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 JEFFERY SMITH
 UTAH COUNTY RECORDER
 2012 May 31 10:13 am FEE 0.00 BY SW
 RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2012-15

AN ORDINANCE DELETING THE TERM SLEEPING APARTMENT FROM SECTIONS 2-2-B-90, AMENDING SECTIONS 3-9, 3-42, 5-9-B AND 6-5; AND ADDING THE TERM HOTEL TO SECTIONS 5-9-C AND 6-5-B; 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 deleting the term sleeping apartment from Sections 2-2-B-90, 3-9, 3-42, 5-9-B and 6-5; and to add the term hotel to Sections 5-9-C and 6-5-B, as indicated in the above stated sections; and

WHEREAS, the Planning Commission addressed the proposed amendments 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 2-2-B-90, Definition of Sleeping Apartment, of the Utah County Land Use Ordinance is hereby deleted in its entirety.

Part II:

Section 3-9, Accessory Buildings Prohibited As Living Quarters, of the Utah County Land Use Ordinance, is hereby amended to read as follows:

3-9: ACCESSORY BUILDING PROHIBITED AS LIVING QUARTERS

A dwelling unit or kitchen shall not be permitted in any accessory building.

Part III:

Section 3-42, Recreational Vehicle Courts And Commercial Campgrounds, Subsections C, D and E, of the Utah County Land Use Ordinance, are hereby amended to read as follows:

3-42: RECREATION VEHICLE COURTS AND COMMERCIAL CAMPGROUNDSC. PLANS REQUIRED

The applicant for a permit for a recreation vehicle court or commercial campground shall submit a drawn-to-scale site and construction plan at a scale of 1 inch to 100 feet or larger containing the following information.

1. The proposed layout of roads, recreation vehicle parking spaces, campsites, automobile parking spaces, service buildings, and management office.
2. The location and size of existing and proposed water, sewer and electric power lines and facilities.
3. The drainage features and slope of the land.
4. A schematic drawing of a typical recreation vehicle parking pad or campsite with the appurtenant automobile parking spot.
5. A plan showing:
 - a. Scale.
 - b. Total number of acres in the development.
 - c. Total number of recreation vehicle spaces, *or* campsites.
 - d. Average number of recreation vehicle spaces, campsites, or per acre.
 - e. Total number of off-street automobile parking spaces.
 - f. Percentage of the total area to be hard-surfaced.
 - g. Percentage of the total area to be in open space, exclusive of hard-surfaced areas and parking sites.
 - h. Percentage of the total area to be developed as playground, recreation and other common facilities.
 - i. Any other data reasonably required by the Board of Adjustment.

D. STANDARDS AND REQUIREMENTS

1. Recreation vehicle courts and commercial campgrounds shall be permitted only in the HS-1 Highway Service Zone and in platted recreational resorts in the CE-2 Critical Environmental Zone.
2. All recreation vehicle courts and commercial campgrounds shall abut on and gain access from a hard-surfaced public street which meets the standards of Utah County for collector or arterial roads, except:

- a. Where the recreation vehicle court or commercial campground gains access from a central parking lot which in turn abuts on and gains access from a hard-surfaced public street which meets the standards of Utah County for collector or arterial roads.
 - b. In platted recreational resorts in the CE-2 Zone where the recreation vehicle court or commercial campground gains access from a major street in the recreational resort and the resort itself abuts on and gains access from a hard-surfaced public street which meets the standards of Utah County for collector or arterial roads.
3. All roadways providing access to recreation vehicle spaces, and campsites shall have a hard-surfaced width of at least ten (10) feet, for one-way roads, and twenty (20) feet for two-way roads, plus two (2) feet of unobstructed shoulder on each side of the surface. Such roadways shall not exceed a grade of eight percent (8%).
4. The roadway system shall provide convenient circulation through the recreation vehicle court and shall provide access to each recreation vehicle space and campsite. No recreation vehicle space (or campsite) will be permitted direct access to a public street, road, or highway other than by means of the recreation vehicle court (or campground) roadway system. No entrance or exit shall be located closer than one hundred (100) feet to the right-of-way line of any intersecting street.
5. Each recreation vehicle space shall be hard-surfaced, ten (10) feet or more in width, forty (40) feet or more in length, and have adjacent thereto a standard automobile parking space.
6. All recreation vehicles and camping paraphernalia shall be set back at least thirty (30) feet from any public street, and the setback space resulting therefrom shall be landscaped or remain in natural vegetation except for permitted driveways.
7. In addition to the recreation vehicle spaces, campsites, and a management office, the development may also include accessory recreation buildings which serve only the occupants of the facility.
8. All recreation vehicle courts, and commercial campgrounds, shall be served by a water supply and sewage facility that has been approved by the County Health Department.
9. Each recreation vehicle space (or campsite) shall be served by a hookup facility for water, sewage disposal, and electrical power.
10. Hydrants and other fire protection facilities, as well as the road circulation design of the development, shall meet the adopted fire codes administered by the Utah County Fire Marshal.
11. No recreation vehicle shall be allowed in the court (nor camp user in the campground) for more than forty-five (45) days in any calendar year. Besides the approved common facilities shown on the plan, only recreation vehicles and camp users (plus their automobiles) may occupy the facility; mobile homes, construction equipment, outdoor storage (other than licensed vehicles), etc. are prohibited.

