

**ORDINANCE NO. 2015- 3**

**AN ORDINANCE AMENDING SUBSECTION 1-6-B, OF THE UTAH COUNTY LAND USE ORDINANCE, RELATED TO THE CONTINUATION OF NONCOMPLYING STRUCTURES ON QUALIFYING PARCELS OF LAND**

**WHEREAS**, the Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Subsection 1-6-B, related to the continuation of noncomplying structures on qualifying parcels of land; 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 the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 2014, and is consistent with the other provisions of 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:**

Subsection 1-6-B of the Utah County Land Use Ordinance is hereby amended to read as follows:

- 1-6: NONCONFORMING USES AND NONCOMPLYING STRUCTURES
- B. CONTINUATION

1. Except as provided below in this section, a noncomplying structure or a nonconforming use of land may be continued to the same extent and character as that which was legally existing and permitted on the effective date of the ordinance provision(s) causing noncompliance or nonconformity if:
  - a. No increase or expansion is made; and
  - b. The boundaries of the lot on which the structure or use lies are unchanged.
 

Exception 1: The boundaries of the lot on which the structure or use lies are changed due to one of the following reasons: the addition of more land area to the lot, fence line or boundary agreements that establish historic boundaries, and dedications of road right-of-way.

Exception 2: A noncomplying structure consisting of an inhabited structure shall be allowed to continue in its noncomplying status when the boundaries of the parcel on which the inhabited structure is located are changed to create a platted subdivision lot, if the County Engineer has provided the Zoning Administrator with a written statement that the noncompliance will not impair the right of way nor increase any hazard to public safety.

Exception 3: A noncomplying structure consisting of an inhabited structure shall be allowed to continue in its noncomplying status when the boundaries of the parcel on which the inhabited structure is located are reconfigured and such reconfigured parcel meets the area and width requirements of the applicable zone, if such noncompliance is relative to the structure's distance from a front property line or distance from a right of way line or center line of an official county or state road and the County Engineer has provided the Zoning Administrator with a written statement that the noncompliance will not impair the right of way nor increase any hazard to public safety.
2. Recorded noncomplying plats can be amended pursuant to the procedure contained in chapter 6 of this land use ordinance.

### **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 March 2015.

UTAH COUNTY COMMISSION

VOTE

*Larry A. Ellertson*  
LARRY A. ELLERTSON, CHAIR

aye

*William C. Lee*  
WILLIAM C. LEE, VICE-CHAIR

aye

*Greg Graves*  
GREG GRAVES, COMMISSIONER

aye

ATTEST:  
BRYAN E. THOMPSON  
County Clerk/Auditor  
By: *Renee Carson*  
Deputy



APPROVED AS TO FORM:  
JEFFREY R. BUHMAN  
County Attorney  
X Approved

         Disapproved

By: *Paul Buhman*  
Deputy

Date of Publication: Once only, as soon as possible

1770 S. 5600 W.  
 WEST VALLEY CITY, UTAH 84118  
 FED. TAX ID.# 87-0217663  
 301-204-6910

The Salt Lake Tribune  
 www.sltrib.com

MEDIAONE  
 A NEWSPAPER AGENCY COMPANY  
 www.mediaone.com

Deseret News  
 www.deseretnews.com

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
UTAH COUNTY AUDITOR, KENT MONSON 100 E CENTER ST STE 3600  PROVO UT 84606	9001334912	3/27/2015

ACCOUNT NAME			
UTAH COUNTY AUDITOR,			
TELEPHONE		ADORDER# / INVOICE NUMBER	
8018518238		0001019835 /	
SCHEDULE			
Start 03/27/2015		End 03/27/2015	
CUST. REF. NO.			
2015-222			
CAPTION			
SUMMARY OF ORDINANCE ORDINANCE NO. 2015-3 WAS ADOPTED BY THE BOARD OF			
SIZE			
27	Lines	1.00	COLUMN
TIMES		RATE	
2			
MISC. CHARGES		AD CHARGES	
TOTAL COST			
36.50			

SUMMARY OF ORDINANCE

ORDINANCE NO. 2015-3 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 3, 2015, AMENDING SUBSECTION 1-6-B, OF THE UTAH COUNTY LAND USE ORDINANCE, RELATED TO THE CONTINUATION OF NONCOMPLYING STRUCTURES ON QUALIFYING PARCELS OF LAND.

A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER WILLIAM C. LEE, AND COMMISSIONER GREG GRAVES VOTED IN FAVOR OF THE ORDINANCE.  
 1019835 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. 2015-3 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 3, 2015, AMENDING SUBSECTION 1-6-B, O 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, COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

Start 03/27/2015 End 03/27/2015

PUBLISHED ON

SIGNATURE



DATE

3/27/2015



Virginia Craft  
 NOTARY SIGNATURE

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
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PROOF OF PUBLICATION

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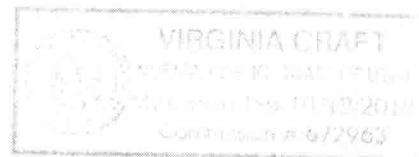
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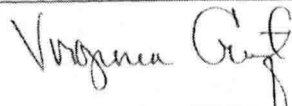
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