

ORDINANCE NO. 17-07

An ordinance amending the following sections of Title 16: 16.08.04 regarding densities in the RA-1 zone, 16.09 regarding regulations for planned performance developments in the Mountain Zone, 16.15.06 regarding densities in the Jordanelle Basin Overlay Zone (JBOZ), 16.16.03 regarding density bonuses in the North Village Overlay Zone (NVOZ), 16.18 deleting the Transitional Residential Overlay Zone, 16.20 deleting the Strawberry recreation Zone, 16.27.10 regarding the process for planned performance developments, 16.27.11 regarding large scale developments in the RA-1 zone and density bonuses for developments in the RA-1 zone, Section 16.29 the Planned Performance Development section of the code that allows planned performance developments in the Strawberry Recreation Zone (SRZ), Mountain (M) zone and Transitional Residential Overlay Zone (TROZ) and deleting the chapter, and amending section 16.41, 2.1.6 of the JSPA code allowing for a density bonus.

WHEREAS, Title 16 is the land use code for Wasatch County; and

WHEREAS, Title 16 throughout the years has been amended to allow bonus density options and added density in zoned throughout the County; and

WHEREAS, Title 16 of the Wasatch County Planning, Zoning and Development Code is amended to remove density bonus options in the zones that typically have allowed for density bonuses; and

WHEREAS, due to the ordinances that allowed large density bonuses and numerous options to obtain density bonuses the Planning Commission and County Council determined that decisions regarding density could be construed to be arbitrary and subjective; and

WHEREAS, the County Council directed staff to eliminate densities bonus options and only allow base densities in the various zones throughout the County and would not be considered arbitrary; and

WHEREAS, the Wasatch County Planning Commission has held a public hearing to receive comment on the proposed additions, modifications, and amendments as required by §17-27a et. seq., Utah Code Annotated 1953, as amended; and

WHEREAS, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Wasatch County Council regarding the modifications and amendments; and

WHEREAS, the Wasatch County Council conducted a public hearing on June 21, 2017 to receive comment on the Planning Commission recommendation pursuant to §17-27a et. seq. Utah Code Annotated 1953 as amended; and

WHEREAS, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Wasatch County Council has determined that it is in the best

interest of the public health, safety, and welfare of Wasatch County citizens that that the following additions, modifications, and amendments to Title 16 be adopted.

NOW THEREFORE, the County Legislative Body of Wasatch County ordains as follows:

SECTION I – ENACTMENT

The following sections of Title 16 of the Wasatch County Code are amended as noted in the attachment. Attached are two versions of the code amendments; one version with strikeouts and one with strikeouts accepted or a clean version.

SECTION II – REPEALER

If any provisions of the Wasatch County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION III – AMENDMENT OF CONFLICTING ORDINANCES

To the extent that any ordinances, resolutions, or policies of Wasatch County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Wasatch County Council and following notice and publication as required by Utah Code § 17-53-208.

SECTION V – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION VI – PUBLIC NOTICE

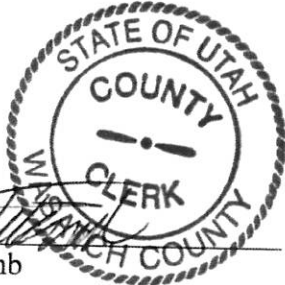
The Wasatch County Clerk, an ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section § 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk; and

- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and PASSED this 21st day of June, 2017.

Attest:



Brent R. Titcomb
 Brent R. Titcomb
 Wasatch County Clerk / Auditor

WASATCH COUNTY COUNCIL:

Greg McPhie
 Greg McPhie, Chair
 Wasatch County Council

Greg McPhie, Chairman
 Mark Nelson
 Spencer Park
 Mike Petersen
 Danny Goode
 Steve Farrell
 Kendall Crittenden

VOTE

Y
Y
Y
Y
Y
Y
Y

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)
): ss.
 COUNTY OF WASATCH)


I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section § 17-53-208, Utah Code Annotated, 1953, as amended, by:

(a) Causing this ordinance to be entered at length in the ordinance book;

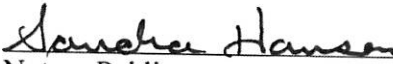
(b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;

[] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 6 day of July, 2017.


Brent R. Titcomb
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 6th day of July, 2017.


Sandra Hansen
Notary Public

Residing in:
My commission expires:



RA-1 Zone

16.08.04: LOT AREA AND MAXIMUM DENSITY

- A. Small Scale Subdivisions: For small scale subdivisions, each lot or parcel must be a minimum of one acre.
- B. Large Scale Subdivisions: Any large scale subdivision or development in the RA-1 zone shall comply with all applicable county ordinances, including section 16.27.10 of this title. The density allowed in this zone for large scale subdivisions is one unit for every 1.3 developable acres. ~~Additional density may be achieved only after receiving additional density bonuses. Maximum density is one unit per developable acre. Minimum lot area is fourteen thousand five hundred twenty (14,520) square feet. See section 16.27.10 of this title.~~

M (Mountain) Zone

16.09.01: PURPOSE

The mountain zone (M) is established for development in mountainous areas of the county that may or may not have services readily available. Development should be in harmony with mountain settings and adverse impacts shall be mitigated. The specific intent in establishing the mountain zone is for the following purposes:

- A. Provide an appropriate location within the unincorporated area for the development of ~~resort and mountain residential dwellings in clusters.~~
- ~~B. Prevent excessive scattering of mountain dwellings, accompanied by excessively long streets, and infrastructure.~~
- ~~C.B. Facilitate payment for services rendered by the county for streets, fire, police, health, sanitation and other services.~~
- ~~D.C. Prevent soil erosion generated from excessive streets and soil displacement.~~
- ~~E.D. Protect the vegetation and aesthetic characteristics of the county canyons and mountains.~~
- ~~F.E. Encourage the protection of wildlife, plant life and groundwater.~~
- ~~G.F. Protect the health, safety and welfare of the residents of the county by only allowing development that will have appropriate access to and from the development and provide appropriate fire and emergency access.~~
- ~~H.G. Discourages developments in isolated areas of the county where essential services are not readily available and would be fiscally irresponsible and/or burdensome for the county to provide such services.~~

16.09.03: CONDITIONAL USES

The following table shows the uses and structures that are permitted in the mountain zone (M) only after a conditional use permit has been approved, and subject to the terms and conditions thereof. Planned performance developments shall be considered a conditional use and must have a minimum of one hundred sixty (160) acres.

CONDITIONAL USES IN THE MOUNTAIN ZONE (M)

Use Number	Use Classification
1112	Single family (attached) as part of a planned performance development
1250	Religious quarters as part of a planned performance development
1511	Hotels/Lodges as part of a planned performance development, ski resorts, equestrian facilities (commercial uses see chapter 16.29 of this title)
1519	Group transient lodging
1903	Accessory residential unit
4712	Telephone relay towers, microwave or other
4810	Electric utility (except 4813)
4824	Gas pressure control stations
4832	Water treatment plants
4833	Water storage
4834	Water storage covered
4910	Underground pipeline right of way and pressure control stations, NEC
6721	Police protection and related activities (public only)
6723	Fire protection and related activities (public only)
6911	Churches, synagogues, temples, and missions
7520	Group camps

16.09.04: LOT AREA

~~Unless approved as part of a planned performance development, t~~The minimum lot size shall be twenty (20) acres per dwelling unit. ~~Planned performance developments shall have a minimum of one hundred sixty (160) acres. If approved as part of a planned performance development, lot sizes and density shall be in accordance with the approval.~~

*Adopted by Ord. 2002 Code § 16.09.04 on 1/1/2002
Amended by Ord. 08-13 on 10/28/2008*

16.09.05: LOT WIDTH

Each lot or parcel of land in the mountain zone (M) shall have a lot width of at least three hundred twenty feet (320') at the required setback, ~~unless approved as part of a planned performance development.~~

16.09.06: LOT FRONTAGE

Each lot or parcel of land in the mountain zone (M) shall abut a county road or road built to county standards for a minimum distance of three hundred feet (300'). Corner lots shall have a minimum frontage of three hundred feet (300') on both roads. ~~Deviation of this standard may be allowed by the legislative body, after a recommendation for or against by the planning commission, during the approval process in chapter 16.29 of this title if the proposed development is a planned performance development. In no case shall frontage be less than seventy feet (70') in a planned performance development.~~

16.09.09: SETBACK REQUIREMENTS

The setback requirements for this zone shall be as follows:

- A. Front Setback: The front setbacks for dwellings shall be a minimum of sixty feet (60') from the center of the road, or thirty feet (30') from the edge of the right of way, whichever is greater. If the property is located on a state or federal highway, the setbacks shall be a minimum of one hundred fifty feet (150') from the right of way. See subsection 16.21.07(B) for setbacks on major collector roads.
 - ~~1. Commercial Structures: If any commercial structures are granted, the setbacks will be set as part of the conditional use approval.~~
 - 2.1 Structures Housing Animals: These structures shall be a minimum of one hundred feet (100') from the road right of way, providing however, all such structures must also be set back from any existing residential structure, on the same lot or an adjacent lot at least one hundred feet (100').
 - 3.2 Major County Collector Roads: For buildings abutting upon a county street that is designated as a major collector road in the Wasatch County master transportation plan, the setback shall be eighty five feet (85') from the centerline of any street, or fifty feet (50') from the right of way, whichever is greater.
- B. Side Setbacks: All permitted structures shall be set back from the side property line a minimum of twelve feet (12'). Side setbacks for buildings that will house animals must be a minimum of fifty feet (50') and one hundred feet (100') from any dwelling on or off site.
- C. Corner Lots: For corner lots, the side setback on the street side shall be the same setback as that required for the front.
- D. Rear Setbacks: All permitted structures shall be set back from the rear property line a minimum of thirty feet (30'). Rear setbacks for buildings that will house animals must be a minimum of fifty feet (50') and one hundred feet (100') from any dwelling on or off site.
- ~~E. Planned Performance Developments: Setbacks shall be approved by the legislative body, after a recommendation for or against from the planning commission on a case by case basis during the plan approval process contained in chapter 16.29 of this title.~~

16.09.10: BUILDING HEIGHT

Height of all dwellings, accessory buildings and/or structures shall not exceed thirty five feet (35') above natural grade. ~~Hotels or lodges approved as part of a planned performance development will be reviewed on a case by case basis.~~

JBOZ (Jordanelle Basin Overlay Zone)

16.15.06: JBOZ DENSITIES

- C. Low Density Residential: 1.5 ERU/net developable acres. Areas suitable for low density developments with substantial open space to provide protection and preservation of wetlands, stream corridors, flood plains, ridge lines, wildlife habitat, view corridors, hillsides, and aesthetic attributes. A variety of housing types and styles, and flexibility is allowed.
- D. Medium Density Residential: ~~1.5 to 2.5~~ 3.5 ERU/net developable acre. Clustered, master planned developments are encouraged in this district. Interconnected open space amenities through developments of this type assist to create conservation of stream corridors, view sheds and ridge lines as well as development of a Jordanelle Basin trail system.
- E. High Density Residential: ~~3.25 to 5.0~~ ERU/net developable acre. This area allows a variety of housing types, with proximity to schools, shopping areas, and major recreational facilities. This district can also be used as a transitional area between commercial uses and lower density residential areas.

NVOZ (North Village Overlay Zone)

16.16.03: DEVELOPMENT DISTRICTS

- A. Zones: Four (4) zones were added to the North Village general plan element (of July 23, 2001): Town Core (Tc), Neighborhood Center (Nc), Neighborhood General (Ng) and Neighborhood Edge (Ne).
 - 1. Town Core (Tc): The core is the business, service and institutional center shared by neighborhoods. It straddles thoroughfares at active intersections. The area is at the edges of neighborhoods and within walking distance of a large residential area.

