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UTAH COUNTY ZONING ORDINANCE

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UTAH COUNTY ZONING ORDINANCE

CHAPTER 1

GENERAL PROVISIONS

1-1: TITLE

This ordinance shall be known as and shall be entitled the "Utah County Zoning Ordinance" and may be so cited and pleaded.

1-2: INTENT AND PURPOSE

It is the intent and purpose of the Legislative Body of the County of Utah, State of Utah, to avail itself of the powers granted under Title 17, Chapter 27, of the Utah Code Annotated 1953, as amended, in a manner that will promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Utah County, and to this end:

- A. To encourage and facilitate orderly growth and development in the county;
- B. To secure economy in governmental expenditures in the process of development;
- C. To promote efficient and economical utilization, conservation, and production of land, water, and other resources and facilities;
- D. To foster the county's agricultural and other industries;
- E. To facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements;
- F. To reduce the waste of physical, financial, and human resources resulting from excessive scattering of population;
- G. To lessen congestion in the streets, prevent the over-crowding of land, and provide adequate light and air;
- H. To secure safety from fires, floods, traffic hazards, and other dangers;
- I. To avoid or lessen the hazards to persons or damage to property resulting from the accumulation of runoff of storm and flood water;
- J. To stabilize and improve property values;
- K. To protect the tax base;
- L. To promote a more attractive and wholesome environment;

- M. To create conditions favorable to prosperity, civic activities, and recreational, educational, and cultural opportunities;
- N. To protect both urban and non-urban development.

1-3: CONFLICTING REGULATIONS

The regulations and restrictions as set forth in this ordinance shall be so interpreted and applied as to further the intent and purpose of this ordinance. In the event that two or more regulations or restrictions of this ordinance are in conflict or are inconsistent with each other, the most restrictive regulation or restriction shall govern.

All ordinances, resolutions, or parts thereof in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict with the provisions set forth in this ordinance.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

1-4: MINIMUM REQUIREMENTS

In interpreting and applying this ordinance, the provisions thereof shall be held to be the minimum requirements needed to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the county. All provisions shall be liberally construed in favor of the governing body. Except as specifically provided herein, it is not intended by the adoption of this ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of laws or ordinances, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to laws relating to the erection, construction, establishment, moving, alteration, or enlargement of any building or improvement, or change in the use of land; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenant, or other agreement between parties; provided however, that in cases in which this ordinance imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this ordinance shall govern.

The degree of protection from natural hazards, fire, decay, traffic, property value devaluation, and the actions of others is based on scientific and sound planning considerations. The degree of protection from such damages is considered reasonable by the Legislative Body, but does not imply that any person or property can be completely free from the acts of nature or the actions of others. This ordinance shall not create any liability for reliance on this ordinance or any administrative decision made thereunder on the part of Utah County, any officer or employee thereof, the State of Utah, or, in the case of the FPO Zone requirements which were enacted according to federal requirement, the federal government.

1-5: SEVERABILITY

This ordinance and the various parts, sections, and clauses are hereby declared to be severable, except the provisions relating to large scale developments; otherwise, if any part, section, paragraph, sentence, clause, or phrase is adjudged unconstitutional or invalid, it is hereby declared that the remainder of the

ordinance shall not be affected thereby; the Legislative Body hereby declares that it would have passed this ordinance and each part, section, paragraph, sentence, clause, and phrase thereof, irrespective of the fact that any one or more portions thereof be declared invalid.

1-6: NONCONFORMING BUILDINGS AND USES

A. INTENT

It is the intent of this ordinance that buildings and uses of land extant at the time of passage of the zoning ordinance, but not in conformance therewith, be changed, ultimately, to conforming buildings and uses and that nonconforming buildings and uses shall not be increased nor expanded except for compelling health or safety reasons.

B. CONTINUATION

Except as provided below, a nonconforming building or use of land may be continued to the same extent and character as that which was legally existing and permitted on the effective date of the ordinance provision(s) causing nonconformity if:

1. No increase or expansion is made; and
2. The lot on which the building or use lies is unchanged.

C. EXPANSION

A nonconforming building or use of land may be expanded only if:

1. A health or safety official of Utah County, the State of Utah, or the United States of America, acting in his official capacity requires such expansion in order for the use to continue, and if:
 - a. The requirement is based upon the health, safety, and/or building codes administered by such official;
 - b. A copy of the written findings by such official, and the order based thereon, are presented to the zoning administrator as part of the application for a permit;
 - c. The official states the use cannot continue unless such an expansion is made;
2. The Zoning Administrator approves the expansion after making the following findings:
 - a. The specific use and building to be expanded is a nonconforming, one-family dwelling;
 - b. The boundaries of the lot on which the one-family dwelling lies are unchanged from those extant when the dwelling became nonconforming;

- c. The proposed expansion meets all the requirements of the zone in which it is located for setback, yard space, Health Department approval of water supply and sewage, flood protection, and parking; or
3. The Board of Adjustment, as a special exception to the zoning ordinance under the provisions of Section 7-21, approves the expansion if all of the following conditions are met:
 - a. The nature of the expansion is to increase the size of a nonconforming one-family dwelling, a retail-sales commercial building, or a building containing a manufacturing operation;
 - b. That for a compelling health, well-being, or safety reason similar to those considered in Subsection 1 above, but not governed by any county or state code, the present occupants need to expand the building;
 - c. The expansion will not derogate the health, safety, well-being, or property value of neighboring property;
 - d. The need for the expansion is not a self-created hardship.

D. REPAIRS

Repairs may be made to a nonconforming building, or a structure containing a nonconforming use, but only when the repairs do not constitute new construction or additions.

E. REPLACEMENT OF DESTROYED BUILDINGS

A nonconforming building or structure containing a nonconforming use which is rendered unoccupiable by the destruction of a fire, flood, or other calamity or act of nature may be restored and the preexisting use resumed provided that a building permit for reconstruction is obtained within one year from the date of destruction and construction is diligently prosecuted to completion and reoccupancy. Such restoration shall not increase the floor area devoted to the nonconforming use over that which existed at the time the building or use of the building became nonconforming.

F. AMORTIZATION OF RIGHT TO OCCUPY OR USE

A nonconforming building, or a structure or parcel of land containing a nonconforming use, which is not thus occupied or so used for a continuous period of one year or longer, shall not thereafter be reoccupied or used except by a building and use which conforms to the regulations of the zone in which it is located.

G. CHANGE IN USE

A nonconforming building or use of land shall not be changed to another nonconforming building or use whatsoever; changes shall not be made except in conformity with the current provisions of the zoning ordinance.

Any nonconforming building or use which has been changed to a conforming building or use shall not thereafter be changed back to a nonconforming building or use.

H. NO RIGHTS GAINED BY UNPERMITTED OCCUPANCY OR USE

No nonconforming status, nor any right to occupy a building or use of a structure or parcel of land contrary to the provisions of this ordinance, shall be gained through such occupancy or use in the past when such was illegal and/or accomplished without a permit.

I. EFFECT OF AMENDMENTS

The provisions of the zoning ordinance pertaining to nonconforming buildings and uses of land also apply to buildings and land uses which hereafter become nonconforming because of an amendment to the zoning ordinance.

J. NONCONFORMING LOT OF RECORD

A nonconforming lot of record which conforms with every provision and requirement of this ordinance for a one-family dwelling, except for the required lot area and/or required lot width along the side abutting a state or county road, may be granted a building permit for a one-family dwelling notwithstanding such deficiency in lot area or width provided:

1. The lot lies in the RR-5, TR-5, CE-1, CE-2, or M&G-1 zone;
2. The lot has existed continuously on the official records of the County Clerk or Recorder as an independent parcel since before the effective date of the lot area or width provision of the zoning ordinance amendment (or the initial enactment) which rendered such lot unbuildable;
3. Every provision and requirement of this ordinance, except for said area and width requirement, is met.

1-7: BUILDINGS AND USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED

Buildings and uses of land which are not expressly permitted within a zone are hereby declared to be expressly prohibited therein [Expressio Unius Est Exclusio Alterius], except as may be permitted by action of the Legislative Body by amendment to the zoning ordinance or zoning map. Any use not expressly permitted can only become permitted through the normal petition and amendment procedures found in Sections 7-25, 7-26, and 7-27 of the zoning ordinance.

1-8: LAND USES IN AN EMERGENCY

Notwithstanding the requirements of a zone to the contrary, whenever the federal, state or county government has declared a disaster area in Utah County or a state of emergency or extreme danger, and requires a temporary use permit in relation thereto, the zoning administrator may issue such permit upon request.

1-9: EXEMPTION OF STATE AND FEDERAL PROPERTY

Properties and land owned by the State of Utah and the United States Government shall be subject to the provisions of this ordinance unless specifically exempted by State or United States law. However, any person or entity which may obtain State or United States property by purchase, lease, or other arrangement must use such property in accordance with the provisions of this ordinance.

CHAPTER 2

DEFINITIONS

2-1: INTENT

It is the intent of this section to more fully set forth the meaning of certain terms and phrases utilized within the zoning ordinance in order to facilitate understanding of said terms and phrases in the sense intended by the Legislative Body.

2-2: DEFINITIONS

A. FOREWORD

For the purpose of this ordinance, there are certain terms and phrases contained within the zoning ordinance which require specific definitions of meaning. Said definitions are hereinafter set forth.

