

ORDINANCE NO. 2011- 39

AN ORDINANCE AMENDING SECTION 3-48, RESIDENTIAL TREATMENT CENTERS; SECTION 5-8-B, PERMITTED USES IN THE NC-1, NEIGHBORHOOD COMMERCIAL ZONE; SECTION 2-2-B, LIST OF DEFINITIONS; SECTION 3-28, TEMPORARY USES AND STRUCTURES; AND SECTION 5-5-C-7, PERMITTED CONDITIONAL USES IN THE CE-1, CRITICAL ENVIRONMENT ZONE; OF THE UTAH COUNTY LAND USE ORDINANCE

WHEREAS, the Utah County Planning Commission has initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amendments to residential treatment centers, the Neighborhood Commercial Zone, definitions, temporary uses and structures, and permitted conditional uses in the Critical Environment Zone; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and held a public hearing regarding the proposed amendments, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

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

WHEREAS, the Board of County Commissioners finds that the proposed amendments to the Utah County Land Use Ordinance are 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 3-48, of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-48: RESIDENTIAL TREATMENT CENTERS

A. INTENT

The intent and purpose of this section is to permit the operation of residential treatment centers in situations where such can exist without causing a deleterious effect upon the permitted land uses of the zone.

B. SCOPE

The provisions of this section shall apply to residential treatment centers, as defined in Section 2-2-B of this land use ordinance.

C. CONDITIONS

The Board of Adjustment may approve a conditional use permit for a residential treatment center provided all of the following conditions are met, in addition to the general standards of approving a conditional use found in chapter 7, of this land use ordinance:

1. The facility meets the definition of "residential treatment center" found in chapter 2 of this land use ordinance, and must be approved for such use by the State Department of Human Services and/or the State Department of Professional Licensing.
2. The facility lies in a zone that lists a residential treatment center as a permitted conditional use and the proposed site meets or exceeds the minimum area and frontage requirements of the zone for a residential treatment center.
3. No residential treatment center shall have more than sixteen (16) clients present in the facility for residence and/or for treatment by the operators at one time.
4. Each residential treatment center shall be on its own lot. No portion of the lot containing a residential treatment center shall be closer than one mile from any other residential treatment center or youth group home.
5. All persons admitted to the residential treatment center shall be diagnosed by a competent professional licensed for his or her field by the State of Utah. None shall be admitted except those who have a treatable diagnosis, and each person admitted shall be undergoing treatment for their diagnosed disorder(s). No person shall be admitted who has a diagnosis of conduct, thought, antisocial, or schizophrenic disorders as identified in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR) of the American Psychiatric Association, or its successor edition.
6. The applicant shall submit a satisfactory site plan showing the general location of all existing and proposed structures and shall show that the entire acreage is to be utilized as part of the treatment program.
7. The applicant shall submit a plan of operations for treatment, including a safety plan which addresses the safety of the clients, the employee staff, the surrounding neighborhood, and the community as a whole.
8. Prior to occupancy and use as a residential treatment center, a Utah County certificate of occupancy/zoning compliance permit and an annual Utah County business license shall be obtained by the operators.

Part II:

Section 5-8-B, of the Utah County Land Use Ordinance is hereby amended to read as follows:

5-8: NC-1 NEIGHBORHOOD COMMERCIAL ZONE

B. PERMITTED USES

The following shall be permitted in the NC-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. Restaurants, and retail food stores.
2. Grocery stores.
3. Stores for retail sales of goods and materials; but does not include automobile sales, recreational vehicles sales, vehicle parts sales, trailer or agricultural equipment sales, or wholesale establishments.
4. Convenience establishments and other personal or pet services.
5. Professional health care offices.
6. Preschools.
7. Commercial day care centers.
8. Gasoline service stations; automobile repair facilities; and car wash establishments.
9. Churches and other structures for religious worship, and churches with a parsonage.
10. Parking facilities, subject to the provisions of chapter 3 of this land use ordinance.
11. Signs, subject to the provisions of chapter 3 of this land use ordinance.
12. Accessory structures when appurtenant to buildings and uses permitted in the zone.
13. Public parks, public park facilities and public historical monuments.
14. Landscape parks.
15. Fences, walls, and landscaping, subject to the provisions set forth in chapter 3 of this land use ordinance.
16. Covered water storage tanks and reservoirs which do not extend over two (2) feet above grade, water wells and appurtenant pipelines, pumps and pump houses.
17. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
 - a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
 - b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
 - c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.
18. Commercial storage units.
19. Business Offices.
20. The pasturing of domestic livestock and the keeping of fowl for personal use, and the barns sheds, pens and coops connected with pasturing of said