Base density (gross density)	6 ERU/ac (averaged)
Performance density (gross density)	12 ERU/ac (averaged)
Commercial/civic block (net density)	6-20 ERU/ac (range)
Mixed use blocks (net density)	6-20 ERU/ac (range)
Residential blocks (net density)	6-20 ERU/ac (range)

2. Neighborhood Center (Nc): The center zone is the dense multifunctional social condenser of a neighborhood. It is usually at a central location, within walking distance of the surrounding, primarily residential, areas.

Base density (gross density)	4 ERU/ac (averaged)
Performance density (gross density)	8 ERU/ac (averaged)
Commercial/civic block (net density)	4-15 ERU/ac (range)
Mixed use blocks (net density)	4-15 ERU/ac (range)
Residential blocks (net density)	6-20 ERU/ac (range)

3. Neighborhood General (Ng): The general zone is mixed in function, but principally residential. It has a generalized character, and is usually the largest area of the neighborhood.

Density average (range)	3 to 6 ERU/acre
Size (range)	10 to 15 acres

4. Neighborhood Edge (Ne): The edge zone of the overall area depending on whether the model is more rural (villagelike) or more urban (townlike).

Density average (range)	2 to 4 ERU/acre
Size (range)	12 to 15 acres

TROZ (Transitional Residential Overlay Zone)

Chapter 16.18: TRANSITIONAL RESIDENTIAL OVERLAY ZONE (TROZ)

- 16.18.01: PURPOSE
- 16.18.02: DEVELOPMENT FOR THE UNDERLYING ZONE
- 16.18.03: DEVELOPMENT ALLOWED BY CONDITIONAL USE
- 16.18.04: RESIDENTIAL PLANNED PERFORMANCE DEVELOPMENTS IN TRANSITIONAL RESIDENTIAL OVERLAY ZONE (TROZ)
- 16.18.05: OTHER REQUIREMENTS

16.18.01: PURPOSE

1. The transitional residential overlay zone (TROZ) is established to allow planned performance developments within the proposed annexation boundaries of the municipalities in Wasatch County. All development in the transitional residential overlay zone (TROZ) shall be connected to a publicly owned water and sewer system.
2. The specific intent in establishing this transitional residential overlay zone (TROZ) is:

1. To facilitate the provision of essential services needed by the residents within urbanizing areas of the county, particularly sewage and culinary water service;
 2. To facilitate providing services to residential development for street maintenance, fire and police protection, health and sanitation services, and other available services;
 3. To allow agricultural uses with limited animal rights. Development is intended to occur at relatively low densities compared to those within the incorporated areas of Wasatch County, but at higher densities than other unincorporated areas of the county; and
3. To protect the underground water supply from the impact of septic systems.

*Adopted by Ord. 2002 Code § 16.18.01 on 11/2002
Amended by Ord. 07-12 on 6/24/2008*

16.18.02: DEVELOPMENT FOR THE UNDERLYING ZONE

Any proposed development that does not plan to participate in the overlay zone shall conform to the requirements of the underlying zone.

*Adopted by Ord. 2002 Code § 16.18.02 on 11/2002
Amended by Ord. 07-12 on 6/24/2008*

16.18.03: DEVELOPMENT ALLOWED BY CONDITIONAL USE

Planned performance developments may be allowed as a conditional use. Conditions may be set and density will be determined based upon the results of any studies performed indicating sensitive lands, and the guidelines set forth in the performance chart (see chapter 16.29 of this title).

*Adopted by Ord. 2002 Code § 16.18.03 on 11/2002
Amended by Ord. 07-12 on 6/24/2008*

16.18.04: RESIDENTIAL PLANNED PERFORMANCE DEVELOPMENTS IN TRANSITIONAL RESIDENTIAL OVERLAY ZONE (TROZ)

1. All residential development in the (TR) transitional zone, or in attached single-family areas, shall be required to submit as a planned performance development and provide curb, gutter, sidewalks, planting strips and trails through the development, as determined by the county council, after recommendation for or against from the planning commission based upon the density and proposed use of the development. Properties must be zoned (TR) transitional in order to develop under the provisions of this chapter.
2. All residential developments within a planned performance development must comply with the general standards set forth in chapter 16.29 of this title, as well as those for the zone in which the development is located in order to be granted the base density. Density bonuses will be considered for exceeding the standards.
3. The density for the residential planned performance development will be determined by the county council, after recommendation for or against by the planning commission using the performance chart (see chapter 16.29 of this title) as a guideline, taking into consideration the extra amenities and public benefit items being provided to the

- development, as well as the public in general. In the event a benefit is offered that is not contemplated by the chart, the county council may assign a density bonus as deemed appropriate to the benefit being provided, and considering whether the density will fit appropriately on the property.
4. Reasonable conditions will be set to ensure compatibility with surrounding uses and architecture, as well as to mitigate any adverse impacts to the surrounding uses or the county as a whole.
 5. The endnotes contained on the performance chart (see chapter 16.29 of this title) shall be considered part of this section as though fully set forth herein.
 6. At a minimum to develop lots of one unit per acre, the development must provide cement curbs, gutters and sidewalks, as well as landscaped planting strips. Sidewalks shall be a minimum of four feet (4') in width and planting strips shall be a minimum of five feet (5') in width. Extra width may be considered as a basis for a density bonus according to the performance chart.

16.18.05: OTHER REQUIREMENTS

- A. Signs: Please refer to chapter 16.26 of this title for specific sign regulations. Generally, the following regulations apply to this zone:
 1. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name and address of the occupant.
 2. Home occupation signs. Signs advertising the sale of products lawfully produced on the premises.
- B. Landscaping:
 1. See section 16.21.10 of this title, as well as the recorded conditions, covenants and restrictions, for landscaping requirements. Landscaping shall be installed in accordance with the approved landscape plan;
 2. All portions of a lot not covered by buildings or hard surface shall be landscaped within one year of occupancy of the structure.
- C. Walls And Fences: Nonsite obscuring fences that exceed thirty six inches (36") in height may be placed within the front setback or the side setback on a corner lot. Fences may not extend into the road right of way area. If a sight obscuring fence is desired, it may not protrude into a twenty five foot (25') visibility triangle on the street sides of a corner lot, or near a driveway used for ingress and egress on all lots. (See figure 6 of appendix 2, chapter 16.37 of this title.)
- D. Water Requirements:
 1. Each dwelling must have sufficient culinary water available as required by the state water engineer and/or the governing water district for residential use only;
 2. Each dwelling must have sufficient water for outside irrigation to provide water for a landscaped area, plus any water required for irrigation of any agricultural use intended. The amount of water required for outside irrigation will be determined by the Wasatch County water board, based upon the appropriate needs of the property after taking into consideration the existing irrigation patterns and any landscaping or agricultural plans of the owner. He will also be guided by the policies of the irrigation company involved, as well as the state water engineer.

Each lot must have a meter for secondary water, which will be paid for as part of the building permit;

3. The water requirements for any other use in this zone will be determined as part of any planned performance development or conditional use approval process.
- E. Requirements For Building Permit: All applicable requirements for issuance of a building permit from all departments must be met before the permit may be issued.
- F. Additional Regulations: See also chapters 16.21 and 16.29 of this title for regulations that apply to this zone. In the event of a conflict between those chapters and the regulations contained in this chapter, the regulations of this chapter would control.

SRZ (Strawberry Recreation Zone)

Chapter 16.20: STRAWBERRY RECREATION ZONE (SRZ)

- 16.20.01: PURPOSE
- 16.20.02: PERMITTED PRINCIPAL USES
- 16.20.03: CONDITIONAL USES
- 16.20.04: LOT AREA
- 16.20.05: LOT WIDTH
- 16.20.06: LOT FRONTAGE
- 16.20.07: PRIOR CREATED LOTS
- 16.20.08: LOT AREA PER DWELLING
- 16.20.09: SETBACK REQUIREMENTS
- 16.20.10: BUILDING HEIGHT
- 16.20.11: DISTANCE BETWEEN BUILDINGS
- 16.20.12: SITE PLAN PROVISIONS
- 16.20.13: PERMISSIBLE LOT COVERAGE
- 16.20.14: PARKING, LOADING, AND ACCESS
- 16.20.15: OTHER REQUIREMENTS
- 16.20.16: ADDITIONAL REGULATIONS
- 16.20.17: ACCESS REQUIREMENTS

16.20.01: PURPOSE

The Strawberry recreation zone (SRZ) is established for the Strawberry planning area. Development should be in harmony with mountain settings, general plan recommendations and all other code requirements, and adverse impacts shall be mitigated. The specific intent in establishing the Strawberry recreation zone is for the following purposes:

- A. Provide an opportunity to develop within the Strawberry Valley in a responsible way while mitigating impacts.
- Allow opportunities to take advantage of the year round recreational opportunities the Strawberry Reservoir allows by allowing year round access if it is determined that year round road maintenance is appropriate for access to developments.

- C. Provide an appropriate location within the Strawberry planning area for the development of resort and mountain residential dwellings in clusters and associated support commercial.
- D. Prevent excessive scattering of mountain dwellings, accompanied by excessively long streets, and infrastructure.
- E. Facilitate payment for services and/or future assessments rendered by the county for streets, fire, police, health, sanitation and other services so county residents outside the Strawberry area do not subsidize services and so the safety and welfare of the existing as well as future residents is provided for.
- F. Prevent soil erosion and water pollution generated from excessive streets and soil displacement.
- G. Protect the vegetation and aesthetic characteristics of the Strawberry planning area.
- H. Encourage the protection of wildlife, plant life and groundwater.
- I. Protect the health, safety and welfare of the residents of the county by only allowing development that will have and maintain safe and adequate access to and from the development and provide appropriate fire and emergency access.
- J. Discourages developments in isolated areas of the county where essential services are not readily available unless it can be shown that a development would not be fiscally irresponsible and/or burdensome for the county to provide such services and that approval of development will not cause a safety risk to future residents.
- K. Develop recreational opportunities that enhance the quality of life and provide economic opportunities in the Strawberry Valley without compromising the nature of the Strawberry planning area.
- L. Developments proposed in the Strawberry planning area shall provide essential services and utilities including sewer and water that will enhance the health, safety and welfare of existing developments and visitors to the Strawberry Valley.
- M. Protect the environment by requiring any development to be compatible with the natural environment in use, location, design, access, construction, maintenance and management.

Adopted by Ord. 12-03 on 2/1/2012

16.20.02: PERMITTED PRINCIPAL USES

Those principal uses or categories of uses as listed herein, and no others, are allowed as a permitted use in the Strawberry recreation zone (SRZ):

- A. Land Use Classification: All uses contained herein are listed by number as designated in the Wasatch County land use classification, which is published and maintained by the planning department, and is included in chapter 16.36 of this title, as appendix 1. Classes or groupings of uses permitted in the zone are identified by a four (4) digit number in which the last one or two (2) digits are zeros, and subuses of those categories or groupings will follow that number. (For example, a particular category may be listed as 8100, and a subcategory of 8100 would be 8110 and a subcategory of 8110 would be 8111). This document, available in the planning office, is to be used by the planning office and others to assist in determining similar uses and the intent of this chapter.

B. Permitted Uses: All such classes listed herein and all specific uses contained within them in the Wasatch County land use classification will be permitted in the Strawberry recreation zone (SRZ) subject to the limitations set forth herein.

