

ORDINANCE NO. 2013- 7

**AN ORDINANCE AMENDING SUBSECTIONS 2-2-B-13, 6-3-C-7-A & B, AND 6-3-D-15,
OF THE UTAH COUNTY LAND USE ORDINANCE, TO DELETE OPEN SPACE
REQUIREMENTS FOR PLANNED SUBDIVISIONS AND TO ESTABLISH COMMON
AREA REQUIREMENTS FOR PLANNED SUBDIVISIONS**

WHEREAS, an application for a zone text amendment by the Utah County Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with the deletion of the Open Space requirements for Planned Subdivisions and the establishment of Common Area requirements for Planned Subdivisions; 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:

Subsection 2-2-B-13, of the Utah County Land Use Ordinance is hereby amended to read as follows:

- 2-2 DEFINITIONS
B. LIST OF DEFINITIONS
13. Common Area



An area designed to serve two (2) or more dwelling units in separate ownership. In a planned subdivision, Common Area shall refer to the land which is designed and intended for the common use or enjoyment of the residents of the development and may include such common structures and facilities as playgrounds, parks, recreational areas, tot lots, trails, walking paths, pavilions, restrooms, pools, club houses, equestrian facilities, and sports fields.

Part II:

Subsection 6-3-C-7-a & b, of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-3 PLANNED SUBDIVISIONS

C. APPLICATION REQUIREMENTS

7. Documentation

The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:

- a. Executed articles of incorporation and bylaws of the homeowner association. (This requirement only applies to Planned Subdivisions with common area.)
- b. An executed (except by Utah County) common area preservation agreement and an executed maintenance agreement among the developer, the homeowner association, and Utah County, based on the Utah County format. (These agreements must be recorded at the time the plat is recorded and are only required for those Planned Subdivisions with common area.)

Part III:

Subsection 6-3-D-15, of the Utah County Land Use Ordinance is hereby amended to read as follows:

D. STANDARDS AND CONDITIONS

15. Common Area Requirements

- a. Any proposed subdivision with ten (10) or more lots with any lot less than five acres in area, and any proposed subdivision of any parcel of land containing ten (10) or more acres in area with more than three (3) lots with any lot less than five acres in area, shall provide a minimum of twenty percent (20%) of the total subdivision acreage as dedicated common area for the use of the residents of the subdivision.
- b. The land covered by vehicular roads, off-street parking, yard areas around the dwellings, lots for dwellings, and service buildings shall not be included in the area used to meet the common area requirements.
- c. The common area shall be fully integrated into the design of the development in a manner which is most useful and convenient for the residents of the development. A detailed landscaping plan showing the proposed landscape treatment of all portions of the project proposed to be developed as common area shall be submitted.
- d. As assurance that the designated common area will remain as common area, the developer and the homeowner association shall execute a common area preservation and maintenance agreement with the county in which the developer and the

homeowner association agree to maintain the common area and facilities and agree to refrain from constructing dwellings or other structures not expressly allowed by this Ordinance.

- e. Where a developer owns or controls more land than he wishes to develop immediately, a development plan for the entire area shall be submitted, in which case the developer shall indicate on such plan the portion to be developed immediately and the portion to be held for future development. The following is required in relation to the development plan:
 - i. Development plans must receive approval from the County Commission;
 - ii. The common area requirements, as set forth above, shall be applied to the development area as a whole, such that the entire development area shall be considered in making the determination of whether the common area requirements are applicable;
 - iii. Not less than twenty percent (20%) of the total development area acreage shall be dedicated as common area;
 - iv. The development plan shall show the location of those areas to be designated as common area; and
 - v. Each separate development, which is only a part of the entire development area, shall be required to develop at least a portion of the common area, as set forth on the development plan, which portion shall be not less than twenty percent (20%) of the area of the separate development and must be contiguous with the separate development.

Part IV:

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 V:

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 VI:

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 2th day of July 2013.

UTAH COUNTY COMMISSION



VOTE

aye

DOUG WITNEY, CHAIR

GARY J. ANDERSON, COMMISSIONER

cujo

LARRY A. ELLERTSON, COMMISSIONER

cujo

ATTEST:

BRYAN E. THOMPSON

County Clerk/Auditor

By: Renee Carson
Deputy



APPROVED AS TO FORM:

TIMOTHY L. TAYLOR

County Attorney

Approved

Disapproved

By: Timothy L. Taylor
Deputy

Date of Publication: Once only, as soon as possible

4770 S. 5600 W.
 P.O. BOX 704005
 WEST VALLEY CITY, UTAH 84170
 FED.TAX I.D.# 87-0217663
 801-204-6910

The Salt Lake Tribune
 WWW.SLTTRIB.COM

MEDIAOne
 OF UTAH
 A NEWSPAPER AGENCY COMPANY
 WWW.MEDIAONEUTAH.COM

Deseret News
 WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
UTAH COUNTY AUDITOR, KENT MONSON ATTN: ELISE 100 E CENTER ST #2400 PROVO UT 84606	9001334912	8/8/2013

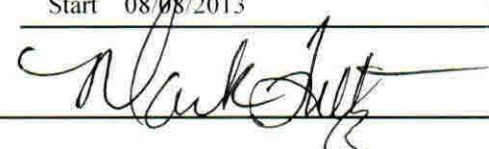
ACCOUNT NAME	
UTAH COUNTY AUDITOR,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8018518238	0000898496 /
SCHEDULE	
Start 08/08/2013	End 08/08/2013
CUST. REF. NO.	
2013-566/2013-7	
CAPTION	
SUMMARY OF ORDINANCE ORDINANCE NO. 2013-7 WAS ADOPTED BY THE BOARD OF	
SIZE	
27	Lines 1.00 COLUMN
TIMES	RATE
3	
MISC. CHARGES	AD CHARGES
TOTAL COST	
33.35	

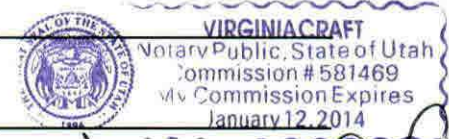
SUMMARY OF ORDINANCE
 ORDINANCE NO. 2013-7
 WAS ADOPTED BY THE BOARD
 OF COUNTY COMMISSIONERS
 OF UTAH COUNTY, UTAH, ON
 JULY 2, 2013, AMENDING
 SUBSECTIONS 2-2-B-13, 6-3-
 C-7-A & B, AND 6-3-D-15,
 OF THE UTAH COUNTY LAND
 USE ORDINANCE, TO DELETE
 OPEN SPACE REQUIREMENTS
 FOR PLANNED SUBDIVISIONS
 AND TO ESTABLISH COMMON
 AREA REQUIREMENTS FOR
 PLANNED SUBDIVISIONS.
 A COMPLETE COPY OF THE
 ORDINANCE IS AVAILABLE AT
 THE COUNTY CLERK / AUDI-
 TOR'S OFFICE, COMMISSIO-
 NER DOUG WITNEY, COMMISS-
 IONER GARY J. ANDERSON,
 AND COMMISSIONER LARRY A.
 ELLERTSON VOTED IN FAVOR
 OF THE ORDINANCE
 898496 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **SUMMARY OF ORDINANCE ORDINANCE NO. 2013-7 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON JULY 2, 2013, AMENDING SUBSECTIONS 2-2-B-13 FOR UTAH COUNTY AUDITOR,** WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY.

PUBLISHED ON Start 08/08/2013 End 08/08/2013

SIGNATURE 



8/8/2013

Virginia Craft

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
 PLEASE PAY FROM BILLING STATEMENT