B. LIST OF DEFINITIONS

1. Administrative Agency

The Utah County Planning Department, excluding the appointed Planning Commission.

2. Administrative Officer

The Planning Director, the Zoning Administrator, or any of their duly appointed designees.

3. Agriculture

The growing in soil of crops, and trees in the open in the customary manner. It shall not include livestock raising activities, nor shall it include retailing of products on the premises.

4. Agriculture Business

An enterprise involving agricultural products as opposed to agricultural production, including, but not limited to, greenhouses for wholesale or retail sales and food processing or packing plants.

5. Area of Deformation (Zone of Deformation)

The zone along a fault in which natural soil and rock materials are disturbed as a result of movement along the fault.

6. Area of Shallow Flooding

A location designated by the symbols AO or VO on the FIRM; it has the following characteristics: a flood depth that ranges from

one to three feet, no clearly defined channel, a path of flooding that is unpredictable and indeterminate, and some flow that may be evident.

7. Area of Special Flood Hazard

The land in the unincorporated area of Utah County subject to a one percent (1%) chance of flooding in any given year.

8. Base Flood

Means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

9. Billboard

See sign, non-accessory.

10. Boarding House (Lodging House)

A building containing not more than one kitchen where, for compensation, meals are provided pursuant to previous arrangements on a daily, weekly, or monthly basis, as distinguished from a hotel, cafe, or rooming house.

11. Building

A structure composed, at least, of wall and roof members. Garages, carports, bedrooms, and other detached structures which are situated within ten (10) feet of a residence and/or main building shall be considered as part of such building..

a. Building, Accessory.

A subordinate building, the use of which is incidental to that of the main building or another principal building on the lot.

b. Building, Main.

The largest building (by volume) on a lot. Exception: in a residential zone, main building shall always mean the largest building containing a dwelling.

c. Building Line, Setback Line.

A line describing the shortest permissible distance between the wall of a building (or outer edge of a structure other than a building) and the item from which the building or structure is required to be separated (eg. property line, road centerline, wall of a building, edge of a stream, etc.)

12. Camping

A recreational activity which involves staying overnight in the open or in a tent, trailer, camper, or other recreation vehicle.

13. Campground and Campsite Facility

A location where camping occurs which has one or more recreational vehicle pads, tent sites, or other campsites established on the premise. Also, a campground may include one or more of the following ancillary facilities: automobile parking spaces, driveways, tables, water faucets or fixtures, electrical lights or hookups, fire pits or fireplaces, playfields and outdoor recreational facilities, and restrooms or other sewage disposal facilities.

a. Minor Campground.

A campground having a composite of nine (9) or fewer recreational vehicle pads, tent sites, or other campsites. In group areas without differentiated sites, each five (5) persons shall be counted as having of one (1) campsite. The ancillary campsite facilities in a minor campground may include any of those listed above except playfields and outdoor recreational facilities.

b. Major Campground.

A campground having either ten (10) or more campsites, or playfields or other outdoor recreational features, or both.

14. Carport

A roofed-over structure which is not completely enclosed by walls and which is designed and/or used for the storage of automobiles and trailers.

15. Cemetery, Public

Shall mean a burial place for deceased humans which is owned and maintained by a cemetery district or other public agency.

16. Cemetery, Private

Shall mean a burial place for deceased humans which is maintained by a private individual, corporation, or other non-public agency.

17. Central Sewage Disposal System

A system of pipes which collects liquid waste from two or more separate and independent sources and delivers the waste to a common disposal facility.

18. Club, Private and Limited Membership Park Facility

A building and/or other structure in accordance with the properly approved plan of a facility park and an integral part of such park,

which is operated by an organized fraternal, religious, patriotic, or social association for the benefit of the members or guests. The facilities shall be recreational in nature such as, swimming pools, tennis courts, gymnasiums, ball fields, and pavilions. The facilities shall not include sleeping or living facilities, but may include ancillary administrative offices, assembly areas, parking lots, cooking and dining areas, and retail areas for the sale of goods and services consumed on the premises.

19. Common Area

An area designed to serve two (2) or more dwelling units in separate ownership or tenure with convenient access to the area.

20. Comprehensive Plan

See master plan.

21. Conditional Use

See special exception.

22. Condominium

Means the ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

23. Condominium Project

Means a real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale.

24. Condominium Unit

A separate physical part of the condominium project property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building or a time period unit, as the context may require.

25. Convalescent Home

See rest home.

26. Convenience Establishments

Establishments which are designed and intended to serve the daily or frequent trade or service needs of the surrounding residents, visitors, or vacationers. Such establishments include gasoline service stations; grocery, variety, drug, sporting goods, and camera stores; curio shops; coin-operated laundry and dry-cleaning establishments;

beauty and barber shops; and other cognate establishments or combination thereof; but such establishments do not include repair garages, automobile sales yards, wholesale establishments, and other enterprises which sell goods and services that are not used almost exclusively by surrounding residents.

27. Corral

See livestock corral.

28. County Geologist

The county employee bearing such title or his designated deputy.

29. Critical Acceleration

The minimum amount of ground acceleration during seismically induced ground movement required to induce liquefaction or other forms of ground disruption.

30. Critical Angle of Repose

The maximum slope or angle at which material such as soil or loose rock remain stable.

31. Critical Facilities

Communication, utility and transportation lines (including their appurtenant structures which are essential to make the system function, such as switching stations, transformers and monitoring gauge houses); emergency facilities such as fire stations, police stations, ambulance facilities, and hospitals; unique or large structures whose failure might be catastrophic, such as dams holding over ten (10) acre feet of water, petroleum refineries, and buildings where explosive, toxic or radioactive materials are manufactured, stored or handled; high occupancy buildings which are designed to accommodate 50 or more people, defined such as schools, hotels and offices.

32. Debris Flow

A mass of rock fragments, soil, and mud which, when wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris fan surface.

33. Density

The term density shall mean the number of dwelling units or sleeping rooms per acre of land.

34. Development

Development shall be construed to include any man-made change to improved or unimproved real estate, including but not limited to

buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, or landscaping.

35. Development Credit

A right or entitlement to construct a dwelling, which right or entitlement is unusable within a zone or situation, but which may be transferred and used within another zone or situation.

36. Dwelling

A building of residence or sleeping, including but not limited to, the following mutually exclusive types: conventional dwellings or mobile homes.

a. Conventional Dwelling.

A residence constructed on site, or moved on and permanently attached to the foundation or site, which meets the adopted Uniform Building, Uniform Mechanical, Utah Plumbing, and National Electrical Codes of Utah County at the time it is placed on the site.

b. Mobile Home (Manufactured Home).

A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to indicated facilities, which meets the HUD Federal construction and safety standards for mobile homes, and which contains one dwelling unit.

c. Dwelling, One-family.

A detached conventional dwelling designed for, or occupied by, one family (as distinguished from a mobile home, a two-family dwelling, etc.).

d. Dwelling, Two-family (Duplex)

A conventional dwelling containing two dwelling units.

e. Dwelling, Multiple-family.

A conventional dwelling containing three or more dwelling units.

f. Dwelling, Manor

A conventional dwelling containing two or more dwelling units (or group of conventional dwellings on one lot), wherein one dwelling unit called the primary unit houses the employer, and the other dwelling units house persons or families employed on the premises as domestics, security guards, or maintenance

persons or persons related to the occupants of the primary unit by blood, marriage, or adoption.

g. Dwelling, Caretaker's.

A dwelling which is occupied by an individual or family whose function it is to operate, manage, or protect a farm, business, or industry. Primary and secondary farm dwellings are examples of caretaker's dwellings.

h. Dwelling Unit.

A space, or a room or cluster of associated rooms in a structure, designed for living purposes (eg. containing a complete set of eating, sleeping, and toilet facilities) and which is occupied by one family (except during periods of vacancy), provided:

- (1) The room or rooms of the unit are designed so the occupants thereof must neither live with nor eat with other persons in the structure, and
- (2) independence is created by either (a) direct access from the outside or from a common hallway, or (b) kitchen or cooking facilities exist for the exclusive use of the occupants.

i. Dwelling, Vacation.

A dwelling which is designed for and occupied by (except when vacant) one family on a temporary basis, primarily during weekends, holidays, and vacation periods, but never more than 180 days in any calendar year.

37. Electric Power Transmission Lines

Cables, poles, insulators, and facilities and equipment erected for the purpose of transmitting electric energy over lines carrying 69 kv or over as contrasted with lines for the distribution of electric energy of less than 69 kv.

38. Engineering Geologist

A geologist, who through education, training, and experience is able to determine and adequately interpret the geologic factors which exist on a particular site that must be considered in the design of the buildings, fills, and other proposed uses of the land, and who can communicate his findings in a suitable fashion for use by a registered professional engineer doing the design work. This person must have at least a bachelor's degree in geology or engineering geology from an accredited university and at least three full years of experience in a responsible position in the field of engineering geology.

39. Engineering Geology

The application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are recognized and adequately interpreted in engineering practice.

40. Equipment Rental Facility

Facility for the express purpose of renting, for a fee, equipment, tools, and machinery.

41. Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.

42. Expansion to Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) for an existing manufactured home park or subdivision.

43. Facility Park

A landscaped park which, in addition to the natural and incidental structural features, also contains a building, structure, athletic field, or other form of development which is maintained as a place for the assembly of persons and/or the presentation and exhibition of cultural, athletic, and similar activities. This definition shall include, but not be limited to, golf courses, athletic fields, museums, art galleries, auditoriums, and performing art centers, but shall not include hotels, motels, campsites, or other sleeping facilities. Such parks include:

a. Public Facility Park.