PERMITTED PRINCIPAL USES IN
THE STRAWBERRY RECREATION ZONE (SRZ)

Use Number	Use Classification
1111	Single-family dwellings (detached)
4500	Highway and street right of way
4821	Underground gas pipeline right of way
4831	Underground water pipeline right of way
4836	Water pressure control stations and pumping plants
4839	Other water utilities or irrigation, NEC
4841	Underground sewage pipeline right of way
7411	Recreational activities golf courses (open to public)
7412	Recreational activities golf course (private membership)
7600	Parks
8160	Pasture and range land

— Permitted Accessory Uses: Accessory uses and structures are permitted in the Strawberry recreation zone (SRZ) provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure.

1. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures, which are customarily used in conjunction with and are incidental to a principal use or structure.
1. Swimming pools and incidental bathhouses.
2. Storage of materials used for the construction of a building including a temporary contractor's office and/or toolshed, provided that such uses are on the building site, and provided further, that such use shall be for only the period of construction and thirty (30) days thereafter. Approval is subject to a bond and site plan approval from planning staff.
2. Barns, corrals, machine sheds, and arenas.

16.20.03: CONDITIONAL USES

The following table shows the uses and structures that are permitted in the Strawberry recreation zone (SRZ) only after a conditional use permit has been approved, and subject to the terms and conditions thereof. Planned performance developments shall be considered a conditional use and must have a minimum of five thousand (5,000) acres.

CONDITIONAL USES IN THE
STRAWBERRY RECREATION ZONE (SRZ)

Use Number	Use Classification
1112	Single-family (attached) as part of a planned performance development
1250	Religious quarters as part of a planned performance development
1511	Hotels/lodges as part of a planned performance development, ski resorts, equestrian facilities (commercial uses see subsection <u>16.29.03B</u> of this title)
1903	Accessory residential unit
4712	Telephone relay towers, microwave or other
4810	Electric utility (except 4813)
4824	Gas pressure control stations
4832	Water treatment plants
4833	Water storage
4834	Water storage covered
4910	Underground pipeline right of way and pressure control stations, NEC
6721	Police protection and related activities (public only)
6723	Fire protection and related activities (public only)
6911	Churches, synagogues, temples, and missions
7510	Resorts
7520	Group camps

16.20.04: LOT AREA

Unless approved as part of a planned performance development, the minimum lot size shall be one hundred sixty (160) acres per dwelling unit. Planned performance developments shall have a minimum of five thousand (5,000) acres. If approved as part of a planned performance development, lot sizes and density shall be in accordance with the approval.

16.20.05: LOT WIDTH

Each lot or parcel of land in the Strawberry recreation zone (SRZ) shall have a lot width of at least three hundred twenty feet (320') at the required setback unless approved as part of a planned performance development.

16.20.06: LOT FRONTAGE

Each lot or parcel of land in the Strawberry recreation zone (SRZ) shall abut a county road or road built to county standards for a minimum distance of three hundred feet (300'). Corner lots shall have a minimum frontage of three hundred feet (300') on both roads. Deviation of this standard may be allowed by the legislative body, after a recommendation for or against by the planning commission, during the approval process in chapter 16.29 of this title if the proposed development is a planned performance development. In no case shall frontage be less than seventy feet (70') in a planned performance development.

16.20.07: PRIOR CREATED LOTS

Lots or parcels of land which were legally created prior to the enactment of the requirements of the Strawberry recreation zone (SRZ) shall not be denied a building permit solely for reasons of nonconformance with the parcel requirements of this chapter.

16.20.08: LOT AREA PER DWELLING

Not more than one single family dwelling may be placed upon a lot created under this chapter or parcel of land in the Strawberry recreation zone (SRZ) unless approved as a planned performance development.

16.20.09: SETBACK REQUIREMENTS

The setback requirements for this zone shall be as follows:

- A. Front Setback: The front setbacks for dwellings shall be a minimum of sixty feet (60') from the center of the road, or thirty feet (30') from the edge of the right of way, whichever is greater. If the property is located on a state or federal highway, the setbacks shall be a minimum of one hundred fifty feet (150') from the right of way. See subsection 16.21.07B of this title for setbacks on major collector roads.
 - Commercial Structures: If any commercial structures are granted, the setbacks will be set as part of the conditional use approval.
 - 1. Structures that will house animals: These structures shall be a minimum of one hundred feet (100') from the road right of way, providing however, all such structures must also be set back from any existing residential structure, on the same lot or an adjacent lot at least one hundred feet (100').
- C. Side Setbacks: All permitted structures shall be set back from the side property line a minimum of twelve feet (12'). Side setbacks for buildings that will house animals must be a minimum of fifty feet (50') and one hundred feet (100') from any dwelling on or off site.
- D. Corner Lots: For corner lots, the side setback on the street side shall be the same setback as that required for the front.
- E. Rear Setbacks: All permitted structures shall be set back from the rear property line a minimum of thirty feet (30'). Rear setbacks for buildings that will house animals must be a minimum of fifty feet (50') and one hundred feet (100') from any dwelling on or off site.
- E. Planned Performance Developments: Setbacks shall be approved by the legislative body, after a recommendation for or against from the planning commission on a case by case basis during the plan approval process contained in chapter 16.29 of this title.

16.20.10: BUILDING HEIGHT

Height of all dwellings, accessory buildings, and/or structures shall not exceed thirty five feet (35') above natural grade. Hotels or lodges approved as part of a planned performance development will be reviewed on a case by case basis.

16.20.11: DISTANCE BETWEEN BUILDINGS

The distance between any accessory building and the main building shall be a minimum of twenty feet (20').

16.20.12: SITE PLAN PROVISIONS

To obtain a building permit for a dwelling or any other permitted or conditional use, a site plan must be submitted to the planning department showing existing conditions, structures, topography or any sensitive lands located on the lot.

16.20.13: PERMISSIBLE LOT COVERAGE

See subsection 16.28.07M of this title.

16.20.14: PARKING, LOADING, AND ACCESS

Parking, loading and access requirements are discussed in detail in chapter 16.33 of this title. Please refer to that chapter for further details applying to this zone.

16.20.15: OTHER REQUIREMENTS

- A. Signs: Sign regulations are discussed in detail at chapter 16.26 of this title. Please refer to that chapter for specific regulations. Generally the following regulations apply to this zone:
1. Signs or nameplates not exceeding two (2) square feet in area and displaying only the name and address of the occupant; and
 2. Home occupation signs not exceeding two (2) square feet in area.
- Landscaping: For any new lots or previously created lots in the Strawberry recreation zone (SRZ), noncombustible landscaping shall be required for a minimum distance of thirty five feet (35') around the structure. The thirty five foot (35') area is intended to create defensible space, which does not mean that the area is required to be clear cut but that dead fuel shall be removed, and highly combustible landscaping shall be avoided. The use of planting materials that will conserve water is recommended and native plants are encouraged, but the entire property must be kept free of noxious weeds. If the property is part of a large scale planned performance development, see chapter 16.29 of this title, as well as the recorded conditions, covenants and restrictions, for landscaping requirements.
- C. Walls and Fences: Fences in the Strawberry recreation zone (SRZ) shall be limited to approved building envelopes on a limited basis as allowed by the CC&Rs and as needed for any agricultural/grazing use as required as part of a planned performance development. Any fencing outside of the building envelopes will only be permitted if the design does not inhibit the movement of deer, elk or other wild animals on the property.
- D. Water Requirements:
1. Each dwelling shall be considered a full time residence and must have sufficient culinary water available as required by Wasatch County for residential use only.

2. Each dwelling must have sufficient water for outside irrigation to provide water for any landscaped area, plus any water required for irrigation of any agricultural use intended. Water amounts for outside irrigation of landscaped areas may be adjusted by the water board only if there is a fire management plan submitted and approved by the fire chief. The amount of water required for outside irrigation will be determined by the Wasatch County water board based upon the appropriate needs of the property after taking into consideration the existing irrigation patterns and any landscaping or agricultural plans of the owner. The water board will also be guided by the policies of the irrigation company involved as well as the state water engineer.
 3. The water requirements for any other use in this zone will be determined as part of any planned performance development or conditional use approval process.
- Compliance With Land Use Requirements Not A Guarantee Of Building Permit: All applicable requirements for issuance of a building permit from all departments must be met before the permit may be issued. This includes, but is not limited to, appropriate road access, septic suitability, water supply and water quality, electricity, heat, transportation to and from schools, etc.
- E. Plan For Services: Property in the Strawberry recreation zone (SRZ) may be remote from services such as emergency services, winter road maintenance, sewer, water systems and schools. Any plan submitted must show how the proposed development will address these issues without requiring the county to extend urban services to those areas at a cost to the residents of the county. Improvements shown on the final development plan shall be started within a period of twelve (12) months from final approval, and be completed and ready for occupancy within thirty-six (36) months, unless part of a phased development with approval to be done in phases. Agreed upon levels of service must be completed prior to occupancy of any structures.

16.20.16: ADDITIONAL REGULATIONS

See also chapter 16.27, "Development Standards", of this title for regulations that apply to this zone. In the event of a conflict between that chapter and the regulations contained in this chapter, the regulations of this chapter would control.

16.20.17: ACCESS REQUIREMENTS

Due to the remote nature and the tendency for developments in the Strawberry recreation zone (SRZ) to potentially be more susceptible to natural disasters developments that occur in the Strawberry recreation zone (SRZ) shall provide appropriate access. Appropriate access for a development shall include the following:

- Be constructed to county standards.
- Two (2) access points are required. Two (2) access roads which connect to a county road which has been historically maintained year round will meet the requirement for this section, or
- Alternative approved transportation plan with a viable plan for ingress and egress for fire and emergency evacuation.

Adopted by Ord. 12-03 on 2/1/2012

DEVELOPMENT STANDARDS

16.27.04: TYPE OF DEVELOPMENTS

The following are types of developments that are considered by this title. The following developments are required to attend a pre-application conference prior to making application to the planning commission and legislative body.

- A. Small Scale Development: A development consisting of no more than five (5) lots, units or equivalent residential units, which is processed through the planning staff without the necessity of having a hearing before the planning commission.
- B. Farm Preservation Development: A development consisting of not more than five (5) lots, including a lot which is a minimum of twenty (20) acres. Farm preservation developments shall follow the same process as a small scale development.
- C. Large Scale Development: A development consisting of more than five (5) lots, units or equivalent residential units, which must be processed by staff and brought before the planning commission for their recommendation prior to a hearing before the county legislative body.
- ~~D. Planned Performance Development: A development that is encouraged to use imaginative, efficient utilization of land, as well as consolidation of open spaces and clustering of the dwelling units. Density in the planned performance development is determined by additional amenities and open space. (See chapter 16.29 of this title.)~~
- E.D. Cluster Development: Cluster developments are allowed in specified areas of the RA-1 zoning district, as long as the overall density does not exceed one unit for every 1.3 net developable one lot per acres and the minimum lot sizes specified are met. , and are intended to allow creative options for development other than one acre lots. Sensitive areas and areas worth preserving should be incorporated into open space.
- F.E. Minor Agricultural Subdivision: A division of at least one hundred (100) contiguous acres of agricultural land to create one new lot that is separate from the remainder of the original one hundred (100) or more contiguous acres of agricultural land, is at least one acre in size, and is located at least one thousand feet (1,000') away from another minor agricultural subdivision lot created after October 1, 2009, pursuant to Utah Code Annotated section 17-27a-605, as currently amended. For the purposes of this section and section 16.27.08 of this chapter, "agricultural land" is defined as land that is designated on the county tax roles as "greenbelt" or as agricultural use assessment under Utah Code Annotated section 59-2-501 et seq.

