

ENT 54634:2019 PG 1 of 4  
 JEFFERY SMITH  
 UTAH COUNTY RECORDER  
 2019 Jun 17 10:51 am FEE 0.00 BY DA  
 RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2019- 21

**AN ORDINANCE AMENDING CHAPTERS 1 & 4 OF THE UTAH COUNTY LAND USE ORDINANCE, RELATIVE TO REQUIREMENTS FOR LOTS LYING IN MULTIPLE ZONES**

**WHEREAS**, Richard A. White initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Chapters 1 and 4, relative to requirements for lots lying in multiple zones; and

**WHEREAS**, the Planning Commission addressed the proposed amendments to the Utah County Land Use Ordinance during a regularly scheduled meeting of the Planning Commission, on April 16, 2019, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

**WHEREAS**, a public hearing regarding the proposed amendments was scheduled and held during a regularly scheduled meeting of the Planning Commission, on April 16, 2019; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendments, the minutes of the April 16, 2019 Utah County Planning Commission meeting, and the 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 amendments to the Utah County Land Use Ordinance conform to the Utah County General Plan 2014, and are consistent with the other provisions of 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 1-3 of the Utah County Land Use Ordinance is hereby amended to read as follows:

1-3: **CONFLICTING REGULATIONS**

The regulations and restrictions as set forth in this ordinance shall be so interpreted and applied as to further the intent and purpose of this ordinance. Except as may be provided in the *Lots Lying in Multiple Zones* section of Chapter 4 of this ordinance, if two or more regulations or

restrictions of this ordinance are in conflict or are inconsistent with each other, the most restrictive regulation or restriction shall govern.

All ordinances, resolutions, or parts thereof in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict with the provisions set forth in this ordinance. Any building or use of land or any construction thereon which was not authorized by or under the preexisting zoning ordinance(s), as amended, or which is illegal under such ordinance, shall remain unauthorized and illegal unless expressly authorized or permitted in the provisions of this ordinance.

To the extent required by applicable law, this land use ordinance shall be subject to the provisions of the federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), the federal Endangered Species Act of 1973 (ESA), Section 404 of the federal Clean Water Act (CWA), and other federal and state statutory and regulatory provisions which, by law, supersede the provisions of this land use ordinance.

## **Part II:**

Section 4-6 of the Utah County Land Use Ordinance is hereby established to read as follows:

### 4-6: LOTS LYING IN MULTIPLE ZONES

Notwithstanding the requirements of the *Conflicting Regulations* section of Chapter 1 of this Ordinance, if a lot lies in multiple zones, such lot shall be eligible to obtain permits for those uses permitted or conditionally permitted in the zone in which the majority of the lot lies, provided:

- a. No more than fifteen (15)-percent and ten (10) acres of the total area of the lot is included in the minority zone(s).
- b. The portion of the lot lying in the majority zone must meet the applicable area and width requirements of the majority zone.
- c. Those uses that are permitted, or conditionally permitted, in the I-1, HS-1, or NC-1 Zones, which are not permitted, or conditionally permitted, in a zone associated with a residential, agricultural, or watershed land use designation, as set forth in the Utah County General Plan, or successor document, are prohibited in the minority zone portion of a lot, if such minority zone portion of a lot lies in a zone associated with a residential, agricultural, or watershed land use designation.
- d. Any use permitted, or conditionally permitted, exclusively in the I-1 Zone shall not be conducted in the minority zone portion of a lot.
- e. Structures related to those permitted uses, or conditionally permitted uses, in the majority zone—which uses are not permitted, or conditionally permitted, in the minority zone(s)—shall only be constructed on that portion of the lot lying in the majority zone.
- f. If a use is permitted or conditionally permitted in both the majority and minority zone(s), a structure(s) related to such use may be constructed in either in the majority or a minority zone portion of the lot, provided the portion of the lot (the entirety of either the majority zone portion or a minority zone portion) on which the structure(s) lies meets the area requirements of the zone in which the structure(s) lies.