A facility park owned and operated by a public agency.

b. Private Facility Park.

A facility park owned or operated by a private individual, club, or corporation.

44. Family

An individual or two or more persons related by blood, marriage, or adoption living together in a single dwelling unit and maintaining a

common household. A family may include two, but not more than two, nonrelated persons living with the residing family. The term "family" shall not be construed to mean a group of nonrelated individuals, a fraternity, club, or institutional group.

45. Family Care Home

A building containing a dwelling unit and associated group quarters wherein room, board, care, supervision and vocational and recreational training are provided by the resident family in a residential setting to not more than eight (8) persons who are handicapped, mentally ill or mentally retarded. To qualify, the home shall be approved by the Division of Community Services for such use.

46. Family Day-care Center

A building containing a dwelling unit and associated facilities wherein ordinary board, care and supervision are provided during customary daytime periods by the resident family to not more than six (6) people who are not related to such family. To qualify, the center must be approved for such use by the State Department of Social Services.

47. Farm

A business enterprise in which land is used for the production of food, feed, or fiber for sale in commercial quantities.

48. Fault

A fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other.

a. Active Fault.

A type of fault displaying evidence of displacement during Holocene time (within the previous 10,000 years).

b. Fault Trace.

The intersection of the plane of the fault with the ground surface.

c. Fault Zone.

A corridor of variable width along one or more fault traces in which the land surface has been deformed by movement along the fault.

49. Feedlot

See livestock feedyard.

50. Fence, Sight-obscuring

A fence which permits vision through not more than ten (10) percent of each square foot more than eight (8) inches above the ground.

51. Flag

A piece of cloth or other sheet of supple material that is used to display the emblem of the nation, of the state, or some other geographical location, but not advertising material.

52. Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

53. Flood Channel

A natural or artificial water course with definite bed and banks to confine and conduct flood water.

54. Flood Elevation Study

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (ie. mudflow) and/or flood-related erosion hazards.

55. Flood Insurance Rate Map or FIRM

The publication entitled "FIRM Flood Insurance Rate Map, Utah County, Utah" dated October 15, 1982, whereon the Federal Insurance Administration has delineated the areas of special flood hazards and risk premium zones in Utah County. It is an official map of the community on which the administrator has delineated both the special hazard areas and the risk premium zones applicable to the community

56. Flood Insurance Study

The official report provided by the Federal Insurance Administration entitled "Flood Insurance Study. Utah County, Utah, Unincorporated Areas" dated April 15, 1982, wherein flood profiles, a flood boundary - floodway map, and the water surface elevation of the base flood are contained. (See "Flood Elevation Study".)

57. Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

58. Floodway Map

The publication entitled "FLOODWAY Flood Boundary and Floodway Map, Utah County, Utah" dated October 15, 1982, whereon the Federal Insurance Administration has delineated the boundaries of the floodways in the unincorporated portion of Utah County.

59. Floor Area

The sum of the areas of the several floors of the building, including basements, mezzanines, and penthouses of headroom height (6 feet), measured from the exterior walls or from the centerline of walls separating buildings. The floor area does not include unoccupied features such as pipe, trenches, exterior terraces or steps, chimneys, roof overhangs, etc.

60. Floor, Lowest

The lowest floor of the lowest enclosed area, including basement.

61. Foster Care Home

A building containing a dwelling unit and associated group quarters wherein room, board, care, and a family environment are provided by the resident family to not more than six (6) minor children who are not related to such family. Such children may not include delinquent, problem, or troubled youth (see "youth group home" use), but youth placed in the home for their own protection and care. To qualify, the home must be approved for such use and operate under the supervision of the State Department of Social Services.

62. Frontage

The property line of a lot which abuts a road.

63. Garage, Private

A building or part thereof designed for the parking or temporary storage of automobiles of the occupants of the premises.

64. Grade

When related to buildings, grade shall mean the average elevation of the ground adjacent to the building; when used for streets and driveways, grade shall mean the ratio of vertical distance to horizontal distance along such a street or driveway expressed in either percentage or degree.

65. Graben

An area deformed by fault-related activity that is bounded by at least two faults, and which is down-dropped relative to the adjacent land surfaces.

66. Grazing

The act of eating herbage growing from the ground.

67. Grocery Store

A permanent retail food store which sells, primarily, food and food-related items for human use, without the requirement that the products be grown on the premises (contrast with produce stand).

68. Group Quarters

A dwelling such as a lodge, dormitory, or barracks which contains a large bedroom, several sleeping rooms, or other sleeping facilities for the use of unrelated individuals or several family units (which may or may not be related).

69. Guest

A person staying or receiving services for compensation at a hotel, motel, boarding house, rooming house, rest home, or similar use.

70. Height of Building, Average

The vertical distance from the grade to top of the building walls. Where the building walls vary in height along a side, the height of the building shall be determined by multiplying the length of each section of said wall by its height and dividing the sum derived therefrom by the total length of said wall.

71. Home Occupation

A domestic manufacturing, artistry, or service business (but not the sale of goods produced off-site) which is carried on entirely within a dwelling by persons residing therein.

72. Hotel

Any building used, rented, or hired out to be occupied on a daily, weekly, or monthly basis for sleeping purposes by guests.

73. Hunting Preserve

An area especially managed or intended for the hunting of wild game.

74. Junk Yard (Salvage Yard)

A place where scrap, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored; including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including places where salvaged materials are kept incidental to manufacturing operations conducted on the premises.

75. Kennel

Land or buildings used in the keeping of five (5) or more dogs over four (4) months old.

76. Landscaping

The application or use of some combination of planted trees, shrubs, vines, ground cover, flowers, lawns or other living plants. In addition to the essential plant items, the combination or design may include such incidental non-living features as fountains, pools, sculpture, screens, walls, fences, and benches.

77. Landscape Park

A parcel of land which is developed using an aesthetically arranged combination of trees, shrubs, ground cover, or other natural vegetative material and/or incidental structural features (i.e. fountains, reflecting pools, sculpture, play apparatus, benches, and tables) and which is maintained as a place of ornamentation and recreation.

78. Landslide

A general term for the downslope movement of a mass of soil, surficial deposits, or rock. Landslides may be rotational or translational.

79. Land Use Plan

A plan adopted and maintained by the Planning Commission which shows how the land should be used; an element of the master plan.

80. Large Scale Development

A development or subdivision which has been approved by the Planning Commission and the County Commission and which consists of several buildings and structures planned and developed under unified control as a single unit or project, including a planned unit development, a planned subdivision, a mountain home development, a recreational resort, and a mobile home park.

81. Legislative Body

Legislative Body shall mean the Board of County Commissioners of Utah County, Utah.

82. Limited Membership Facility - see club.

83. Livestock Corral

A place or pen where livestock are temporarily held on a periodic, regular basis according to a systematic livestock operation, such as a wintering corral in a transhumance operation. A livestock corral is contrasted with a pasture or a livestock feedyard.

84. Livestock Feedyard

An independent livestock operation wherein the primary operation is to feed and fatten livestock with hauled-in feed, as distinguished from a pasture wherein local feed is utilized, or a livestock corral which is normally vacant but periodically used as a holding pen for livestock of a larger operation or system.

85. Lot

Any parcel of land owned in fee, lying in a solid body, whose boundaries constitute a closure or purported closure as evidenced by the legal description of said parcel of land; or, when land is surveyed and subdivided according to an approved plat, lot shall mean a parcel of land as designated on said recorded, approved plat.

a. Lot, Corner.

A lot situated at a junction of two public streets, or situated on a curved street or way whose radius is thirty-five (35) feet or less, and where the angle formed by the intersection of the tangent is one hundred five (105) degrees or less.

b. Lot, Interior.

A lot other than a corner lot.

c. Lot of Record.

A lot designated on a subdivision plat or shown by metes and bounds, duly recorded pursuant to statute in the County Recorder's office or other official record. A lot of record may or may not coincide with a zoning lot.

d. Nonconforming Lot of Record.

A lot which does not conform to the area and/or width requirements of this ordinance for a zoning lot, but which was shown continuously on the records of the County Clerk or Recorder as an independent parcel since before the effective date of this ordinance and which did qualify for building prior to such date.

e. Lot, Zoning.

A lot occupied by a main building or use, or a group of buildings or uses, which meets all of the requirements for area, buildable area, frontage, width, yard, setback, subdivision, and all other requirements set forth in this ordinance. A lot which is a part of parcel in an unapproved and/or illegally recorded subdivision shall not qualify as a zoning lot under the terms of this definition.

86. Manufactured Home

See Dwelling, Mobile Home.

87. Marina

A boat launching and storage facility consisting, at least, of both a launching ramp and mooring dock, and may also include one or more of the items from the following limited list: dry storage sheds or yards; breakwaters; deep water channels; automobile parking areas; domestic water and sanitary facilities; ticket offices; and fishing, water sports, and marine supply sales facilities. (Contrast with Recreational Resorts, which include food sales and overnight facilities).

88. Master Plan

A coordinated plan which has been adopted by the Planning Commission for the purpose of guiding development, including all elements treating plans for land use, resources, circulation, housing, and public facilities and grounds.

89. Mobile Home

See Dwelling, Mobile Home.