16.27.10: LARGE SCALE DEVELOPMENT REGULATIONS

The process for developing any large scale development is as follows:

- A. Sewer and Water Requirements: Developments more dense than five (5) acres per dwelling must be connected to a public sewer system. All lots must provide adequate water rights for the culinary use, as well as sufficient water to irrigate any land that has been historically irrigated.
- B. Compliance with This Title: Any large scale development must meet the requirements of this title, regarding lighting, landscaping, emissions, signs, environmental regulations or any other section that indicates applicability to the development being considered.
- C. Process For Developing Large Scale Developments:
1. Concept Plan: All large scale developments are required to submit a concept plan to be reviewed by the development review committee.
 2. Master Plan, Physical Constraints, Density Determination: The following section shall only apply to the JBOZ, NVOZ, SRZ, and JSPA, and mountain zoning districts^[w1]. Large scale projects shall apply for master plan, density determination, and physical constraints analysis under one application. Density shall be established by determining physical and infrastructure constraints (see sections 16.27.23 and 16.27.24 of this chapter) of the site and coming up with a feasible number of buildable lots and/or units. Access that meets county standards shall be demonstrated through ownership, establishment of public access, written agreements and/or road judgments from a court of competent jurisdiction. If a project does not have access that meets the county code, it shall not receive approval. In all areas that will be utilizing sewer and water provided by a special service district adequate water and sewer capacity shall be demonstrated by providing a feasibility letter from the applicable Special Service District and an Action Plan from the Water Board with the Master Plan application. In zones that allow density bonuses, the density shall be used as a base. After master plan and density approval, the process shall follow the large scale development requirements.
 - ~~3. Planned Performance Developments Shall Apply For Master Plan And Density Determination Under One Application: Density shall be established by determining physical and infrastructure constraints (see sections 16.27.23 and 16.27.24 of this chapter) of the site and coming up with a feasible number of buildable lots and/or units. Access that meets county standards shall be demonstrated through ownership, establishment of public access, written agreements and/or road judgments from a court of competent jurisdiction. If a project does not have access that meets the county code, it shall not receive approval for master plan and density determination. In zones that allow density bonuses, the density shall be used as a base. After master plan and density determination, the process shall follow the large scale development requirements.~~
 - 4.3. Preliminary Approval (for all developments other than those listed in 16.27.10 (C) (2)):

Developments in all other zoning districts shall provide a preliminary plan in accordance with sub-section E below^[w2]. Development Parcels: The master plan for a large scale development in any zone shall include enough detail to show what is referred to as development parcels, which are intended to house a use(s) other than a single family residential use, with said use(s) being accessory to the

development. The parcel shall be approved as part of a master plan in a large-scale development. The development parcel will not count toward required open space or additional open space for added density. Existing developments with open space or common area that was not a requirement of this code or have a greater percentage of open space/common area than required by code or required for any density bonus may amend their plat to have structures in what was previously open space or common area. The development parcel must be approved by the planning commission as a conditional use, on a limited case by case basis. The proposal must be in accordance with the approved master plan and density determination (if any), comply with all other code requirements including noticing to existing residents, be consistent with existing uses, considered an amenity or benefit to the owners of the development and is on its own separate parcel. This approval may require a plat amendment, conditional use and site plan approval and if not in accordance with the master plan could require a revised master plan and density determination. Development parcels that will be further subdivided shall have future uses shown on the master plan including ERUs for the parcels. The master plan with any necessary exhibits will be recorded with the phase 1 plat as a separate document and as an exhibit in the development agreement. Development parcels within a platted phase but not intended to be developed at that time will not be included in the boundary description and will receive a separate county tax ID number.

16.27.11: RA-1 DEVELOPMENT STANDARD

The purpose of this section is to encourage rural densities in accordance with the general plan, innovative site planning of residential development designed in harmony with the natural features and constraints of the property in rural zones. Subdivision design should start with preserving the natural or prominent features of the site first and laying out the lots after the portions of the site worth preserving are addressed. The code establishes subdivision development standards for the landowner to achieve the allowable density under the existing RA-1 zoning district.

- A. Objectives for achieving rural Landscape character: Achieving rRural landscape character of a subdivision requires promoting the protection of natural resource areas, prominent features of the site, farmland and other large areas of open land, while permitting residential development at low, rural densities. The intent of the code is to increase lot sizes as development moves away from incorporated areas and maintain, as much as possible, the rural character of the County. ,in an open space setting designed to reduce perceived intensity of development. Specific objectives are as follows:
1. To maintain and protect Wasatch County's rural character by providing options to preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features, such as stream corridors, wetlands, groundwater, floodplains, ridgelines, geologic hazard areas, steep slopes and natural areas by allowing options for preserving them. setting them aside from development.

2. To promote a rural feeling along county roads by requiring larger setbacks and allowing cluster options and the possibility of open space along roads in specified areas.
3. To provide the option in specified areas for the ~~unified and planned~~ development of varied lot sizes larger parcels in for clustered, single-family, low density residential uses, allowing the potential for incorporating large areas of permanently protected ~~common~~ open space.
4. To reduce erosion and sedimentation by providing options to retaining existing vegetation and minimizing development on steep slopes.
5. To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.
6. To permit various means for owning ~~common~~ open space and for protecting it from development in perpetuity.
7. To provide options for promote interconnected greenways and corridors throughout the county.
8. To promote active and passive recreational use of ~~common~~ open space by residents of a cluster development or by the public.

9. ~~To encourage more efficient forms of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision.~~

~~10.9.~~ To implement the objectives and policies of the general plan.

~~11.10.~~ To provide opportunities for open space that is preserved in such a manner that future development can connect to the open space and or regional trails in existing developments.

~~12.11.~~ To allow for the potential for developments with variable lot sizes in larger acreage developments in accordance with the specified areas.

~~13.12.~~ To allow the potential to preserve what is determined to be important aspects of the site.

B. Types of Development Allowed In RA-1 Zone:

1. Small Scale Developments with Five Lots or Less: Developments with five (5) lots or less will be processed as a small scale subdivision and each lot must be a minimum of a one acre lot with one hundred fifty feet (150') of frontage at the right of way and two hundred feet (200') of width at the building setback. Corner lots shall have two hundred feet (200') of width at the setback and one hundred fifty feet (150') of frontage at the right of way on both streets. Frontage requirements may be modified by the planning director to a minimum of one hundred fifty feet (150') of width at the setback and one hundred feet (100') at the right of way based on the following findings:
 - a. The request must have a unique hardship associated with the property that is not self-imposed.
 - b. A minimum lot requirement of one acre must be met.
 - c. Only one of the five (5) lots can receive an exception.

2. Large Scale Developments with more than five lots: Developments with more than five (5) lots will be considered a large scale development and will be processed accordingly. Base density is an average of one unit for every 1.3 net (developable) acres. A maximum density of one unit per net acre is allowed with open space or a fee in lieu option as approved by the county council as provided for herein.
- C. Eligibility Requirements: All developments in the RA-1 zone must meet the following criteria in order to be eligible for development in the RA-1 zone at a density higher than one (1) unit per five (5) acres:
1. Any proposed development shall comply with all applicable sections of the Wasatch County code.
 2. The proposed development must connect to a centralized sewer system.
 3. The proposed development must connect to an approved water system.
- C. Increased Density: Applicants desiring additional density may petition the Wasatch County council for additional density based on the developer providing public amenities or benefits which the council finds in its sole discretion meet the following requirements:
3. The proposed amenity or benefit is found to further the general health safety and welfare of county residents; and
 3. The proposed amenity or benefit furthers existing county goals as stated in the general plan, county ordinances or other articulated policy of the county.

All options for increased density are at the discretion of the county council, after a recommendation for or against from the planning commission. The following options do not bind the council in their decision, but are general guidelines. In no case may density be increased greater than one unit per net developable acre.

- d. Developments may provide thirty percent (30%) developable open space (as defined by the physical constraints analysis in subsection J of this section), with fifteen percent (15%) of the thirty percent (30%) requirement to be dedicated to the county. The fifteen percent (15%) to be dedicated to the county shall be developable ground that can be used as a park and irrigated. A developer may, as an alternative to proposing an on-site amenity or benefit, propose to give the county a fee in lieu of on-site benefits. The fee in lieu may be at a prorated amount as deemed appropriate by the county council. Required open space may be contained in private lots if deed restricted for no further subdivision, buildings or structures. When calculating open space in a lot, the first fourteen thousand five hundred twenty (14,520) square feet or the required setbacks (whichever is greater) of each lot may not count toward open space if using lots to meet the open space requirement. Water shall be required for all open space as per the Wasatch County water board. Property dedicated to the county shall include water as per the Wasatch County water board.
- e. There shall be two (2) separate fee in lieu amounts. One fee in lieu amount for raw ground and the second fee in lieu amount for the improved park. The fee in lieu for raw ground shall be as established in subsection L of this section. The fee in lieu for the fifteen percent (15%) dedicated to the county shall be calculated with the addition to the fee in lieu as established in subsection L of this section of irrigation and landscaping. Cost for landscaping shall be determined by a

landscape plan with a bona fide bid to include at a minimum sod for the entire area and inground irrigation. The planning department shall have the right to contest the amount of any bid submitted.

- f. All interior park strips shall have one 2-inch caliper tree for every fifty feet (50') of frontage. Park strips shall also have ground cover consisting of vegetative landscaping, bark, rock or some other approved material. Vegetation shall be irrigated and an acceptable plan provided for landscaping, irrigation and installation of irrigation and landscaping. A cash bond to the amount of two hundred percent (200%) of the cost estimate shall be provided to ensure landscaping and irrigation in the right of way is completed.
- g. The minimum lot size for a development is one-third ($\frac{1}{3}$) acre, which is a minimum of fourteen thousand five hundred twenty (14,520) square feet.
- h. Each cluster of residential lots (if applicable) shall contain ten (10) or fewer lots and shall be separated from any other cluster on the property by a protected open space area or vegetative buffer.
- i. In order to maintain a rural feel along county roads, a fifty foot (50') buffer strip shall be established along existing and future major and minor collector roads. The buffer shall have the following standards when a buffer is common open space and maintained by a HOA: Buffers are required to be bermed with a minimum of a four foot (4') earthen berm from the grade of the major or minor collector road and have three (3) 2-inch caliper deciduous trees or three (3) 5-foot tall evergreen trees, or combination for every fifty feet (50') of frontage. Berms shall also be landscaped with a combination of shrubs and ground cover consisting of sod, other vegetative ground cover, bark, rock, etc. There shall be one shrub for every five hundred (500) square feet of landscaped area and fifty percent (50%) of the shrubs shall be five (5) gallon or larger and the remainder shall not be smaller than one gallon. Buffers shall be irrigated to maintain proposed landscaping.

Buffers that are not common open space but part of individual lots shall be deed restricted for no building or access off the collector road.

Landscaping for common open space outside of the above mentioned buffers will be determined by the intended use of the open space and negotiated as part of the approval process. Improved open space shall be landscaped with trees and ground cover in accordance with minimum plant sizes and irrigated.

- j. Proposed open space shall be contiguous. Open space shall be integrated and provide logical connections to other open space parcels on the property. Open space shall connect to existing platted open space when possible or a connection shall be provided that meets the intent of this subsection to provide a network of open space parcels and not isolated pieces.
- k. Open space shall be maintained in either a viable farming pursuit, landscaped, irrigated and maintained in perpetuity or, if appropriate, maintained in its natural condition.
- l. Curb, gutter and sidewalk shall meet the requirements of chapter 14.02 of this code.

