NO. 2024 - 489**

**AN ORDINANCE AMENDING SECTION 4.44 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO FRONTAGE ON AN APPROVED PUBLIC STREET REQUIRED, EXCEPTIONS, TO INCLUDE AN EXCEPTION FROM REQUIRED FRONTAGE FOR LOTS OR PARCELS THAT ARE SEPARATED FROM OFFICAL FRONTAGE BY RAILROAD RIGHT-OF-WAY**

**WHEREAS**, an applicant has initiated a review of Section 4.44 of the Utah County Land Use Ordinance (UCLUO), related to frontage on an approved public street require, exceptions, to include an exception from required frontage for lots or parcels that are separated from official frontage by railroad right-of-way; and

**WHEREAS**, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance (UCLUO), during a regularly scheduled meeting of the Planning Commission on May 21<sup>st</sup>, 2024, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes from the Utah County Planning Commission meeting and public hearing regarding the proposed Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds the amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, is consistent with the other provisions of the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds the proposed Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors;

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

**Part I:**

**Section 4.44 of the Utah County Land Use Ordinance is hereby amended, including any appropriate re-numbering and re-formatting of applicable subsections, to read as depicted for the applicable subsections:**

**Section 4.44 Frontage on an Approved Public Street Required, Exceptions**

- A. For adequate access by emergency vehicles and local occupants, the frontage of each lot or parcel used as a site for a dwelling, manned industrial plant or other facility or structure occupied by humans, shall abut on an official state road, county class "B" 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 or parcel. The following are exceptions to the above requirement:
8. A nonconforming lot or parcel of record separated from official road frontage by land in State or Federal ownership, or a railroad right-of-way may gain vehicular access to the lot or parcel provided all the following are met:
    - a. The lot or parcel lies within 500 feet of an official state road, county class "B" road or city street.
    - b. The lot or parcel lies within the CE-1, CE-2, or M&G-1 Zones
    - c. A written permanent perpetual easement granted to the owner of the subject lot or parcel and appurtenant to the subject lot or parcel, in the official form utilized by the governmental entity or railroad.
    - d. The easement shall be approved by the Zoning Administrator and recorded in the Office of the Utah County Recorder, unless recordation of the easement is prohibited by the applicable governmental entity providing the access easement.
    - e. Vehicular access driveways and railroad crossings (if required), shall conform to Utah County standards, currently adopted codes and other adopted applicable ordinances or railroad standards.
    - f. Railroad crossings shall meet all applicable railroad company standards and shall receive the approval of the applicable railroad company.
    - g. Written approval from the applicable governmental agency or railroad company for any access road or railroad crossing shall be provided to the Zoning Administrator prior to the approval of the access.
    - h. The owner of the subject lot or parcel 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 1) the permanent perpetual easement, the governmental issued private road easement, or railroad easement, is terminated, for any reason, or 2) the access road is not maintained to meet the applicable requirements of this section, the Occupancy Permit issued by Utah County will immediately and automatically be revoked and become null and void, and the subject lot or parcel will not be used for human occupancy, either temporarily or permanently, until such time as the

permanent perpetual easement is reinstated and approved by the Zoning Administrator, and the access road is determined to meet all applicable access road standards by the Zoning Administrator or applicable agency.

- i. Vehicular and pedestrian access which is not exclusively and entirely across the subject lot or parcel and the land in State or Federal ownership or a railroad right-of-way, must be allowed under and shall meet all applicable requirements of Section 4.44 Frontage on an Approved Public Street Required, Exceptions.

**Part II:**

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk.

**Part III:**

If any of the sections, sentences, clauses, or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

**Part IV:**

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 19th day of June 2024.

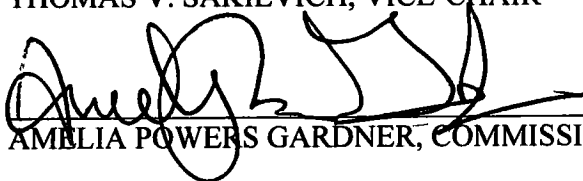
**UTAH COUNTY COMMISSION**

  
 \_\_\_\_\_  
 BRANDON B. GORDON, CHAIR

VOTE  
 X

\_\_\_\_\_  
 THOMAS V. SAKIEVICH, VICE-CHAIR

ABSENT

  
 \_\_\_\_\_  
 AMELIA POWERS GARDNER, COMMISSIONER

X

**ATTEST:**  
**AARON R. DAVIDSON**  
Utah County Clerk

**APPROVED AS TO FORM:**

Utah County Attorney

By:   
Deputy/Jolynn Clegg

Approved

Disapproved

By:   
Deputy/Dale Eyre

Date of Publication: Once only, as soon as possible.