90. Motel

One or more buildings containing individual sleeping rooms or dwelling units, where such rooms and units are designed for automobile tourists and transients, and where the rooms or units are used on a short-term basis (daily, weekly, or monthly). In a typical design for automobile tourists, the facilities are located adjacent to major streets and have each room or unit located close to its appurtenant parking space.

91. Mountain Home Development

A type of large-scale development designed for constructing cabins in mountain settings while protecting the fragile environment.

92. Municipality

An incorporated city or town.

93. Natural Hazard

A naturally occurring geologic condition or phenomenon that may present a potential danger to life and property. Natural hazards which are treated in the NHO Zone of this ordinance are limited to surface fault rupture, rockfall, landslides, and debris flows. Natural hazards include the above-listed conditions even though they are aggravated or induced by man.

94. New Construction

For the purposes of determining insurance rates, "new construction" means structures for which the "start of construction" commenced on or after the effective date of an initial Firm or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the community and includes any subsequent improvements to such structures.

95. Nonconforming Building

A building or portion thereof which does not conform to the regulations of this ordinance applicable to the zone in which such building is situated, but which legally existed prior to the effective date of this ordinance.

96. Nonconforming Use

A use of premises which does not conform to the regulations of this ordinance, but which was properly issued a permit prior to the enactment of this ordinance (or, if not permitted, then commenced prior to the first enactment of zoning in Utah County on November 16, 1942) and so used continuously thereafter.

97. Nursery, Plant

Buildings, land, and facilities for the cultivation of plants for subsequent replanting, including hydroponics operations.

98. Nursing Home

See rest home.

99. Office or Office Structure

A non-residential building used as a work area for professional, supervisory, clerical, or accounting personnel in conjunction with a business, manufacturing facility, or resource extraction industry.

100. Off-site

Of or pertaining to land or areas which are not included in the land, or area defined as on-site.

101. On-site

Of or pertaining to land on which a residence or other land use occurs, or land used for a large scale development.

102. Open Space

Land which is open from the ground upward and which is not covered by dwellings or other buildings, or by pavement or other impervious material.

103. Parking Space

A space not less than twenty (20) feet in length nor less than nine (9) feet in width for the parking of a mobile vehicle, exclusive of driveways and ramps.

104. Pasture

An enclosure for animals in which no feed is provided except that which the animals obtain by grazing.

105. Planned Subdivision

A type of large scale development which is planned and developed as a single entity for residential purposes in conformance with the provisions of this ordinance.

106. Planned Unit Development

A type of large scale development of clustered residences and common areas which are planned and developed in conformance with the provisions set forth in this ordinance.

107. Premises

A lot, together with buildings and structures located thereon.

108. Premises Occupation

A domestic manufacturing, artistry, or service business (but not the sale of goods produced off-site) which is carried on in an accessory building on the same lot as a residence by persons residing on the premises.

109. Produce Stand

A farm-based retail food store which sells, exclusively, fruit, vegetables, eggs, or other farm products raised on the subject lot or farm unit. It does not include the display or sale of manufactured items nor items produced elsewhere and brought to the stand for sale (Contrast with "Grocery Store").

110. Public Park Facility

A building and/or other structure in accordance with the properly approved plan of a facility park and an integral part of such park, which is operated by a governmental agency for public use. The facilities shall be recreational in nature, such as swimming pools, tennis courts, gymnasiums, ball fields, and pavilions. The facilities shall not include sleeping or living facilities, but may include

ancillary administrative offices, assembly areas, parking lots, cooking and dining areas, and retail areas for the sale of goods and services consumed on the premises.

111. Recreational Camps and Resorts

A type of development provided for, and approved under, the provisions of the superseded 1970 Revised Zoning Ordinance of Utah County, Utah, for cabins or commercial outdoor recreation establishments.

112. Recreational Resort

A type of large scale development providing accommodations for owners and guests, which include some of the following activities (but not limited to): skiing, hunting, fishing, golfing, horse-back riding, swimming, sight-seeing, dining, and lodging.

113. Recreational Vehicle

A travel trailer or other vehicular unit or structure (but not a mobile home) for temporary use as living quarters during travel, recreational or vacation periods; it is fabricated for travel on medium-duty roads and has a body size not to exceed eight (8) feet in width nor forty (40) feet in length.

114. Recreational Vehicle Court

An area or tract of land used to accommodate two or more recreation vehicles or camper units for a short period of time (less than 45 days).

115. Rest Home (Nursing Home)

A building containing group quarters wherein room, board, care, and supervision are provided to two or more persons who, because of illness, age, or physical deformity, cannot properly care for themselves. The building may also include a dwelling unit to house the supervisory personnel. To qualify, the home must be approved for such use by the Utah State Division of Health.

116. Residential Accessory Structure

A building or other structure on the same lot as a dwelling, which structure is used for the non-business, private activities of the occupants of the dwelling, including garages, carports, patios, lawn mower sheds, hobby rooms, satellite dishes, swimming pools, tennis courts, barbecue pits, flagpoles, and landscaping structural features.

117. Residential Facility For Elderly Persons

A one-family or multiple-family dwelling unit that is: (a) not operated as a business but is owned by one of the residents, by an immediate family member of one of the residents, by a charitable

organization, or by a beneficial organization (for the purposes of this definition, a facility for which the title has been placed in trust for a resident shall be considered to be owned by that resident); (b) consistent with the existing zoning of the subject location (eg. a one-family unit in a zone allowing only one-family dwellings, or a multiple-family unit in a zone which allows multiple-family dwellings); (c) occupied on a 24-hour basis by eight or fewer elderly persons in a family-type arrangement; and (d) in conformance with applicable standards of the Utah State Department of Social Services, including a license and inspections by said department. A "Residential Facility for Elderly Persons" shall not include a health facility defined by subsection 26-21-2(5) of the Utah Code Unannotated, nor shall it be deemed a business solely on the basis that a fee is charged for food, operation costs, maintenance costs, or administrative costs as long as such administrative costs do not to exceed 15% of the fees for food, operation, and maintenance costs.

118. Residential Facility for Handicapped Persons

A one-family dwelling unit or multiple-family dwelling unit consistent with the existing zoning of the desired location (eg. a one-family unit in a zone allowing only one-family dwellings, or a multiple-family unit in a zone which allows multiple-family dwellings), that is occupied on a 24-hour per day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Utah State Department of Social Services and is operated by - or operated under contract with - that department.

119. Residential Zone

Residential zone in this ordinance shall refer to the RR-5 Rural Residential Zone, the TR-5 Transitional Residential Zone, and the CE-2 Critical Environmental Zone.

120. Retail

The sale of commodities or goods in small quantities to ultimate consumers.

121. Retail Variety Store

A store retailing a diversified offering of several categories of goods. To be considered a retail variety store under this definition, a store at least must offer for sale food, dry goods, and hardware, plus two or more other categories of goods, such as: pharmaceuticals, hygienic and beauty aids, clothing, kitchen supplies, small appliances, stationery and school supplies, children's toys, craft and decorative items, photographic supplies, sporting goods, automobile parts and accessories. To be classified as a "variety" store, the items shall be distributed relatively evenly among the various categories of goods, and no category other than food may constitute more than 40% of the stock present in the store.

122. Road, Public

A road which is designated for public travel or is in public ownership as follows:

a. County Road (Public Street).

A road on the county system as designated on the Official Map of Utah County.

b. Interstate Road.

A limited access road on the state system, funded in part by federal highway funds, and so designated by symbols (such as I-15) on the Official Map of Utah County.

c. Municipal Road.

A road on the official road system of an incorporated city or town.

d. Public Way.

A road not formally adopted and placed on the interstate, state, county, or municipal road systems, but which the public has gained the right to travel through non-closure under Section 27-12-89 of the Utah Code Annotated 1953, or deed, or other action by private parties.

e. State Road (Public Street).

A road on the state system and so designated by symbols (such as U-147 or US-50) on the Official Map of Utah County.

f. Agency Road.

A road on land owned by a federal, state, county, or other public agency which is not on an interstate, state, county, or municipal road system and which may or may not be open to public travel.

123. Road, Private

A road in private or public agency ownership over which access is or can be denied to the public; a non-public road.

124. Rockfall

The gravity-induced drop of a newly detached segment of bedrock or perched rock of any size from a cliff, steep slope, cave or arch.

125. Roping and Riding Arena

An animal enclosure within a farm structure or in the open, for the purpose of carrying out activities related to the training of horses, riding schools, and other equestrian skills, but not including any use for commercial entertainment.

126. Salvage Yard

See junk yard.

127. Sanitary Landfill

See Waste Disposal Site.

128. School

An educational institution accredited by the State of Utah as a primary or secondary school; a preschool; or a correctional school.

a. Correctional School.

An institution with either 24 hour or daytime only facilities for both instruction and custody of its charges. This definition shall not apply to the usual activities of a family in its residence nor youth group homes, family care homes, foster care homes, and family day care centers.

b. Preschools.

(1) Private. A school or place of instruction which has three or more children who (a) are under the age of six; (b) receive instruction from a teacher licensed to practice in the State of Utah; and (c) attend the school less than four hours per day. This definition shall not apply to the usual activities of a family in its residence.

(2) Public. A preschool or place of instruction that is an approved program by a state or federal agency or a local school district.

c. Primary School.

A school accredited by the State of Utah as a primary school for grades kindergarten through grade six (6).

d. Secondary School.