- m. ~~Sidewalk and trail improvements along established roads must be stubbed into adjacent properties.~~
- n. ~~Street layouts must be designed to allow connection with the existing or future adjacent developments in accordance with this chapter.~~
- o. ~~Width requirements for lots under one acre shall be a minimum of one hundred feet (100') at the right of way and thirty foot (30') setback. Lots over one acre shall be one hundred fifty feet (150') at the right of way and setback.~~
- p. ~~Corner lots shall have one hundred fifty feet (150') of width at the right of way and setback on both streets regardless of lot size.~~
- q. ~~It is anticipated that most small subdivisions will not have open space and/or a homeowners' association. The county council, with a recommendation from the planning commission, may determine options for managing open space, whether a homeowners' association or dedicated open space is contained in a private lot, maintained by the homeowner and deed restricted. If property is maintained in a private lot, trails (if required) will still be open to the public~~
- r. ~~In calculating density, developments shall round down.~~
- s. ~~Developments shall provide a fencing plan that includes adequate fencing to separate agricultural uses from residential uses and provides for decorative theme fencing. The agricultural fencing, at a minimum, shall have a four foot (4') field (net) fence and shall be installed with a strand of barbed wire on the top and bottom. The theme fencing shall be provided in addition to whatever agricultural fencing is necessary and shall run the entire outside edge of the development.~~
- t.4. ~~Twenty percent (20%) of the lots in the development shall be one acre or larger, which cannot be counted towards the open space requirement.~~

[Note for editor – be sure to match numbering in this section with the removal of D above.]

D.G. RA-1 Development Requirements: Requirements applicable to all RA-1 development:

1. All trails shall be in compliance with the trails master plan, open to the public and allow for connectivity between developments and to the countywide trail plan.
2. There must be sufficient water rights for all historically irrigated open space during the growing season as approved by the water board.
3. Curb, gutter, and/or -swales and sidewalk shall meet the requirements of chapter 14.02 of this code.
4. Roads, Ssidewalks and trail improvements along established roads must be stubbed into adjacent properties.
5. Street layouts must be designed to allow connection with existing or future adjacent developments in accordance with this chapter. Proposed developments shall comply with section 16.27.29 of this chapter, as determined by staff.
6. In order to maintain a rural feel along existing county roads, larger setbacks as stipulated in 16.21.07 are required along major county roads. If a large scale development is proposing clustering with variable lot sizes and open space the county encourages the developer to have some of the open space along the existing county roads to enhance the rural feel and provide a buffer for residents

along the larger county roads, a fifty foot (50') buffer land strip shall be established along existing and future major and minor collector roads.

7. The minimum lot size for large scale developments is one-third ($\frac{1}{3}$) acre, or fourteen thousand five hundred twenty (14,520) square feet for developments between Mill Road and 2400 East. The overall density is (1) unit for every 1.3 net developable acres.
8. In calculating density, developments shall round down.
9. Developments shall provide a fencing plan that includes adequate fencing to separate agricultural uses from residential uses. The agricultural fencing, at a minimum, shall have a four foot (4') field (net) fence and shall be installed with a strand of barbed wire on the top and bottom.

E.H. Density:

1. Small Scale Developments Up To Five Lots: Density shall be a minimum of one acre lots with two hundred feet (200') of width at the required setback. Corner lots shall have two hundred feet (200') of lot width at the setback on both streets. Roads and constrained land shall not be counted in the density calculation. Variable lot sizes are not an option. Frontage requirements may be modified based on subsection B1 of this section.
2. Large Scale Developments Greater Than Five Lots: Base density is an average of 1.3 acres per net developable acre per unit. ~~Additional density may be obtained by complying with the provisions in subsection D of this section. In no circumstance shall development be denser than one unit per net acre. The density calculation includes roads but not constrained land. Twenty percent (20%) of the lots in a cluster development shall be a minimum of one acre.~~

~~If the developer opts to not do any open space or pay a fee in lieu, then overall density must be a minimum average of 1.3 net acres per unit.~~

All developments are limited to the base density. Developments on the east end of the valley between incorporated areas and 2400 East can have lots as small as $\frac{1}{3}$ acre (14,520 square feet). Developments between 2400 East and 3600 East have the same density but lots can be a minimum of $\frac{1}{2}$ acre (21,780 square feet). Developments between 3600 East to the east end of the valley floor minimum lot sizes of 1 acre (43,560 square feet).

All other areas zoned RA-1 outside of the east end of the valley shall have larger lots as the distance from an incorporated area increases as determined by the County Council after a recommendation from the Planning Commission. [JW3]

A.I. Physical Constraints Analysis: A physical constraints analysis is required at the time an application is submitted for preliminary approval and determination for base density, and shall show that the proposed development can meet the following minimum criteria:

1. The project will not consist of any building envelopes on natural slopes over thirty percent (30%) grade.

2. The project will not show any structures within fifty feet (50') of any fault line.
3. The project will not consist of activities on or disturbance of any wetland areas, except as approved by the army corps of engineers.
4. The project will not contain any platted lot within any landslide hazard areas.
5. The project will not consist of any development within any flood hazard area, except as provided in section 16.28.08 of this title.
6. The project will not consist of any development within any shallow groundwater hazard areas, areas of springs or seeps or surface water areas.
7. The project will not consist of any development within any areas that are recommended locations for detention basins or established road and utility corridors.
8. The project will avoid any development that will protrude above any ridgelines, except as provided in section 16.27.22 of this chapter.
9. The project will include a geotechnical evaluation of the site.
10. The project will include a concept plan showing road and lot layout, open space, etc.
11. All proposed density for projects shall be approved by the county legislative body after a recommendation for or against from the planning commission.

The following chart is a synopsis. The detailed sections of the code shall rule if there is a discrepancy.

	1	2	3
Ordinance Requirements	Small Scale Subdivisions (5 Lots Or Less With Centralized Sewer System)	Property With More Than 5 Lots	Property Without Centralized Sewer System (Standard Subdivision)
Minimum lot size	1 acre	Minimum 1/3 buildable acre lot (14,520 sq. ft.) between incorporated area and 2400 East. 1/2 acre (21,780 sq. ft.) between 2400 East and 3600 East. 1 acre (43,560 sq. ft.) between 3600 East to east end of valley floor. All other RA-1 areas as determined by County Council and distance from incorporated area.	5 acres
Minimum common open space	None	30% minimum requirement with 15% (half of required) dedicated to the county or prorated fee in lieu of open space option if developer opts to go below the 1.3 acres per unit Open space is developable ground PC and CC determined if projects	None

		<p>should have open space or pay the fee in lieu</p> <p>Projects may have open space outside of platted lots as long as density and minimum lot sizes are met.</p>	
Maximum density	1 unit per net acre	<p>Base Density 1 dwelling unit per 1.3 net developable acres (roads are included in the density calculation but not constrained land)</p> <p>Maximum 1 unit per net developable acre with 30% open space or fee in lieu</p>	1 dwelling unit per 5 acres
Animal rights	As per code	<p>20% of lots to be a minimum of 1 acre</p> <p>All lots 1 acre or over have animal rights.</p>	Yes
Minimum lot width at street frontage and setback	150' at street and 200' at the building setback line as per sections 16.08.05 and 16.08.06 of this title unless more specifically approved as per section 16.27.10 of this chapter	<p>100' for lots less than 1 acre</p> <p>As per section 16.08.06 of this title</p> <p>150' for lots over 1 acre</p> <p>Corner lots shall have 150' on both streets regardless of lot size</p>	Ordinance requirement (chapter 16.08 of this title)
Other requirements	<p>Curb, gutter and/or swales and walk as per title 14 of this code</p> <p>The plan must conform to trail and road plans for the area</p> <p>Public trails required</p>	<p>Curb, gutter and/or swales and walk as per title 14 of this code</p> <p>The plan must conform to trail and road plans for the area</p> <p>Public trails required in developments and on collector roads</p>	<p>The plan must conform to trail and road plans for the area</p> <p>Building envelope must be identified</p>
Development agreement	No (unless determined necessary)	Yes	No (unless determined necessary)

F. Reserved.

G.J. _____ Fee In Lieu: The fee provided for in the above section for reduced open space (less than the required 30 percent) and increased density (density greater than 1.3 units per acre) will be fifty percent (50%) of the value of the undeveloped raw land, including water, where appropriate (historically irrigated ground). The value of the raw land will be determined by the property owner having an appraisal conducted on the property using appropriate market data to support a value for the raw acreage. The fee in lieu payment is due prior to the plat being signed. It may be paid in a lump sum or in installments with interest at the rate set by the county council.

Planned Performance developments

Chapter 16.29: PLANNED PERFORMANCE DEVELOPMENTS

- 16.29.01: PURPOSE
- 16.29.02: SCOPE
- 16.29.03: PERMITTED USES
- 16.29.04: DESIGN
- 16.29.05: COMPLIANCE WITH THIS TITLE
- 16.29.06: MINIMUM OPEN SPACE
- 16.29.07: CONTENT OF DEVELOPMENT
- 16.29.08: DENSITY
- 16.29.09: SETBACK REQUIREMENTS
- 16.29.10: PROCESS
- 16.29.11: PEDESTRIAN CIRCULATION

- ~~16.29.12: WATER AND SEWER SYSTEM~~
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- ~~16.29.15: PERFORMANCE CHART~~

16.29.01: PURPOSE

The purpose of this chapter is to encourage imaginative and efficient utilization of land, to develop a sense of community, and to ensure compatibility with the surrounding neighborhoods and environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces and clustering of dwelling units. These provisions are intended to create more attractive and more desirable environments within Wasatch County and to encourage the following:

1. ~~Allow creative use of the land and encourage the preservation of permanent open space and sensitive areas;~~
2. ~~Permit developers to vary density, architectural styles and building forms on a project by project basis, rather than on the basis of traditional zoning concepts, in a manner that will permit developers to create recreational/resort housing styles and amenities, in response to changing markets;~~
3. ~~Permit developers to situate the various features of their developments in harmony with the natural features of the land more than would otherwise be possible under a lot by lot development;~~
4. ~~Preserve to the greatest extent possible the existing landscape features, watershed, animal habitat and natural amenities and to utilize such features in a harmonious and aesthetically pleasing manner.~~

Adopted by Ord. 12-02 on 2/1/2012

16.29.02: SCOPE

~~Planned performance developments are applicable to the mountain zone (M), the Strawberry recreation zone (SRZ) and the transitional residential overlay zone (TROZ).~~

Adopted by Ord. 12-02 on 2/1/2012

16.29.03: PERMITTED USES

~~Uses permitted in the planned performance development shall be limited to those uses listed by the provision of the underlying zone, except as follows:~~

1. ~~Permitted accessory uses in open space areas or buildings may be used only by the residents of the development, and shall not at any time become commercial for the use of the general public, except for required trails which shall be open to the public.~~
2. ~~If a development is approved as a resort, with commercial uses, and has large tracts of open space, commercial uses within the open space may be allowed for guests of the resort. The county council after a recommendation from the planning commission shall~~

make a determination that the proposed commercial uses do not deter from the intent of the open space or the purpose sections of the applicable zones in this title.

3. Accessory uses shall include recreational facilities and structures, daycare centers, personal services, RV parking and other uses deemed appropriate by the legislative body, after a recommendation for or against by the planning commission, as part of the final development plan.