- g. Waste-water systems are prohibited in the minority zone portion(s) of a lot lying in multiple zones, if such minority zone portion(s) lies in the CE-1 Zone, unless such CE-1 Zone portion(s) of the lot meets the applicable area and width requirements for the pertinent use associated with the waste-water system.
- h. Those uses that are not permitted, or conditionally permitted, in the majority zone, but are permitted, or conditionally permitted, in a minority zone, shall not be conducted on a lot lying in multiple zones.
- i. Notwithstanding the other provisions of this section, a lot lying in multiple zones—where the total minority zone portions of the lot exceed fifteen (15)-percent or ten (10) acres—shall be subject to the requirements of the most restrictive zone.

**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 21st day of May 2019.

UTAH COUNTY COMMISSION

  
 \_\_\_\_\_  
 WILLIAM C. LEE, CHAIR

TANNER AINGE, VICE-CHAIR

  
 \_\_\_\_\_

NATHAN IVIE, COMMISSIONER

  
 \_\_\_\_\_

VOTE

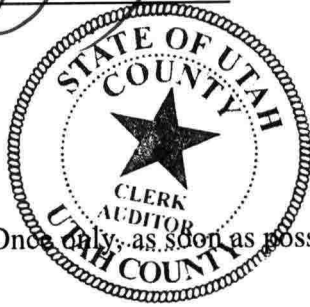
  
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**ATTEST:**  
**AMELIA A. POWERS**  
County Clerk/Auditor

By: \_\_\_\_\_  
Deputy



Date of Publication: Once only, as soon as possible

**APPROVED AS TO FORM  
AND LEGALITY:**  
**DAVID O. LEAVITT**  
County Attorney

Approved

Disapproved

By: \_\_\_\_\_  
Deputy

4770 E 5600 W.  
WEST VALLEY CITY, UTAH 84118  
FED.TAX I.D.# 87-0217663  
801-204-6910



**PROOF OF PUBLICATION CUSTOMER'S COPY**

CUSTOMER NAME AND ADDRESS

UTAH COUNTY AUDITOR,  
ACCOUNTS PAYABLE  
100 E CENTER ST STE 3600

PROVO UT 84606

ACCOUNT NUMBER

9001334912

DATE

7/9/2019

ACCOUNT NAME

UTAH COUNTY AUDITOR,

TELEPHONE

8018518238

ORDER # / INVOICE NUMBER

0001260518 /

PUBLICATION SCHEDULE

START 07/09/2019 END 07/09/2019

CUSTOMER REFERENCE NUMBER

2019-1024

CAPTION

ORDINANCE SUMMARY ORDINANCE NO. 2019-21 WAS ADOPTED BY THE BOARD

SIZE

26 LINES 1 COLUMN(S)

TIMES

2

TOTAL COST

32.30

**ORDINANCE SUMMARY**

ORDINANCE NO. 2019-21  
WAS ADOPTED BY THE  
BOARD OF COUNTY COM-  
MISSIONERS OF UTAH  
COUNTY, UTAH, ON MAY  
21, 2019, AMENDING  
CHAPTERS 1 & 4 OF THE  
UTAH COUNTY LAND USE  
ORDINANCE, RELATIVE TO  
REQUIREMENTS FOR LOTS  
LYING IN MULTIPLE ZONES.

A COMPLETE COPY OF THE  
ORDINANCE IS AVAILABLE  
AT THE UTAH COUNTY CLERK  
& AUDITOR'S OFFICE,  
COMMISSIONER WILLIAM  
C. LEE AND COMMISSIONER  
NATHAN IVE VOTED IN FA-  
VOR OF THE ORDINANCE  
AND COMMISSIONER TAN-  
NER ANGE VOTED  
AGAINST THE ORDINANCE.  
1260518 UPXLP

**AFFIDAVIT OF PUBLICATION**

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF ORDINANCE SUMMARY ORDINANCE NO. 2019-21 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MAY 21, 2019, AMENDING CHAPTERS 1 & 4 OF THE FOR UTAH COUNTY AUDITOR, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, 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.

PUBLISHED ON Start 07/09/2019 End 07/09/2019

DATE 7/9/2019

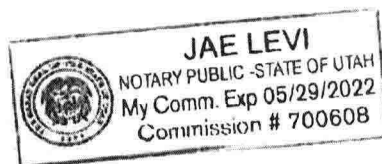
SIGNATURE \_\_\_\_\_

STATE OF UTAH )

COUNTY OF SALT LAKE )

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 9TH DAY OF JULY IN THE YEAR 2019

BY LORAINI GUDMUNDSON



NOTARY PUBLIC SIGNATURE