A school accredited by the State of Utah as a secondary school for grades seven (7) through twelve (12).

129. Seasonal Home Development

A type of development previously authorized under now-revoked zoning provisions, which was approved for the purpose of providing sites for vacation dwellings for temporary use by families which

have permanent residences elsewhere and which occupy the dwelling intermittently, primarily during weekends or vacation periods not in excess of 180 days in any calendar year; the development was not prepared to receive the normal governmental services (school bus service, mail service, snow removal, etc.) that are customary for permanent residences.

130. Section

A division of this, the Utah County Zoning Ordinance.

131. Seiche

Oscillation of a lake, reservoir, or other inland body of water, in response to earthquake ground shaking.

132. Septic Tank

A water-tight underground cistern and the attached underground drain pipes used to dispose of sewage into the soil.

133. Septic Tank Drainfield

The plot of land in which drain lines of a septic tank are located.

134. Setback

The width of unobstructed yard space between a specific reference point (such as a property line, road right-of-way line, building, or watercourse) and the closest point on the nearest building or structure.

a. Front Setback.

The setback from the property line that abuts a road. Where the lot abuts two or more roads or does not abut any road, the front setback shall be the distance to the nearest property line from the wall of the building that has the primary entrance.

b. Rear Setback.

The setback on the opposite side of the lot from the front setback. It is measured on a line running parallel to the line used to measure the front setback and constitutes the shortest such parallel between the rear of the building and the nearest property line.

c. Side Setback.

A setback measured perpendicularly to the front setback line which determines the shortest distance from the edge of the structure to the nearest property line.

135. Sign

Any medium, including its structure, symbols, and other component parts, which is used or intended to be used to attract attention to the subject thereon.

a. Sign, Accessory.

A sign which is located on the premises and which directs attention to a business or profession which is conducted on the premises.

b. Sign, Area of.

The area of a sign shall be considered to include all lettering, working and accompanying designs or symbols together with any background material or free-standing supports; where a sign consists of individual letters attached to or painted on a building, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle which encompasses all the letters or symbols.

c. Sign, Non-accessory (Billboard).

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises, and only incidentally on the premises, if at all.

d. Sign, Free-standing.

A sign which is not attached to or part of a building.

e. Sign, Pennant.

A banner of cloth or other supple sheeting which contains advertising words or symbols.

f. Sign, Temporary.

A sign which is left standing for a total of 180 days or less during any calendar year.

136. Slaughterhouse

An animal processing plant where cattle or other livestock are killed preparatory to butchering and consumption.

137. Sleeping Room

A room or specific space for sleeping and living quarters which lacks cooking facilities. In a suite of interconnected bedrooms, each room with sleeping accommodations shall be counted as one "sleeping room". In a large bedroom, lodge, barracks, or other quarters

having accommodations for more than five (5) persons, the space for each five persons shall be counted as one "sleeping room".

138. Slope

The average grade of the surface of land expressed in either percentage or in degrees.

139. Solid Waste Disposal Site

See waste disposal site.

140. Special Exception (Conditional Use)

A use specifically allowed in a zone that requires prior approval by the Planning Commission or Board of Adjustment before the Zoning Administrator may issue a permit therefor. Such uses generally fit the stated intent and purpose set forth for a zone but require individual consideration of the circumstances surrounding the site to determine if the use is appropriate for the specific site and to set conditions on the layout and method of operation to make the use match its setting.

141. Stockyards

See livestock feedyard.

142. Story

That portion of a building included between the surface of a floor and the ceiling next above it.

143. Street

A road passable to four-wheeled, front- or rear-wheel-drive automobiles.

a. Street, Major.

A road designated on the Utah County Master Plan as a collection, arterial, or other principal thoroughfare, as distinguished from a minor street.

b. Street, Minor (Local Street).

Any dedicated street which provides access to property, which street is not shown on the master plan as a major street.

c. Street, Public.

A state or county road (see definitions for State Road and County Road).

144. Street, Local

See Street, Minor.

145. Structure

That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

"Structure" for FEMA flood plain management purposes includes any walled and roofed building, a gas or liquid storage tank, and a manufactured home. "Structure" for FEMA insurance coverage purposes means a walled and roofed building (other than a gas or liquid storage tank) that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation; for the latter purpose, the term structure includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials are within an enclosed building on the premises.

146. Subdivision

a. A subdivision is a tract, lot, or parcel of land which has been divided into three or more lots, plat, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes or of commercial, manufacturing, or industrial land for commercial, manufacturing, or industrial purposes. Nor shall this definition apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the County Recorder.

b. The terms of the definition of a subdivision which are given at "a" above shall be interpreted to apply to the subject land and not to the owner thereof ("shall run with the land"), and subsequent owners of any parcel shall not each be entitled to make a division of land without creating a subdivision as defined therein.

147. Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

148. Substantial Improvement

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual

repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or, (2) any alterations of a "historic structure", provided that the structure continues to be designated as a "historic structure" following the improvement.

149. Travel Trailer

A non-motorized, vehicular portable structure built on a chassis for temporary use as living quarters during travel or vacation periods; it is fabricated for towing on medium-duty roads and has a body size not to exceed eight (8) feet in width and forty (40) feet in length.

150. Unnecessary Hardship

A general restriction placed upon a lot with respect to setback or area where, by reason of exceptional narrowness, shallowness, shape, or topography of such lot, a literal enforcement of the general restrictions would result in an unfairness to the owner compared to the owners of other lots in the same zone and which literal enforcement would be unnecessary in order to achieve the intent of the zone.

151. Variance

An authorization by the Board of Adjustment of a modification of a zone's requirement for height, bulk, area, width, setback, separation, or other numerical or quantitative requirement; as distinguished from a special exception (conditional use), or the allowing of a use not listed as permitted in a zone, or any other change in zoning requirements.

152. Vehicle

An automobile, trailer, boat or other device in which a person or thing is (or has been or may be, according to the context) transported from one place to another along the ground, through the air, and/or over the water.

153. Vehicle, Obsolete

A used vehicle that is unlicensable and/or not in running order.

154. Waste Disposal Site (Solid Waste Disposal Site or Sanitary Landfill)

A garbage dump, recycling center, or land fill operation utilizing solid wastes which meets all Health Department standards for approval.

155. Water Transmission Line

A pipe, ditch, canal, aqueduct or other conduit used or designed to be used to carry water to a particular place; not a natural watercourse.

156. Width of Lot

A measurement of the distance between side property lines.

157. Yard

The space on the same lot with a structure which is unobstructed from the ground upward except for landscaping.

a. Yard, Front, Rear, or Side.

The yard corresponding to the front, rear, or side setback.

b. Yard, Required.

The area surrounding a building, structure, or use which is required to be left as unobstructed yard space by the terms of this ordinance.

158. Youth Group Home

A building containing a dwelling unit and associated group quarters wherein room, board, care, and supervised custody are provided by the resident family to not more than twelve (12) minor children who are not related to such family. Such children may include delinquent, problem, or troubled youth (contrast with "foster care home" use), and the custodial program may include rehabilitative measures (but not correctional or punitive programs - see "correctional institutions" and "correctional schools"). To qualify, the home must be approved for such use by the State Department of Social Services.

159. Zone

The abbreviations for the zones used in this ordinance shall have the following meanings: A-1 is the A-1 Agricultural Zone, RR-5 is the RR-5 Rural Residential Zone; TR-5 is the TR-5 Transitional Residential Zone; CE-1 is the CE-1 Critical Environmental Zone, CE-2 is the CE-2 Critical Environmental Zone, M&G-1 is the M&G-1 Mining and Grazing Zone; NC-1 is the NC-1 Neighborhood Commercial Zone; HS-1 is the HS-1 Highway Service Zone; I-1 is the I-1 Industrial Zone; FPO is the FPO Flood Plain Overlay Zone, and NHO is the NHO Natural Hazards Overlay Zone.

160. Zone of Deformation

See area of deformation.

CHAPTER 3
SUPPLEMENTARY REQUIREMENTS AND
PROCEDURES APPLICABLE WITHIN ZONES

Part 1. General

3-1: INTENT

The intent of this chapter is to accumulate, under one heading, regulations which apply to two or more sections or zones rather than to repeat them several times. Generally, it is not the intent of this section to specify uses allowed within a zone but to set forth supplementary and qualifying conditions which must be complied with in connection with such uses.

3-2: YARD SPACE FOR ONE BUILDING ONLY

No required yard or other open space around an existing building which is needed to comply with the provisions of this ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot where a building is to be erected or constructed.

3-3: YARDS TO BE UNOBSTRUCTED. EXCEPTIONS

Every part of a required yard shall be open to the sky and unobstructed from the ground upward for the entire breadth of the required setback distance except for landscaping and unwallled roof extensions, provided: no roof may extend more than two (2) feet into the required yard, and no more than ten percent (10%) of the area of the required yard may be covered by such roof extensions or structural landscaping features. Also excepted are canopies over gasoline pumps in the NC-1 and HS-1 zones, which may be as close as ten (10) feet to a property line.

3-4: STORAGE OF JUNK AND DEBRIS IN YARDS PROHIBITED

No yard or other open space shall be used for the storage of junk, debris, or obsolete vehicles; and no land shall be used for such purposes, except in specifically approved salvage yards or wrecking yards in the I-1 Industrial Zone.