Adopted by Ord. 12-02 on 2/1/2012

16.29.04: DESIGN

1. The design of the development shall be guided by the physical constraints analysis, the suitability of soils, slopes, geologic hazards, traffic safety and travel efficiency, enhancement of aesthetic and scenic values, convenience of vehicular access to the development and to the dwellings within the development, uncrowded appearance around buildings, quality of landscaping and other amenities, the preservation of bodies of water, and other significant features. The development should incorporate a compact clustered lot layout that minimizes large amounts of infrastructure.
2. Landscaping requirements both of private and public property shall be determined during the approval process. Timing for installation of the landscaping on public property (i.e., in park strips) and public and private parks shall be outlined in the development agreement.

Adopted by Ord. 12-02 on 2/1/2012

16.29.05: COMPLIANCE WITH THIS TITLE

The development will comply with the regulations set forth in this title, including, but not limited to, landscaping, preservation of sensitive lands, lighting, signs, and all other pertinent sections contained therein.

Adopted by Ord. 12-02 on 2/1/2012

16.29.06: MINIMUM OPEN SPACE

In the M and TROZ zones at least forty percent (40%) of the gross land area contained within the development will be preserved for dedicated open space and not part of the platted lots. Ten percent (10%) of the required open space must be usable open space as defined herein. A density bonus may be provided to compensate for additional open space, as outlined in the performance chart herein.

In the Strawberry recreation zone (SRZ) there shall be a minimum of eighty percent (80%) of the gross land area contained within the development preserved as open space and not be part of platted building lots. Wasatch County shall be the holder of the third party conservation easement that prohibits future development of the open space. All open space shall be dedicated with the first phase and recorded as part of the phase 1 plat. A conservation easement shall be recorded with each phase having a prorated amount of acreage so that each phase has an equal portion of the open space encumbered by the conservation easement. A phasing plan shall be submitted showing how this will be done.

Adopted by Ord. 12-02 on 2/1/2012

16.29.07: CONTENT OF DEVELOPMENT

1. ~~Mixture Of Uses: The development may mix the uses contained within the development between single-family lots and attached housing.~~

~~In the SRZ there must be a mixture of uses and amenities. If there has been historical agricultural uses related to the property the agricultural nature of the ground must be preserved in accordance with the approved plan.~~

2. ~~Commercial Uses As Part Of A Planned Performance Development: The planned performance section of this chapter allows additional density for developments in the M and SRZ zones if the project has commercial uses related to the recreational development. Commercial uses are intended to provide a benefit to residents of the development but are not only for the use of the residents. These uses shall be approved as a conditional use on a case by case basis as part of the master plan, preliminary, final plat and site plan approvals. Commercial uses must be on a separate parcel recorded with each phase, designated as a specific commercial use, have a range of ERUs stated, and not be recorded as common area, unimproved common area or open space. Said parcels will be valued and taxed accordingly. The approved master plan and overall preliminary plan shall be recorded as separate exhibits and as exhibits within the development agreement at the same time as the phase 1 plat.~~

Adopted by Ord. 12-02 on 2/1/2012

Amended by Ord. 13-04 on 5/1/2013

16.29.08: DENSITY

Density will be determined by the use of the performance chart.

1. ~~Transitional Residential Overlay Zone (TROZ): For a planned performance development in the transitional residential overlay zone (TROZ), a minimum of twenty (20) acres/ERUs shall be required. The maximum density allowed shall not exceed fifty percent (50%) of the base density.~~
2. ~~Mountain Zone (M): In the mountain zone (M), the density shall be determined by a physical constraints analysis. Any mountain zone (M) development more dense than one ERU for every five (5) net developable acres must earn additional density by complying with items listed on the performance chart. A planned performance development in the mountain zone (M) shall require at least one hundred sixty (160) acres and maintain a minimum of twenty (20) units. The number of units may be less than twenty (20) if the county legislative body, after recommendation from the planning commission, determines that the development would be more compatible with the existing neighborhood and promote good planning practices.~~
3. ~~Strawberry Recreation Zone (SRZ): In the Strawberry recreation zone (SRZ), the density shall be determined by a physical constraints analysis. If a planned performance development is approved, base density is one unit for every ten (10) acres. Additional density may be earned by compliance with specific provisions of the planned performance development code. If no planned performance development is approved,~~

base density remains at one unit for every one hundred sixty (160) acres.

Any density above the base density established by the zoning ordinance shall be specific to the development plan approved by the Wasatch County council. Increased density does not run with the land and no vested interest in the increased density may be claimed other than on the basis of an approved development plan. In the event that the developer or a successor in interest proposes or makes a material change, any increased density based upon the plan is void unless and until such time as the amended plan is reviewed and approved by the Wasatch County planning commission and county council. A material change shall be determined by the planning department and subject to review by the board of adjustment. A planned performance development in the Strawberry recreation zone (SRZ) shall require at least five thousand (5,000) acres and maintain a minimum of one hundred (100) units.

Adopted by Ord. 12-02 on 2/1/2012

16.29.09: SETBACK REQUIREMENTS

The setback requirements for these developments shall be determined by the county legislative body, after recommendation from the planning commission as part of the preliminary plan approval.

Adopted by Ord. 12-02 on 2/1/2012

16.29.10: PROCESS

The process for planned performance developments shall conform to the process outlined in section 16.27.10 of this title for large scale developments.

Adopted by Ord. 12-02 on 2/1/2012

16.29.11: PEDESTRIAN CIRCULATION

Pedestrian circulation shall be determined on a case by case basis. All developments shall comply with the Wasatch County trail plan. Depending on the density of the project, the developers shall be required to provide sidewalks and trails unless waived by the county legislative body after consideration by the planning commission.

Adopted by Ord. 12-02 on 2/1/2012

16.29.12: WATER AND SEWER SYSTEM

All planned performance developments in the mountain zone (M) or the Strawberry recreation zone (SRZ), of six (6) or more units must be served with an approved public or private water system and provide fire flow in accordance with the uniform fire code. Developments in the transitional residential overlay zone (TROZ) must be tied into public sewer and water systems. Developments in the mountain zone (M) or the Strawberry recreation zone (SRZ) with over twenty (20) lots must have a sewer collection system and treatment facility. Developments in the mountain zone (M) and Strawberry recreation zone (SRZ) with twenty (20) lots or less can have individual septic systems if the gross density is not more than five (5) units per acre. Septic

drainfields must have two hundred feet (200') of separation and be approved by the county health department.

Adopted by Ord. 12-02 on 2/1/2012

16.29.13: PHYSICAL CONSTRAINTS ANALYSIS

A physical constraints analysis is required at the time an application is submitted for site master plan and determination for base density, and shall show the following:

1. The project will not consist of any building envelopes on natural or manmade slopes over thirty percent (30%) grade.
2. The project will not show any structures within fifty feet (50') of any fault line.
3. The project will not consist of activities on or disturbance of any wetland areas, except as approved by the army corps of engineers.
4. The project will not contain any platted lot within any landslide hazard areas unless approved by the legislative body, after a recommendation for or against by the planning commission, as part of the open space area.
5. The project will not consist of any development within any flood hazard area, except as provided in section 16.28.08 of this title.
6. The project will not consist of any development within any shallow groundwater hazard areas, areas of springs or seeps or surface water areas.
7. The project will not consist of any development within any areas that are recommended locations for detention basins or established road and utility corridors.
8. The project will avoid any development that will protrude above any ridgelines, except as provided in section 16.27.22 of this title.
9. The project will include a preliminary geotechnical evaluation of the site.
10. The project will include a concept plan showing road and lot layout, open space, etc.
11. All proposed density for projects shall be approved by the county legislative body after recommendation by the planning commission.

Adopted by Ord. 12-02 on 2/1/2012

16.29.14: MINIMUM OPEN SPACE REQUIREMENTS

Planned performance developments in the transitional residential overlay zone (TROZ) and mountain zone (M) shall have a minimum amount of forty percent (40%) open space. Developments in the Strawberry recreation zone (SRZ) shall have a minimum of eighty percent (80%) open space. Additional open space may be required or density bonuses given as provided herein. The usable open space must be located on slopes of less than ten percent (10%) grade.

1. Intended Uses For Open Space:

1. Open space should preserve environmentally sensitive areas, including slopes, unstable soils, geologic hazard areas, wetlands, desirable vegetation areas, wildlife habitat, view corridors, floodplains, culinary water sources, aquifer recharge areas, streams, seeps, springs and drainage corridors, ridgelines, or other environmentally sensitive areas or important features.

2. ~~Open space reserved for slopes less than ten percent (10%) is to allow for pedestrian seating, walking, play areas, or open gathering areas to create an open, inviting feel to the property, and/or landscaped areas to improve appearance of the area.~~
3. ~~Roadways, parking, storage areas, residential, and any land within a building lot, whether single-family or multi-family, and any area within twenty feet (20') of any building, shall be excluded in calculating the required area for open space.~~
4. ~~In the Strawberry recreation zone (SRZ) unimproved open space shall be used for a viable agricultural operation including grazing and/or forestry.~~
2. ~~Open Space To Remain In Perpetuity: As assurance that the designated open space will remain open and unobstructed from the ground upward, the developers shall execute an open space preservation agreement with the county, which agreement shall run with the land and shall be binding upon the developer, heirs, successors, and assigns. The open space agreement shall preclude building on or development of the designated open space areas throughout the life of the development, unless approved by the county legislative body. Wasatch County, a land trust or other viable option acceptable to the county shall also be used to ensure that open space is protected. If deemed appropriate by the planning department, for smaller subdivisions, the open space may be contained within the lots owned by separate ownership, but must be deed restricted to prevent building of any structures, including fences thereon. Trail requirements of the Wasatch County trail plan will still apply to smaller subdivisions.~~
3. ~~Ownership: Open space shall either be owned and maintained by an approved entity, as defined in the development agreement, with an acceptable open space easement held by the county.~~
4. ~~Construction And Maintenance: The developer shall construct and landscape all areas and build all facilities, as per the approved plan. The homeowners' association shall maintain all common areas and facilities. In the event that the homeowners' association fails to maintain the facilities as approved, Wasatch County may place a lien upon each property contained within the development for the costs of such maintenance. Such lien may be foreclosed in the same fashion as a lien placed for property taxes.~~

Adopted by Ord. 12-02 on 2/1/2012

16.29.15: PERFORMANCE CHART

The performance chart below gives a range for each proposed density bonus. A full or partial density bonus may be granted for each item on the performance chart.