E. **OTHER LICENSES AND PERMITS REQUIRED**

A building permit is required before any construction is commenced on a recreational vehicle court or commercial campground, and upon completion, a zoning compliance permit and current business license are required before such is operated. Failure of the owner and/or operator to construct and maintain the court in accordance with the terms of approval may result in the revocation of the building permit, zoning compliance permit, and/or the business license.

Part IV:

Section 5-9, Highway Service Zone, Subsections B and C, of the Utah County Land Use Ordinance, are hereby amended to read as follows

5-9: **HS-1, HIGHWAY SERVICE ZONE**

B. **PERMITTED USES**

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

14. The pasturing of domestic livestock and the keeping of fowl for personal use, and 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.
15. A one-family caretaker dwelling or dwelling unit subject to the provisions of chapter 3 of this land use ordinance.

C. **PERMITTED CONDITIONAL USES**

In the HS-1 zone the following buildings, structures, and uses of land shall not be permitted

by the Zoning Administrator unless approval as a conditional use has been authorized in accordance with the land use ordinance by the designated reviewing agency:

1. A covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of chapter 7 of this land use ordinance.
2. A recreation vehicle court or commercial campground 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.
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.
4. Hotels, 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 V:

Section 6-5, Recreational Resorts, Subsections B, C and D, of the Utah County Land Use Ordinance, are hereby amended to read as follows:

6-5: RECREATIONAL RESORTS

B. PERMITTED USES

Uses permitted in recreational resorts shall be limited to the following:

1. One-, two-, three-, and multiple-family dwellings, including residential condominium projects; hotels; and manufactured homes.

C. APPLICATION REQUIREMENTS

5. Tabulations

- e. Total number of dwelling and sleeping units, contained in bunkhouses, lodges, hotels and similar group housing.

D. STANDARDS AND CONDITIONS

5. Density of Housing Facilities Within the Resort

a. Number of Units Permitted.

The maximum number of dwelling units permitted within a recreational resort shall be determined by the slope of the land within the development according to the following schedule:

- i. One dwelling unit per 1 acre having a slope of 10 percent or less;
- ii. One dwelling unit per 10 acres having a slope of more than 10 percent but less than 30 percent;
- iii. One dwelling unit per 20 acres having 30 percent or greater slope. The determination of slope within a development shall be based upon a detailed slope analysis. The slope analysis shall be conducted using the contour maps prepared by the U.S. Geological Survey; however, other more detailed maps may be used when approved by the Planning Director.

b. Development Credits Increased.

The number of dwelling units permitted within a recreational resort may be increased by the transfer of residential development credits from lands located within an adjacent CE-1 Critical Environmental Zone, subject to the following conditions.

- i. The land from which the development credits are transferred:
 - (A) Is situated entirely within the CE-1 Critical Environmental Zone;
 - (B) Is located contiguous to or within two miles of the boundary of the recreational resort; and
 - (C) Is shown on the plans and documents as part of the open space area of the development and subject to the open space preservation agreement, but will not be part of the minimum 25% natural open space required within the perimeter boundary of the resort.

- ii. The number of residential development credits received shall be at the rate of one dwelling unit per each full twenty (20) acres of land in the CE-1 zone covered by the transfer of development credits agreement.
- iii. There is sufficient area for development within the plat to accommodate the increased number of dwelling units and meet the common open space requirement.
- iv. Whenever the terms of this ordinance shall permit or authorize a property owner to transfer development credits, such transfer shall be accompanied by an agreement by the owner indicating the extent of the credit transfer and agreeing to refrain from construction of dwellings or other buildings or from exercising any of the entitlements so transferred. Said agreement shall be made between the owner (and his heirs and assignees) and the County, and shall be recorded in the office of the County Recorder.

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 May, 2012.

UTAH COUNTY COMMISSION

VOTE

Larry A. Bullertson
LARRY A. BULLERTSON, CHAIR

aye

Doug Witney
DOUG WITNEY, COMMISSIONER

aye

excused
GARY J. ANDERSON, COMMISSIONER

excused

ATTEST:

BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:

JEFFREY R. BUHMAN
County Attorney

By: *Denise M. Higgins-Cason*
Deputy



Approved

Disapproved

By: *Jeffrey R. Buhman*
Deputy

Date of Publication: Once only, as soon as possible