3-5: ADJACENT LOTS IN THE SAME OWNERSHIP

Where two or more adjacent parcels of land are owned by the same person or entity, the land included in the parcels may be considered to be one lot for the purpose of meeting the requirements of this ordinance for a building lot, provided the owner(s) records a Declaration of Zoning Lot with the County Recorder which describes the subject parcels and which covenants that none of the territory described therein will be alienated from the appurtenant building nor used to qualify for some other building or use unless a smaller lot size is permitted by a subsequent change in the zoning ordinance. "Adjacent" shall mean touching along a common side, or so close in proximity as to be separated only by a road, canal, railroad track, or other narrow thread of land.

3-6: TRANSFER OF REQUIRED YARD SPACE PROHIBITED

In order to commence or continue any use of a parcel of land, no portion of such parcel may be transferred, sold, bequeathed, or leased apart from the balance thereof, if it is needed to meet a setback, yard, area, width, frontage, coverage, access, open space, or other requirement of this ordinance for the use. Further, in any residential zone, no portion of a parcel of land shall be transferred or sold if the result is a lot or fractional piece thereof which does not comply with all of the requirements of this ordinance for a dwelling site.

3-7: DWELLING SITE REQUIREMENTS

No lot or parcel of land, nor portion thereof, shall be used as a dwelling site which does not qualify as a zoning lot and meet the area, frontage, width, use, and all other requirements of the zone in which it is located; furthermore, such lot shall meet the other requirements of the Supplementary Regulations (Chapter 3) and the Large Scale Developments (Chapter 6) of the zoning ordinance which apply to dwellings.

3-8: ACCESSORY BUILDING PROHIBITED AS LIVING QUARTERS

Living and sleeping quarters shall not be permitted in any accessory building.

3-9: ONE DWELLING PER LOT

Only one building which contains a dwelling shall be located and maintained on a lot as defined in this ordinance, except for manor dwellings approved according to the provisions of Section 3-36 of this ordinance and dwelling units at a rate of one per site on planned unit development, planned subdivision, mountain home development, recreational resort, or mobile home park dwelling sites platted according to the provisions of Sections 6-1 through 6-6 of this ordinance.

3-10: FRONTAGE ON AN APPROVED PUBLIC STREET REQUIRED, EXCEPTIONS

The frontage of each lot used as a site for a dwelling, commercial establishment, manned industrial plant, or other facility occupied by humans, shall abut on an official state road or county road from which point such building or facility gains vehicular and pedestrian access, except:

- A. In large-scale developments where the lots abut on the platted roads of the development; in noncommercial campgrounds and campsite facilities where access has been provided according to the terms of Section 3-32 of this ordinance; or in retail business establishments which front on a parking area which, in turn, abuts a public street; or
- B. Where the Board of Adjustment grants a special exception to the ordinance to waive the frontage and access requirements for a dwelling site after finding that all of the following conditions apply:
 - 1. The lot used for a dwelling site lies entirely within the CE-1 Critical Environmental Zone, the CE-2 Critical Environmental Zone, or the M&G-1 Mining and Grazing Zone;

2. The lot used for a dwelling site has an area of at least 50 acres (this cannot be varied);
3. The principal use of the lot used as a dwelling site will be a farm for:
 - a. The production of fruits and crops in the field,
 - b. The care and keeping of domestic livestock and/or fowl;
4. The lot used as a dwelling site has produced, in each of the five years immediately prior to the hearing before the Board, a gross minimum of one thousand dollars (\$1,000.00) in farm production (namely, fruits, row crops, livestock, fowl, eggs or dairy products);
5. The principal purpose of the dwelling shall be to house a caretaker whose function is to operate and protect the subject farm, and the dwelling shall be clearly necessary for the continued successful operation of such farm;
6. The access to the dwelling site from the nearest state or county road is guaranteed by recorded surface easements with intervening property owners;
7. The privacy of the above-mentioned access to the dwelling site will be secured by a locked gate so that the easement will not revert to public responsibility through public use;
8. The subject farm business shall maintain the access road so that it is completely passable to passenger cars and emergency vehicles.

3-11: MOTOR VEHICLE ACCESS

Access to all lots and parcels of land having frontage on a public street shall be controlled as follows.

- A. Access shall be by not more than two driveways from any one street.
- B. Driveways shall be not closer to each other than twenty (20) feet unless a greater distance is required elsewhere in this ordinance.
- C. Each driveway shall be not more than thirty (30) feet in width in any commercial or industrial zone measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii. In residential zones, driveways shall be not more than twenty (20) feet in width except when approved for large scale developments.
- D. On corner lots, no driveway shall be closer than fifty (50) feet to the point of intersection of the lot lines at the corner of the intersecting streets.
- E. Where a driveway or other access point intersects the street, no fence, wall, berm, plant or other item which is taller than three (3) feet above grade and which blocks more than 20 percent of the plane of vision.

shall be placed on the property in the area described as a semicircle which focuses on such intersection point and which has a radius equal to the required setback for buildings in the zone.

3-12: EFFECT OF STREET PLAN

Wherever a front, side, or rear yard is required for a building, which building abuts on a proposed street designated on the Official Map of Utah County, the depth of such yard shall be measured from the planned street lines. This provision shall not negate Section 3-16 of this ordinance but shall be considered an additional requirement where applicable.

3-13: STORAGE OF TRUCKS IN RESIDENTIAL ZONES PROHIBITED

The parking or other outdoor storage of all trucks having a rated capacity of one and one-half (1 1/2) tons or more; construction equipment, such as backhoes, loaders, graders, cement mixers, etc.; groups of two or more busses; or fleets of three or more commercial vehicles (eg. bearing the logo or advertising of a business) is prohibited in any residential zone except: incidental maintenance and delivery service vehicles during their period of service, and construction trucks and equipment at a construction yard licensed under Subsection 3-42-B-3 of this ordinance or a construction site having a current building permit.

3-14: OFF-STREET PARKING AND LOADING

The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles.

A. NUMBER OF SPACES

The following required off-street parking spaces for the particular use are minimum requirements.

1. Residential structures shall have parking spaces per dwelling unit as follows (except in recreational resorts where Subsection 6-5-F-14 applies):
 - a. One-family dwelling or mobile home--two spaces ;
 - b. Two-family dwellings--two spaces per dwelling unit;
 - c. Multiple-family dwellings--one and one-half (1 1/2) spaces per dwelling unit;
 - d. All other--two spaces.

As a means of encouraging the occupants of multiple dwellings to use the required off-street parking space in preference to on-street parking space, entrances to buildings containing multiple dwellings shall be provided in locations that are as direct and convenient to the required off-street parking spaces as are the fronting streets.

2. Hospitals shall have one (1) visitor parking space per two (2) patient beds, plus one (1) parking space for each employee at work in the hospital during daylight hours.
3. Convalescent, nursing, and other institutions shall have one (1) visitor parking space per five (5) patient beds, plus one (1) parking space for each employee at work in the home during daylight hours.
4. Motels shall have one (1) parking space per room or suite, plus one (1) parking space for each employee at work on the premises during daylight hours.
5. Private clubs and lodge halls shall have one (1) parking space per two (2) persons based on the design capacity of the facility.
6. Commercial recreation uses shall have one (1) parking space per two (2) patrons, based on the design capacity of the facility.
7. Churches shall have one (1) parking space per three (3) seating spaces in the main assembly room.
8. Theaters, auditoriums, sport arenas, and places of assembly shall have one (1) parking space per two (2) people based on the design of the structure.
9. Mortuaries or funeral parlors shall have thirty (30) parking spaces or one (1) space for each twenty-five (25) square feet of floor space in all assembly rooms, whichever is greater.
10. Medical clinics shall have four (4) parking spaces per staff doctor plus one (1) parking space for each non-doctor employee at work on the premises during daylight hours.
11. Restaurants, taverns, and lounges shall have one (1) parking space per two hundred (200) square feet of floor area.
12. Banks, professional offices, and other business buildings not specifically mentioned elsewhere in this subsection shall have one (1) parking space per two hundred (200) square feet of office floor area.
13. Government buildings shall have one (1) parking space per each employee plus one (1) space for each two hundred (200) square feet of floor area in the building.
14. Retail stores and personal service shops shall have parking space at the rate of five and one-half (5 1/2) spaces per one thousand (1,000) square feet of floor area.
15. Drive-in eating places shall have at least twelve (12) off-street parking spaces and sufficient additional parking so that no patron will be served in vehicles parked on public streets.

16. Industrial, manufacturing, and wholesale establishments shall have one (1) parking space per two (2) employees based on the largest shift.
17. Church or cooperative farms shall have off-street parking space provided for one hundred (100) automobiles, unless the owners can show that a smaller number is more appropriate.
18. Produce stand shall have five (5) spaces.
19. Uses not mentioned--the required off-street parking for any building, structure, or use of land of a type which is not listed in this part shall be determined by the Board of Adjustment as a special exception according to the provisions of Section 7-21 of this ordinance. The Board of Adjustment shall be guided by comparison with the requirements for similar uses which are listed.

B. LOCATION AND CONTROL OF PARKING FACILITIES

The off-street parking facilities required by this ordinance shall be located on the same lot or parcel of land as the use they are intended to serve, except that in cases of practical difficulty for uses other than dwellings, the Board of Adjustment may approve a substitute location which meets the following conditions as a special exception to this ordinance.