Bonus Density ¹	TROZ (2006 Boundaries)	M	SRZ
Base density	1 ERU per acre ²	1 ERU per 5 acres ³	1 ERU per 10 acres ³
40% gross contiguous open space preserved, 10% of which must be usable, must be preserved and subject to planning commission and county council review and modification (see section 16.29.13 of this chapter)	Required	Required	80% contiguous open space required

for guidelines). 80% gross contiguous open space in the SRZ

10% usable open space ⁴	Required	Required	Required
Preserves sensitive areas in open space ⁵	Required	Required	Required
Development provides a mixture of recreational uses ⁶	n/a	n/a	Required
Extraordinary/major community infrastructure improvements or IDR ⁷	0-5%	0-20%	0-20%
Public trails (that exceed requirements) ⁸	0-5%	0-15%	0-15%
Additional/extra usable open space for public use ⁹	0-5%	0-15%	0-15%
Improving open space for public use ¹⁰	0-15%	0-20%	0-20%
Complying with affordable housing requirements	Required	Required	Required
Dedication of land for/or building of civic site ¹¹	0-15%	0-20%	0-20%
Use of LEED or other comparable design standards ¹²	0-5%	0-10%	0-10%
Commercial uses: resort support commercial, retail, hotel ¹³	n/a	0-30%	0-30%
Total	0-50%	0-130%	0-130%

Notes:

1. Bonus density may not be stacked upon each other and more than 1 bonus given for the same item. Bonuses will be calculated on the base density and not on the base density plus other bonuses.
2. The base density in the TROZ zone is 1 unit per 1 acre. Bonus density may be awarded upon showing excellence in providing the amenity listed in the performance chart. The 2006 boundaries only apply to properties within the Heber City areas of influence as shown on the 2006 Wasatch County zoning map.
3. In the M and the SRZ zones base density will be determined through a full physical constraints analysis and master planning of the property; the bonus density shall be determined by complying with the items on the above chart. The numbers assigned to certain amenities above are only some of the factors for consideration during the determination of density in the M and the SRZ zones. The county legislative body, after recommendation from the planning commission may consider other factors and may assign appropriate density bonuses for any such factor, including or excluding any of those listed herein. Base density requires full compliance with all "required" sections listed in this section otherwise the base density for the particular underlying zone shall be used.
4. Usable open space would be land that is able to be landscaped and is contained on slopes of 10 percent or less and is capable of being used for parklike areas or at least landscaped with herbs, shrubs, lawns, etc. In the event that the majority of the project land is well above the required 10 percent grade, the county legislative body and planning commission may, after review of the physical constraints analysis, consider land over 10 percent grade as part of the required 10 percent usable open space, provided that a trail system can be installed along with such improvements as trail benches, picnic tables and overlook rest areas, in order for the open space to count as usable. It must contain no less

- than 10,000 square feet of contiguous area in each open space parcel, unless 10,000 square feet is more than the required 10 percent. It is not intended to be remnant pieces of land too small to be used for anything that combined would have met the required amount of land. Usable open space must be landscaped and maintained in accordance with an approved landscape plan. This required open space is within the 40 percent. Gross contiguous open space shall be integrated and provide logical connections to other open space parcels on the property. Open space shall connect to existing platted open space when possible or a connection shall be provided that meets the intent of the ordinance to provide a network of open space parcels and not isolated pieces.
5. Sensitive areas include, but are not limited to, ridgeline/viewshed areas, areas of special interest or beauty, wetlands, fault zones, stream corridors, important wildlife areas, unstable soils, or any other environmental concern addressed in this title. If any sensitive areas are being preserved that are required to be preserved by other regulations, no density bonus will be granted for such preservation.
 6. A mixture of recreational uses means a number of opportunities are provided on site such as biking, hiking, fishing, hunting, snowmobiling, rock climbing, four wheeling, horseback riding, etc.
 7. Extraordinary/major community infrastructure improvements, such as construction or upgrades of collector or arterial road systems; stormwater, sewer, gas, electrical systems beyond the requirements of the project/development or TDR. Density granted for infrastructure improvements shall be determined by the benefit to the county, cost of the improvements, enhancement to public safety, benefits to the general citizenry of Wasatch County and if the improvements are a priority listed in the general plan, transportation plans, etc.
 8. Public trails criteria for trail bonuses should be based on the length of trail system. Hikers typically travel 1 to 3 miles per hour depending on terrain conditions and their ability. As such, trails systems should be long enough to afford a meaningful recreational experience (1 mile minimum over and above the minimum requirement). Trail surface type should also be considered as part of the connectivity to the trail system in the area. Special consideration shall be given to trails/trailheads that are considered a priority and shown on the master trail plan and provide links to recreation areas.
 9. Any open space allowed for public use for purposes of acquiring this bonus must be approved for such use by the legislative body, after a recommendation for or against by the planning commission, and must have a plan for landscaping and maintenance (including watering) of such open space and intended use.
 10. If the intended use for the usable open space results in the developer improving the open space beyond landscaping, maintenance and trails, and the developer provides such improvements (playground equipment, soccer and baseball fields, tennis courts, trail benches, picnic tables, overlook rest areas, etc.), this density bonus would apply in addition to any bonus density that may apply for providing the open space.
 11. Dedication (on site or off site) of large civic sites may include dedication of just the land, or the land and actual building of the civic structures. They may include such things as parks, school sites, public parking structures not needed for the development itself, or providing substantially more than needed for the development itself in an area where needed, outdoor amphitheater, indoor riding arena, libraries, senior citizen's centers, women's shelters or similar shelters, public swimming pools, public tennis courts, or any

other large civic or public amenity approved by the planning commission and accepted for dedication by the county council.

12. Use of LEED (leadership in energy and environmental design) design standards allows the developer to demonstrate to the planning commission and legislative body conformance with the desired LEED certification level for bonus points. Points may be awarded based upon compliance with levels such as: a) silver; b) gold; or c) platinum as established by the national LEED certification board.
13. Proposals for commercial uses that will provide additional tax base to the county and will be built in conjunction with an approved phasing plan. Density points may be earned based on square footage and/or estimated revenue to the county of commercial uses. Feasibility of commercial uses should be well thought out so the amount of commercial uses proposed will be built. Density bonus points will be deleted if commercial uses are requested to be removed. Commercial uses cannot be left for the final phases unless approved as part of the commercial phasing plan.

Adopted by Ord. 12-02 on 2/1/2012

16.41 : APPENDIX 6, THE JORDANELLE SPECIALLY PLANNED AREA (JSPA)

2.1.6 Density Increase for Public Amenities. Up to a 15% increase in density will be granted for landowners where dedication or contribution of approved school sites, or affordable housing is made. This will apply within the JSPA. Specifically, increased density will be granted for contributions or development of parks, community centers, convention centers, affordable housing or other public amenities. The amount of the Density Increase within the JSPA for Public Amenities shall be an amount determined by the Density of the surrounding or comparable uses. In the case of a contribution or dedication of community space, the JSPA Planning Commission use its discretion in approving and recommending such density increases.

[Note for editor – be sure to match numbering in the remainder of 2.1 of this section with the removal of 2.1.6 above.]

RA-1 Zone

16.08.04: LOT AREA AND MAXIMUM DENSITY

- A. Small Scale Subdivisions: For small scale subdivisions, each lot or parcel must be a minimum of one acre.
- B. Large Scale Subdivisions: Any large scale subdivision or development in the RA-1 zone shall comply with all applicable county ordinances, including section 16.27.10 of this title. The density allowed in this zone for large scale subdivisions is one unit for every 1.3 developable acres.

M (Mountain) Zone

16.09.01: PURPOSE

The mountain zone (M) is established for development in mountainous areas of the county that may or may not have services readily available. Development should be in harmony with mountain settings and adverse impacts shall be mitigated. The specific intent in establishing the mountain zone is for the following purposes:

- A. Provide an appropriate location within the unincorporated area for the development of mountain residential dwellings.
- B. Facilitate payment for services rendered by the county for streets, fire, police, health, sanitation and other services.
- C. Prevent soil erosion generated from excessive streets and soil displacement.
- D. Protect the vegetation and aesthetic characteristics of the county canyons and mountains.
- E. Encourage the protection of wildlife, plant life and groundwater.
- F. Protect the health, safety and welfare of the residents of the county by only allowing development that will have appropriate access to and from the development and provide appropriate fire and emergency access.
- G. Discourages developments in isolated areas of the county where essential services are not readily available and would be fiscally irresponsible and/or burdensome for the county to provide such services.

16.09.03: CONDITIONAL USES

The following table shows the uses and structures that are permitted in the mountain zone (M) only after a conditional use permit has been approved, and subject to the terms and conditions thereof. Planned performance developments shall be considered a conditional use and must have a minimum of one hundred sixty (160) acres.

CONDITIONAL USES IN THE MOUNTAIN ZONE (M)

Use Number

Use Classification

1519	Group transient lodging
1903	Accessory residential unit
4712	Telephone relay towers, microwave or other
4810	Electric utility (except 4813)
4824	Gas pressure control stations
4832	Water treatment plants
4833	Water storage
4834	Water storage covered
4910	Underground pipeline right of way and pressure control stations, NEC
6721	Police protection and related activities (public only)
6723	Fire protection and related activities (public only)
6911	Churches, synagogues, temples, and missions

16.09.04: LOT AREA

The minimum lot size shall be twenty (20) acres per dwelling unit.

*Adopted by Ord. 2002 Code § 16.09.04 on 1/1/2002
Amended by Ord. 08-13 on 10/28/2008*

16.09.05: LOT WIDTH

Each lot or parcel of land in the mountain zone (M) shall have a lot width of at least three hundred twenty feet (320') at the required setback.

16.09.06: LOT FRONTAGE

Each lot or parcel of land in the mountain zone (M) shall abut a county road or road built to county standards for a minimum distance of three hundred feet (300'). Corner lots shall have a minimum frontage of three hundred feet (300') on both roads.

16.09.09: SETBACK REQUIREMENTS

The setback requirements for this zone shall be as follows:

- A. Front Setback: The front setbacks for dwellings shall be a minimum of sixty feet (60') from the center of the road, or thirty feet (30') from the edge of the right of way, whichever is greater. If the property is located on a state or federal highway, the setbacks

shall be a minimum of one hundred fifty feet (150') from the right of way. See subsection 16.21.07(B) for setbacks on major collector roads.

1. Structures Housing Animals: These structures shall be a minimum of one hundred feet (100') from the road right of way, providing however, all such structures must also be set back from any existing residential structure, on the same lot or an adjacent lot at least one hundred feet (100').
 2. Major County Collector Roads: For buildings abutting upon a county street that is designated as a major collector road in the Wasatch County master transportation plan, the setback shall be eighty five feet (85') from the centerline of any street, or fifty feet (50') from the right of way, whichever is greater.
- B. Side Setbacks: All permitted structures shall be set back from the side property line a minimum of twelve feet (12'). Side setbacks for buildings that will house animals must be a minimum of fifty feet (50') and one hundred feet (100') from any dwelling on or off site.
- C. Corner Lots: For corner lots, the side setback on the street side shall be the same setback as that required for the front.
- D. Rear Setbacks: All permitted structures shall be set back from the rear property line a minimum of thirty feet (30'). Rear setbacks for buildings that will house animals must be a minimum of fifty feet (50') and one hundred feet (100') from any dwelling on or off site.

16.09.10: BUILDING HEIGHT

Height of all dwellings, accessory buildings and/or structures shall not exceed thirty five feet (35') above natural grade.

JBOZ (Jordanelle Basin Overlay Zone)

16.15.06: JBOZ DENSITIES

- C. Low Density Residential: 1.5 ERU/net developable acres. Areas suitable for low density developments with substantial open space to provide protection and preservation of wetlands, stream corridors, flood plains, ridge lines, wildlife habitat, view corridors, hillsides, and aesthetic attributes. A variety of housing types and styles, and flexibility is allowed.
- D. Medium Density Residential: 2.5 ERU/net developable acre. Clustered, master planned developments are encouraged in this district. Interconnected open space amenities through developments of this type assist to create conservation of stream corridors, view sheds and ridge lines as well as development of a Jordanelle Basin trail system.
- E. High Density Residential: 3.25 ERU/net developable acre. This area allows a variety of housing types, with proximity to schools, shopping areas, and major recreational facilities. This district can also be used as a transitional area between commercial uses and lower density residential areas.

NVOZ (North Village Overlay Zone)

16.16.03: DEVELOPMENT DISTRICTS

A. Zones: Four (4) zones were added to the North Village general plan element (of July 23, 2001): Town Core (Tc), Neighborhood Center (Nc), Neighborhood General (Ng) and Neighborhood Edge (Ne).

1. Town Core (Tc): The core is the business, service and institutional center shared by neighborhoods. It straddles thoroughfares at active intersections. The area is at the edges of neighborhoods and within walking distance of a large residential area.

Base density (gross density) 6 ERU/ac (averaged)

2. Neighborhood Center (NC): The center zone is the dense multifunctional social condenser of a neighborhood. It is usually at a central location, within walking distance of the surrounding, primarily residential, areas.

