

ORDINANCE NO. 2012- 19

**AN ORDINANCE AMENDING SECTION 2-2-B-61, DEFINITION OF LOT, AND
AMENDING SECTION 2-2-B-95, DEFINITION OF SUBDIVISION; 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 the amendment of Sections 2-2-B-61 and 95, the definition of "Lot" and the definition of "Subdivision"; 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-61, Definition of Lot, of the Utah County Land Use Ordinance is hereby amended to read as follows:

61. Lot
Any parcel of land owned in fee, lying in a solid body, whose boundaries constitute a closure or purported closure as the legal description of said parcel of land; or, when land is surveyed



and subdivided according to an approved plat, the lot shall mean a parcel of land as designated on said recorded, approved plat.

a. Lot of Record

A lot designated on a subdivision plat or shown by metes and bounds, duly recorded pursuant to statute in the County Recorder's office or other official record. A lot of record may or may not coincide with a zoning lot.

b. Nonconforming Lot of Record.

A lot which does not conform to the area and/or width requirements of this ordinance for a zoning lot, but which was shown continuously on the records of the County Clerk or Recorder as an independent parcel since before the effective date of this ordinance and which did qualify for building prior to such date. A nonconforming lot of record that is diminished in area by the deeding and dedication of a portion of the lot to the respective governmental entity for a federal highway, a state highway, a county road, or a city street, if the respective governmental entity accepts the dedication, shall continue as a nonconforming lot of record, if the width of the lot is not reduced and the amount of the reduction in area is less than 15% of the area of the original nonconforming lot of record.

c. Zoning Lot.

A lot occupied by, or which is qualified to be occupied by, a building or use of land, or a group of buildings or uses, which meets all of the requirements for area, buildable area, frontage, width, yard, setback, subdivision, and all other requirements set forth in this ordinance, for such use. (A lot which is a part or parcel in an unapproved and/or illegally recorded subdivision shall not qualify as a zoning lot under the terms of this definition.) A zoning lot that is diminished in area by the deeding and dedication of a portion of the lot to the respective governmental entity for a federal highway, a state highway, a county road, or a city street, if the respective governmental entity accepts the dedication, shall continue as a zoning lot if the frontage, width of lot, and area of lot are not reduced below the minimum frontage, width, and area requirements of the zone in which the lot is located, provided that:

- (1) if the dedication reduces the area of the lot below the minimum requirements for area of the zone in which it is located, the lot shall be considered a legal nonconforming lot of record if the amount of the reduction in area is less than 15% of the area of the original lot of record; and
- (2) if the lot is located within a subdivision plat, the subdivision plat that contains the lot is amended to indicate the new description of the lot.

Part II:

Section 2-2-B-95, definition of Subdivision, of the Utah County Land Use Ordinance, is hereby amended to read as follows:

95. Subdivision

- a. A subdivision is any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the

purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions.

- b. Subdivision includes:
- i. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
 - ii. except as provided in Subsection (c) of this Section, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- c. Subdivision does not include:
- i. a bona fide division or partition of agricultural land for agricultural purposes which complies with all of the requirements of chapter 3 of this ordinance.
 - ii. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if;
 - (A) no new lot is created; and
 - (B) no lot which would qualify as a dwelling site is created from a lot (or lots or parcels) previously not eligible to have a dwelling; and
 - (C) the adjustment does not violate any provision of this Land Use Ordinance.
 - iii. a recorded document, executed by the owner of record,
 - (A) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - (B) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate any provision of this Land Use Ordinance.
 - iv. a bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels:
 - (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or
 - (B) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.
 - v. a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - (A) no new dwelling lot or housing unit will result from the adjustment; and
 - (B) no lot which would qualify as a dwelling site is created from a lot (or lots) previously not eligible to have a dwelling; and
 - (C) the adjustment will not violate any provision of this Land Use Ordinance.
 - vi. the deeding and dedication of a portion of a parcel of real property to the respective governmental entity for a federal highway, a state highway, a county road, or a city street, if the respective governmental entity accepts the dedication, and provided that:

- (A) no lot which would qualify as a dwelling site is created from a lot (or lots or parcels) previously not eligible to have a dwelling; and
 - (B) the deeding and dedication does not violate any provision of this Land Use Ordinance.
- vii. the joining of a subdivided parcel of property to another parcel of property that has not been subdivided.

Part III:

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 IV:

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 V:

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 22nd day of May, 2012.

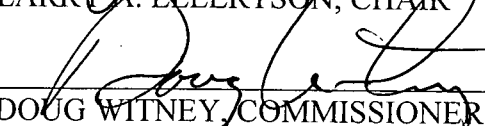
UTAH COUNTY COMMISSION

VOTE



LARRY A. ELLERTSON, CHAIR

aye



DOUG WITNEY, COMMISSIONER

aye

excused

GARY J. ANDERSON, COMMISSIONER

-excused-

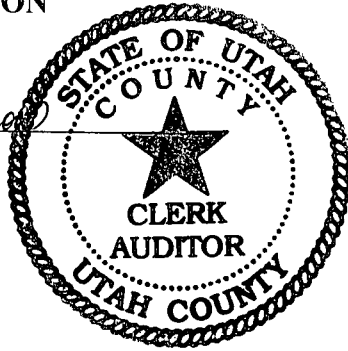
ATTEST:

APPROVED AS TO FORM:

BRYAN E. THOMPSON
County Clerk/Auditor

JEFFREY R. BUHMAN
County Attorney

By: Bruce Higgins Carole
Deputy



Approved

Disapproved

By: [Signature]
Deputy

Date of Publication: Once only, as soon as possible