1. All or part of substitute locations must be on an adjacent lot, or within two hundred (200) feet from the main use measured along or across a public street.
2. The substitute lot must be in the same possession as the use it is intended to serve and must be maintained as long as the use or structure exists. Such possession may be by deed or long-term lease and should run concurrently with the building or use. Where one or more parcels or tracts of land are not a part of the plot on which the principle use is situated, the applicant for a permit for the principle use shall submit with his application for a building permit an instrument duly executed and acknowledged which subjects said parcels or tracts of land to parking uses in connection with the principle use for which it is made available.

The applicant shall deposit the necessary recording fee; and, upon the issuance of a building permit, the Zoning Administrator shall cause said instrument to be recorded in the office of the County Recorder.

3. No more than thirty percent (30%) of the area contained within a required front yard or side yard adjacent to a street in any residential zone may be used for the parking of automobiles.

C. COMPUTATION OF REQUIRED PARKING SPACES

For the purpose of computing off-street parking spaces which are required by this ordinance, the following rules shall apply.

1. Floor area shall mean gross floor area, unless otherwise specified.
2. In stadiums, sports arenas, churches, and other places of assembly in which benches or pews are used in place of seats, each eighteen (18) inches of length of such benches or pews shall be counted as (1) seat.

D. COMBINED PARKING AREAS

The required off-street parking and loading facilities may be provided collectively for two (2) or more buildings or uses, provided that the total number of parking spaces shall not be less than the sum of the requirements for each of the individual uses.

E. MIXED USES

In the event that two (2) or more uses occupy the same zoning lot, or parcel of land, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately.

F. ACCESS TO PARKING FACILITIES

1. Access driveways shall be provided for ingress and egress from all parking and loading facilities. Each parking and loading space shall be easily accessible to the intended user.
2. Forward travel to and from parking facilities from a dedicated street or alley shall be required for all uses, except for parking which has been provided in connection with one and two-family dwellings. The parking area shall be adequate to facilitate the turning of vehicles to permit forward travel upon entering a street.
3. Access to all off-street parking facilities shall be designed in a manner which will not interfere with the movements of vehicular and pedestrian traffic.

G. CIRCULATION WITHIN A PARKING AREA

Circulation within a parking area shall comply with the following requirements.

1. Parking area with more than one (1) aisle must be so arranged that a car need not enter the street to reach another aisle within the same parking area.
2. Directional signs shall be required to differentiate between entrance and exit access points to the street.

H. LOCATION OF PARKING FACILITIES RESTRICTED

Parking and loading facilities may be located any place on the premises except for areas that are required to be landscaped. Off-street parking space which is required in connection with a use shall be construed to be part of that use and shall not be located within a zone unless expressly permitted therein.

I. LIGHTING OF PARKING AREAS

Any lighting used to illuminate off-street parking facilities shall be so arranged as to reflect the light away from the adjoining premises in any residential zone.

J. CONTINUING OBLIGATION

The required off-street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading facilities without providing other vehicle parking or loading area which meets the requirements of this ordinance.

K. PLOT PLAN APPROVAL REQUIRED

At the time a building permit is requested for any building or structure, or at the time the use of land is changed which requires additional off-street parking space, a plot plan shall be submitted showing the location and layout of such required space along with access aisles, roadways, curbs, and curb cuts. The Zoning Administrator shall not approve such plans if he finds that the required spaces are not usable for standard-sized automobiles or do not comply with the requirements for off-street parking as set forth in this ordinance.

L. LANDSCAPING REQUIRED SURROUNDING OFF-STREET PARKING SPACE

To prevent unsightliness, on-site flooding, and to protect the safety of pedestrians, all off-street parking lots in residential zones for five or more vehicles shall be bordered by a curb and hedge as directed by the Zoning Administrator. A landscape strip at least three (3) feet in width may be substituted in lieu of a hedge.

3-15: OFF-STREET LOADING SPACE REQUIRED

For every building having a gross floor area of five thousand (5,000) square feet or more to which goods, materials, merchandise, or supplies are received or distributed by vehicle, there shall be provided at least one (1) off-street loading space. One (1) additional loading space shall also be provided for each additional twenty thousand (20,000) square feet of gross floor area of such building or for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater. Each required off-street loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

3-16: SETBACKS FROM HIGHWAYS

The required distance for which buildings and structures, other than fences, landscape features, and public facilities which meet the standards of Sections 3-20, 3-21 and 3-47 of this ordinance, shall be setback from public streets is at least:

- A. Fifty (50) feet from the nearest platted right-of way line of a state road where the state ownership has been recorded with the Utah County Recorder;
- B. One hundred (100) feet from the center line of a state road if the right-of-way ownership is not recorded.
- C. One hundred (100) feet from the center line of any county road adopted as an "arterial" street in the circulation plan of the "Utah County Master Plan 1980" (or 50 feet from the right-of-way line, whichever is greater);
- D. Sixty-three (63) feet from the center line of any county road adopted as a "collector" street in said plan (or 30 feet from the right-of-way line, whichever is greater); and
- E. Fifty-eight (58) from the center line of all other county roads (or 30 feet from the right-of-way line, whichever is greater).

3-17: ADDITIONAL HEIGHT ALLOWED FOR GOVERNMENTAL BUILDINGS

Buildings of a governmental agency may be erected to any height provided the building is set back from required building setback lines a distance of at least one (1) foot for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located.

3-18: ADDITIONAL SETBACKS FOR LARGE BUILDINGS REQUIRED

Side setbacks for large buildings in residential zones shall not be less than the length of the building wall measured horizontally along the side yard, added to twice the average height and divided by ten (10), except that no dwelling shall be set back less than the minimum distance required in the zone.

3-19: LOCATION OF BARN AND ANIMAL PENS

No barn, feedyard, corral, pen, or coop shall be constructed closer than one hundred (100) feet to an existing dwelling or vice versa. No barn, corral, pen, or coop shall be constructed or maintained closer than twenty (20) feet to any open waterway that drains into a natural stream. Surface drainage from corrals, pens, or coops shall not be permitted to drain into a waterway that drains into natural streams.

3-20: FENCES AND WALLS

- A. Notwithstanding the setback, yard, and height requirements for structures otherwise stated in the zoning ordinance, fences, walls, hedges, berms, and other unroofed landscaping appurtenances may be located on the property line or in the yard between the building setback line and the property line provided:

1. The maximum height above natural grade for a sight-obscuring fence, wall, hedge, berm, or similar unroofed landscape feature is:
 - a. Three (3) feet where such fence or other feature is located between a public street and the setback line required for dwellings and other structures, or
 - b. Eight (8) feet where such fence or other feature is located farther from a public street than the distance of the setback line for dwellings and other structures;
2. The maximum height above natural grade for a wire fence which is not sight-obscuring is eight (8) feet.

Otherwise, all such landscape appurtenances shall meet the setback, yard, and height requirements for structures in the zone in which they are located.

- B. In all zones, fences and/or walls adjacent to county roads, as designated by the Official Map of Utah County, Utah, shall be set back at least a minimum of half the required right-of-way width from the centerline of the road.

3-21: LANDSCAPING

A. PURPOSE

The purposes of the landscaping requirements of this ordinance are to enhance, conserve and stabilize property values by preventing wind and water erosion, creating an environment which discourages the accumulation of rubbish and litter, and providing an attractive neighborhood. Further, where required, the landscaping is necessary to contribute to the relief of heat, noise, and glare through the proper placement of trees and other vegetation.

B. PREREQUISITE

Where landscaping is required, it shall be placed and maintained according to the approved plan as a prerequisite to further use of the lot.

C. NONCONFORMING STATUS

Landscaping shall be deemed a substantive rather than a procedural requirement, such that any use of property on the effective date of this section which is nonconforming only as to landscaping may be continued in the same manner as if the landscaping were conforming.

D. PLOT PLAN

Where landscaping is required, a plot plan of the plantings and non-vegetative landscape features, irrigation facilities, and other uses of the lot shall be submitted at the time application is made for the primary use of the lot. The plan must be of sufficient scale and detail to

determine that the purposes and requirements of this section are being met.

E. COVERAGE AND SCREENING

Coverage of the ground in landscaped areas shall be at least eighty-five percent (85%) by plant materials and waterways, when viewed from above, so that impervious landscaping features such as walkways and statuary do not impair runoff. Where screening is required, a five (5) foot tall or taller row of evergreen shrubs that are spaced to occlude vision shall constitute sufficient screening, unless a greater height is required by the Board of Adjustment as a condition of approval in granting a special exception or variance.

F. MAINTENANCE

Required landscaping shall be maintained in a clean, orderly, healthful condition. Such shall include proper irrigation, pruning, mowing, weed removal, pest control, and replacement of dead plantings.

3-22: HEALTH DEPARTMENT APPROVAL, WATER AND SEWER

No residence, camp, resort, commercial establishment, or manned industrial plant shall be used or occupied, nor a permit issued therefor, until a potable water supply facility and sanitary sewage disposal facility have been installed with the approval of the City-County Health Department as meeting county standards; further, before a building permit shall be issued, plans showing the proposed water and sewage facilities shall first be approved by said Health Department.

3-23: POLLUTION PREVENTION

Any use shall be prohibited which emits or discharges gasses, fumes, or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board, the State Board of Health, or such appropriate body as may be appointed by the Board of County Commissioners. Any use shall also be prohibited which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering any water or drainage system in amounts exceeding the standards prescribed by the Committee on Water Pollution, or its successor agency.