Base density (gross density) 4 ERU/ac (averaged)

3. Neighborhood General (Ng): The general zone is mixed in function, but principally residential. It has a generalized character, and is usually the largest area of the neighborhood.

Density average (range) 3 ERU/ac (averaged)

Size (range) 10 to 15 acres

4. Neighborhood Edge (Ne): The edge zone of the overall area depending on whether the model is more rural (village-like) or more urban (town-like).

Density average (range) 2 ERU/ac (averaged)

Size (range) 12 to 15 acres

TROZ (Transitional Residential Overlay Zone)

Deleted

SRZ (Strawberry Recreation Zone)

Deleted

DEVELOPMENT STANDARDS

16.27.04: TYPE OF DEVELOPMENTS

The following are types of developments that are considered by this title. The following developments are required to attend a pre-application conference prior to making application to the planning commission and legislative body.

- A. Small Scale Development: A development consisting of no more than five (5) lots, units or equivalent residential units, which is processed through the planning staff without the necessity of having a hearing before the planning commission.
- B. Farm Preservation Development: A development consisting of not more than five (5) lots, including a lot which is a minimum of twenty (20) acres. Farm preservation developments shall follow the same process as a small scale development.
- C. Large Scale Development: A development consisting of more than five (5) lots, units or equivalent residential units, which must be processed by staff and brought before the planning commission for their recommendation prior to a hearing before the county legislative body.
- D. Cluster Development: Cluster developments are allowed in specified areas of the RA-1 zoning district, as long as the overall density does not exceed one unit for every 1.3 net developable acres and the minimum lot sizes specified are met. Sensitive areas and areas worth preserving should be incorporated into open space.
- E. Minor Agricultural Subdivision: A division of at least one hundred (100) contiguous acres of agricultural land to create one new lot that is separate from the remainder of the original one hundred (100) or more contiguous acres of agricultural land, is at least one acre in size, and is located at least one thousand feet (1,000') away from another minor agricultural subdivision lot created after October 1, 2009, pursuant to Utah Code Annotated section 17-27a-605, as currently amended. For the purposes of this section and section 16.27.08 of this chapter, "agricultural land" is defined as land that is designated on the county tax roles as "greenbelt" or as agricultural use assessment under Utah Code Annotated section 59-2-501 et seq.

16.27.10: LARGE SCALE DEVELOPMENT REGULATIONS

The process for developing any large scale development is as follows:

- A. Sewer and Water Requirements: Developments more dense than five (5) acres per dwelling must be connected to a public sewer system. All lots must provide adequate water rights for the culinary use, as well as sufficient water to irrigate any land that has been historically irrigated.
- B. Compliance with This Title: Any large scale development must meet the requirements of this title, regarding lighting, landscaping, emissions, signs, environmental regulations or any other section that indicates applicability to the development being considered.
- C. Process For Developing Large Scale Developments:
 1. Concept Plan: All large scale developments are required to submit a concept plan to be reviewed by the development review committee.
 2. Master Plan, Physical Constraints, Density Determination: The following section shall only apply to the JBOZ, NVOZ, and JSPA. Large scale projects shall apply for master plan, density determination, and physical constraints analysis under one application. Density shall be established by determining physical and infrastructure constraints (see sections 16.27.23 and 16.27.24 of this chapter) of the site and coming up with a feasible number of buildable lots and/or units. Access that meets county standards shall be demonstrated through ownership, establishment of public access, written agreements and/or road judgments from a court of competent jurisdiction. If a project does not have access that meets the county code, it shall not receive approval. In all areas that will be utilizing sewer and water provided by a special service district adequate water and sewer capacity shall be demonstrated by providing a feasibility letter from the applicable Special Service District and an Action Plan from the Water Board with the Master Plan application.. After master plan and density approval, the process shall follow the large scale development requirements.
 3. Preliminary Approval (for all developments other than those listed in 16.27.10 (C) (2) shall provide a preliminary plan in accordance with sub-section E below including a constraints analysis as defined in 16.27.24.

16.27.11: RA-1 DEVELOPMENT STANDARD

The purpose of this section is to encourage rural densities in accordance with the general plan. Subdivision design should preserve natural or prominent features of the site first and laying out the lots after the portions of the site worth preserving are addressed. The code establishes subdivision development standards for the landowner to achieve the allowable density under the existing RA-1 zoning district.

- A. Rural character of a subdivision requires promoting the protection of natural resource areas, prominent features of the site, farmland and other large areas of open land, while permitting residential development at low, rural densities. The intent of the code is to

increase lot sizes as development moves away from incorporated areas and maintain, as much as possible, the rural character of the County. Specific objectives are as follows:

1. To maintain and protect Wasatch County's rural character by providing options to preserve important landscape elements, including those areas containing unique and environmentally sensitive natural features, such as stream corridors, wetlands, groundwater, floodplains, ridgelines, geologic hazard areas, steep slopes and natural areas by allowing options for preserving them.
2. To promote a rural feeling along county roads by requiring larger setbacks and allowing cluster options and the possibility of open space along roads in specified areas.
3. To provide the option in specified areas for the development of varied lot sizes in clustered, single-family, low density residential uses, allowing the potential for large areas of permanently protected open space.
4. To reduce erosion and sedimentation by providing options to retain existing vegetation and minimizing development on steep slopes.
5. To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.
6. To permit various means for owning open space and for protecting it from development in perpetuity.
7. To provide options for interconnected greenways and corridors throughout the county.
8. To promote active and passive recreational use of open space by residents of a cluster development or by the public.
9. To implement the objectives and policies of the general plan.
10. To provide opportunities for open space that is preserved in such a manner that future development can connect to the open space and or regional trails in existing developments.
11. To allow for the potential for developments with variable lot sizes in larger acreage developments in accordance with the specified areas.
12. To allow the potential to preserve what is determined to be important aspects of the site.

B. Types of Development Allowed In RA-1 Zone:

1. Small Scale Developments with Five Lots or Less: Developments with five (5) lots or less will be processed as a small scale subdivision and each lot must be a minimum of a one acre lot with one hundred fifty feet (150') of frontage at the right of way and two hundred feet (200') of width at the building setback. Corner lots shall have two hundred feet (200') of width at the setback and one hundred fifty feet (150') of frontage at the right of way on both streets. Frontage requirements may be modified by the planning director to a minimum of one hundred fifty feet (150') of width at the setback and one hundred feet (100') at the right of way based on the following findings:

- a. The request must have a unique hardship associated with the property that is not self-imposed.
 - b. A minimum lot requirement of one acre must be met.
 - c. Only one of the five (5) lots can receive an exception.
2. Large Scale Developments with more than five lots: Developments with more than five (5) lots will be considered a large scale development and will be processed accordingly. Density is an average of one unit for every 1.3 net (developable) acres. .
- C. Eligibility Requirements: All developments in the RA-1 zone must meet the following criteria in order to be eligible for development in the RA-1 zone at a density higher than one (1) unit per five (5) acres:
1. Any proposed development shall comply with all applicable sections of the Wasatch County code.
 2. The proposed development must connect to a centralized sewer system.
 3. The proposed development must connect to an approved water system.

[Note for editor – be sure to match numbering in this section with the removal of D above.]

H. RA-1 Development Requirements: Requirements applicable to all RA-1 development:

1. All trails shall be in compliance with the trails master plan, open to the public and allow for connectivity between developments and to the countywide trail plan.
2. There must be sufficient water rights for all historically irrigated open space during the growing season as approved by the water board.
3. Curb, gutter, and/or swales and sidewalk shall meet the requirements of chapter 14.02 of this code.
4. Roads, sidewalks and trail improvements along established roads must be stubbed into adjacent properties.
5. Street layouts must be designed to allow connection with existing or future adjacent developments in accordance with this chapter. Proposed developments shall comply with section 16.27.29 of this chapter, as determined by staff.
6. In order to maintain a rural feel along existing county roads, larger setbacks as stipulated in 16.21.07 are required along major county roads. If a large scale development is proposing clustering with variable lot sizes and open space the county encourages the developer to have some of the open space along the existing county roads to enhance the rural feel and provide a buffer for residents along the larger county roads.
7. The minimum lot size for large scale developments are in accordance with section 2 below.
8. In calculating density, developments shall round down.
9. Developments shall provide a fencing plan that includes adequate fencing to separate agricultural uses from residential uses. The agricultural fencing, at a minimum, shall have a four foot (4') field (net) fence and shall be installed with a strand of barbed wire on the top and bottom.

I.Density:

1. Small Scale Developments Up To Five Lots: Density shall be a minimum of one acre lots with two hundred feet (200') of width at the required setback. Corner lots shall have two hundred feet (200') of lot width at the setback on both streets. Roads and constrained land shall not be counted in the density calculation. Variable lot sizes are not an option. Frontage requirements may be modified based on subsection B1 of this section.
2. Large Scale Developments Greater Than Five Lots: Density is an average of 1.3 acres per net developable acre per unit.

All developments are limited to the base density. Developments on the east end of the valley between incorporated areas and 2400 East can have lots as small as 1/3 acre (14,520 square feet). Developments between 2400 East and 3600 East have the same density but lots can be a minimum of 1/2 acre (21,780 square feet). Developments between 3600 East to the east end of the valley floor minimum lot sizes of 1 acre (43,560 square feet).

All other areas zoned RA-1 outside of the east end of the valley shall have a minimum of 1 acre lots larger lots.

CHART BELOW SECTION J in 16.27.11

The following chart is a synopsis. The detailed sections of the code shall rule if there is a discrepancy.

	1	2	3
Ordinance Requirements	Small Scale Subdivisions (5 Lots Or Less With Centralized Sewer System)	Property With More Than 5 Lots	Property Without Centralized Sewer System (Standard Subdivision)
Minimum lot size	1 acre	Minimum 1/3 buildable acre lot (14,520 sq. ft.) between incorporated area and 2400 East. 1/2 acre (21,780 sq. ft.) between 2400 East and 3600 East. 1 acre (43,560 sq. ft.) between 3600 East to east end of valley floor. All other RA-1 areas as determined by County Council and distance from incorporated area.	5 acres

Minimum common open space	None	Projects may have open space outside of platted lots as long as density and minimum lot sizes are met.	None
Maximum density	1 unit per net acre	Density 1 dwelling unit per 1.3 net developable acres (roads are included in the density calculation but not constrained land)	1 dwelling unit per 5 acres
Animal rights	As per code	All lots 1 acre or over have animal rights.	Yes
Minimum lot width at street frontage and setback	150' at street and 200' at the building setback line as per sections <u>16.08.05</u> and <u>16.08.06</u> of this title unless more specifically approved as per section <u>16.27.10</u> of this chapter	100' for lots less than 1 acre As per section <u>16.08.06</u> of this title 150' for lots over 1 acre Corner lots shall have 150' on both streets regardless of lot size	Ordinance requirement (<u>chapter 16.08</u> of this title)
Other requirements	Curb, gutter and/or swales and walk as per <u>title 14</u> of this code The plan must conform to trail and road plans for the area Public trails required	Curb, gutter and/or swales and walk as per <u>title 14</u> of this code The plan must conform to trail and road plans for the area Public trails required in developments and on collector roads	The plan must conform to trail and road plans for the area Building envelope must be identified
Development agreement	No (unless determined necessary)	Yes	No (unless determined necessary)

Planned Performance developments

Deleted

16.41 : APPENDIX 6, THE JORDANELLE SPECIALLY PLANNED AREA (JSPA)[Note for editor
– be sure to match numbering in the remainder of 2.1 of this section with the removal of
2.1.6 above.]