domestic livestock and fowl, subject to the requirements of chapter 3 of this land use ordinance, and the requirement that the total floor area of such structures shall not exceed 1,000 square feet per lot, unless the lot exceeds one (1) acre in area, which would allow a maximum cumulative floor area of 2,000 square feet per lot.

21. A one-family caretaker dwelling or dwelling unit subject to the provisions of chapter 3 of this land use ordinance.

Part III:

Section 2-2-B-86.5, of the Utah County Land Use Ordinance is hereby amended to read as follows:

2-2: DEFINITIONS

B. LIST OF DEFINITIONS

86.5 Seasonal Sales and Services

The sale of fresh produce sold during the growing season, jerked meat, pine nuts, and seasonal recreational concessionaire services which are related to hiking, equestrian, bicycle, river and lake water activities, and public recreation areas. Seasonal Sales and Services does not include any land use that is identified in the Utah County Land Use Ordinance as a permitted or a permitted conditional use within any zoning district, or any land use or activity listed under temporary uses and structures in chapter 3 of this land use ordinance, except those listed under seasonal sales and services.

Part IV:

Section 3-28-B-11, of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-28: TEMPORARY USES AND STRUCTURES

B. USES

11. Seasonal Sales and Services

Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for seasonal sales and services, in the HS-1 or NC-1 zones for a maximum of six (6) months annually, if the Zoning Administrator finds that all of the following conditions and requirements are met:

- g. Prohibited activities and land uses: The sale of alcoholic beverages, the sale of sexually oriented products or materials, dances, concerts, outdoor movies or movie theaters, the sale of vehicles, and group gatherings.
- h. At the site of an approved seasonal sales and services, temporary use permit, the sale of food, equipment, clothing, and craft items, appurtenant to the approved temporary use is permitted during its time of operation when specified and approved on the temporary use permit application..
- i. Not more than two (2) seasonal sales and services, temporary use permits, shall be allowed within each separate Highway Service Zone (HS-1) and each separate Neighborhood Commercial Zone (NC-1).

Part V:

Section 5-5-C-7, of the Utah County Land Use Ordinance is hereby amended to read as follows:

5-5: CE-1 CRITICAL ENVIRONMENTAL ZONE

C. PERMITTED CONDITIONAL USES

- 7. Accessory ski lifts and associated mountain resort facilities which the Board of Adjustment has approved as a conditional use according to the provisions of chapters 3 and 7 of this land use ordinance.

Part VI:

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/Auditor.

Part VII:

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 VIII:

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 1st day of November, 2011.


UTAH COUNTY COMMISSION

VOTE



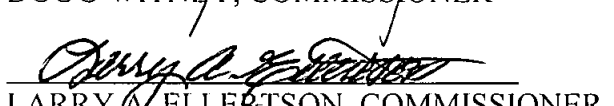
 GARY J. ANDERSON, CHAIR

aye



 DOUG WITNEY, COMMISSIONER

aye



 LARRY A. ELLERTSON, COMMISSIONER

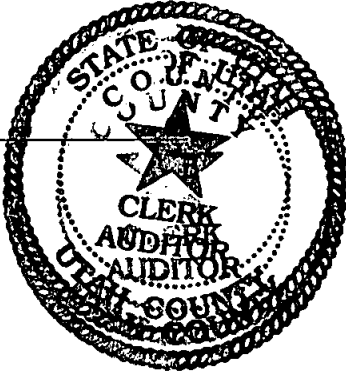
aye

ATTEST:
BRYAN E. THOMPSON

APPROVED AS TO FORM:
JEFFREY R. BUHMAN

County Clerk/Auditor

By: *Amie McLeod*
Deputy



County Attorney

Approved

Disapproved

By: *Amie McLeod*
Deputy

Date of Publication: Once only, as soon as possible