



ENT 60617:2012 PG 1 of 3
 JEFFERY SMITH
 UTAH COUNTY RECORDER
 2012 Jul 20 3:24 pm FEE 0.00 BY SS
 RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2012- 21

AN ORDINANCE AMENDING SECTION 1-6-J, NONCONFORMING LOT OF RECORD, OF THE UTAH COUNTY LAND USE ORDINANCE

WHEREAS, an application for a zone text amendment by Ross Welch initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with nonconforming lots of record; 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 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 amendment 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 amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the 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 1-6-J, Nonconforming Lot of Record, of the Utah County Land Use Ordinance is hereby amended to read as follows:

1-6-J NONCONFORMING LOT OF RECORD

1. A nonconforming lot of record which conforms with every provision and requirement of this ordinance for a one-family dwelling or manufactured home, except for the required lot area and/or required lot width along the side abutting a state or county road, may be granted a building permit for a one-family dwelling or manufactured home notwithstanding such deficiency in lot area or width provided:
 - a. The lot lies in the RR-5, TR-5, CE-1, CE-2, or M&G-1 zone;
 - b. The lot has existed continuously on the official records of the County Clerk or Recorder as an independent parcel since before the effective date of the lot area or width provision of the Land Use Ordinance amendment (or the initial enactment) which rendered such lot unbuildable; and
 - c. Every provision and requirement of this ordinance, except for said area and width requirement, is met.
2. The right to obtain a building permit for a one-family dwelling or manufactured home on a nonconforming lot of record, as described in this subsection, can be transferred from the nonconforming lot (sending lot) to another lot (receiving lot) if all of the following conditions are found to exist:
 - a. The sending lot is a lot in private ownership located within or adjacent to the boundaries of a United States National Forest;
 - b. The sending lot meets all of the requirements, as a nonconforming lot of record, to obtain a building permit for a one-family dwelling or manufactured home;
 - c. The receiving lot is owned by the United States of America and is exchanged, in whole or in part, for all of the sending lot;
 - d. The receiving lot and the sending lot are adjacent parcels of property, or are separated by a distance of not more than one half mile;
 - e. Both the sending lot and the receiving lot are located within the CE-1 Critical Environmental Zone;
 - f. The area of the receiving lot is equal to or greater than the area of the sending lot; and
 - g. The receiving lot meets every provision and requirement of this ordinance to obtain a building permit for a one-family dwelling or manufactured home, except for the lot area and frontage width requirement.

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/Auditor.

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 3rd day of July, 2012.

UTAH COUNTY COMMISSION

VOTE



LARRY A. ELLERTSON, CHAIR

aye



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: 
Deputy



Approved

Disapproved

By: 
Deputy

Date of Publication: Once only, as soon as possible