3-24: WATERSHED POLLUTION PREVENTION

All development that involves domestic sewage disposal, which development is to be constructed on watersheds from which municipal water supplies are derived, shall be referred to the particular municipality or municipalities concerned as provided for in Title 10-8-15 and 10-13-14, Utah Code Annotated 1953, as amended.

3-25: DRAINAGE

Surface water shall not be allowed to drain onto adjacent lots except for natural conditions where the activities of man have not altered the flow and percolation of water.

3-26: FLOOD PROTECTION

In all zones other than the Flood Plain Overlay Zone, the following regulations shall apply.

- A. No dwelling or other building used for human habitation shall be constructed within one hundred (100) feet from the banks of a stream, gully, or other flood channel, except after a permit therefor has been authorized by the ordinance and issued by the Zoning Administrator. The Board of Adjustment shall not authorize a permit therefor unless it can be shown that adequate measures will be taken to protect both the building and other property, which may be affected by the construction of said building, from damage due to floods.
- B. No use or structure (except flood control works or irrigation diversion dams) shall be permitted in any flood channel if such use or structure will adversely affect normal flow, will increase flooding of land above or below the property, will increase erosion within or adjoining the flood channel, will cause diversion of flood waters in a manner more likely to create damage than does flow in a normal course, will increase peak flows or velocities in a manner likely to add to property damage or hazards to life, or will increase amounts of damaging materials (including those likely to be injurious to health) which might be carried downstream in floods.

3-27: EXPOSED SLOPES TO BE LESS THAN THE CRITICAL ANGLE OF REPOSE

No cut or fill slope that is created as a part of the constructing of any roadway leading to an electric transmission tower, street, road, driveway, railroad bed, or construction way of a water or gas transmission line, or similar travel or access way, whether publicly or privately owned, shall exceed the critical angle of repose unless a special exception is granted by the Board of Adjustment according to the terms of Section 7-21 of this ordinance. Such special exception shall not be given until the owners can show that they have adopted all practical measures to reduce the slopes to less than the critical angle of repose by selecting an alternate location, by planting the slopes with vegetative material, by covering the slopes with burlap, wire mesh, or other material which will have the effect of preventing the soil from moving under the force of gravity until vegetative material becomes established. Where terrain leading to an electric transmission tower will not permit the installation of such tower without the slopes of construction roads exceeding the critical angle of repose, air transport or other methods must be used in lieu of such construction roads.

3-28: OPEN PIT EXTRACTION OF EARTH PRODUCTS

A. INTENT

The intent and purpose of this section is to provide for the extraction of earth products using surface mining methods while protecting the rights of neighboring property owners and while protecting public facilities, such as roads, from unusual wear or damage.

B. SCOPE

The provisions of this section shall apply to all sites where sand, gravel, clay, topsoil, or rock will be extracted by an open pit method, provided,

however, sites having a valid, current permit at the time of passage of this ordinance shall be completed according to the terms of such permit and any bonding agreements appurtenant thereto.

C. CONDITIONS

The Zoning Administrator shall issue a permit for open pit operations only when all of the following are met:

1. The site lies in a zone where the extraction of the sand, gravel, clay, topsoil or rock by open pit methods is a permitted use, or it has been granted a special exception for such use by the Board of Adjustment in a zone where such special exceptions are permitted;
2. The applicant shall present a site plan that shows the topography, utilities, roads and structures on the site at both the pre-permit stage and the stage after completing the excavation and rehabilitation of the pit.
3. The operable portion of the pit or site of extraction shall be an area no larger than seven (7) acres at any one time. The pit, or portions of it, shall be closed, rehabilitated, and approved by the zoning administrator as meeting the standards of this ordinance before further areas are excavated.
Exception: in the M&G-1 and I-1 Zones, the Board of Adjustment may approve as a special exception to this ordinance, according to the provisions of Section 7-21 of this ordinance, an area larger than 7 acres if it finds that there will be no derogation of the neighboring property values nor diminishment of the usefulness of neighboring lands.
4. The standards for rehabilitation of the site shall be: (a) the site shall be smoothed and evenly contoured; (b) no undrained depression, pond, or intermittant lake shall exist on the floor of the rehabilitated site; (c) no slope shall be steeper than the critical angle of repose (eg. 33 degrees for gravel deposits); (d) all areas shall be covered with a one-inch or thicker layer of topsoil and reseeded with plant material having a sufficient concentration to screen at least 25% of the exposed surface from view.
5. Dust generated in the extraction and processing of the earth products shall be kept under control by the operator and contained on-site by paving main roads in the pit, wetting extraction areas and loaded trucks, placing birms or landscape screening for protection from the prevailing winds and other suitable measures.
6. All cuts and fills shall be set back from the property boundary or approved extraction site a distance of at least five (5) feet.
7. The applicant shall present an off-site plan of any local public streets which loaded trucks will use in gaining access to state highways and arterial streets. The pit operator shall be liable for any severe damage his operation causes to such local roads.

8. The pit and/or extraction operation does not constitute a nuisance as determined according to chapter 12 [Nuisances] of the Utah County Code.

D. BOND

1. A cash or surety bond in the amount set by the Legislative Body, but not less than \$1600 per acre, shall be posted by the applicant to guarantee compliance with this section and the nuisance provisions of the Utah County Code.
2. The bond shall be accompanied by an agreement between the county and the applicant (plus the property owner if the latter is not also the applicant) wherein the county agrees to return the bond at the completion of excavation if the standards of this section have been met, and the applicant and property owner agree that the bond shall be forfeited in the event of noncompliance and permit the county to enter the property to close and rehabilitate the pit.
3. Such bond shall be forfeited if rehabilitation has not been completed within one (1) year of cessation of operations in the pit. The "trigger" for such forfeiture shall be any 365-day unit of time in which no material is extracted, or when there is no current business license in effect, or when there is no current zoning compliance permit in effect.
4. Notwithstanding the forfeiture of the bond, the applicant shall retain responsibility to fully comply with this ordinance and the terms of the permits issued thereunder.

E. PERMITS

In addition to the business licenses and building (or grading) permits required elsewhere in county ordinances, any open pit operation shall be required to have a current zoning compliance permit. No zoning compliance permit for an open pit operation shall have a period of validity past December 31 of each calendar year, but the permit shall be automatically renewed if the pit is found to be in compliance with the standards of this ordinance. The zoning administrator, with the advice of the County Surveyor, shall determine if such compliance exists.

Part 3. Uses with Special Review Provisions

3-29: NOTIFICATION PROCEDURE FOR SPECIAL PERMITS

A. SCOPE

No conditional use permit for a large-scale development, large-scale utility line, or cemetery shall be considered for approval by the planning commission, nor shall a variance or special exception be acted on by the board of adjustment, unless sufficient notice is given to the owners of record of abutting property and nearby municipalities. "Nearby municipalities" shall be those located within one-half mile of the subject property.

B. STANDARDS

The notice, to be deemed "sufficient", must be mailed eight (8) days or more prior to the time of the planning commission or board of adjustment meeting wherein the item will be considered, and contain the applicant's name, the location of the property that is being considered, the type of change or land use requested, and the time, place, and location of the meeting. The requirement to mail to owners of record is sufficiently met by using the owners' names and addresses as found on the most recent county assessment roll for real property.

C. "Abutting property" shall mean all properties physically touching the parcel(s) to be used as well as those immediately across (tangent to) a road, railroad, canal, or other utility or transportation route which may lie on the boundary of the subject parcel.

D. "Property owner" shall mean the persons or corporations shown as owners of real property on the current assessment rolls in the office of the County Assessor.

E. "Advance notice" shall mean posting on the site or mail postmarked 8 days in advance of the meeting to the address shown on said assessment roll.

3-30: CONCESSIONS IN PUBLIC PARKS AND PLAYGROUNDS

In any zone where landscape parks are listed as a permitted land use, the Board of Adjustment as a special exception granted under the terms of Section 7-21 of this ordinance, may permit concessions, including but not limited to amusement devices, recreational buildings, and refreshment stands, if such concessions are found: to be located in a landscape park that is owned and operated by a governmental agency, to be ancillary to the main recreation activities of the park, to not detract from or conflict with the character of the properties and land uses surrounding the park, and to be consistent with the purposes of this ordinance and the master plan.

3-31: PRIVATE OR LIMITED MEMBERSHIP LANDSCAPE AND FACILITY PARK REGULATIONS

A. SCOPE

The Board of Adjustment, as a special exception granted under the terms of Section 7-21 of this ordinance, may authorize a Private or Limited Membership Landscape and Facility Park, or a Private or Limited Membership Club Facility which is a part of such park, provided the following provisions are met.

B. SITE PLAN AND OPERATIONS DISCLOSURE STATEMENT

1. Site Plan

Any application to the Board of Adjustment for a Private or Limited Membership Landscape and Facility Park or Club Facility shall be accompanied by a detailed, drawn-to-scale site plan (scale 1 inch to 200 feet or larger) which shall contain:

- a. The location on all proposed structures;
- b. The generalized planting plan for the landscaping;
- c. The location of all parking areas and the layout of parking spaces;
- d. The layout of the circulation system;
- e. The layout and schematic drawings of all club buildings, swimming pools, tennis courts, ball diamonds and other facilities;

2. Operations Disclosure Statement

In addition to the site plan, an application for a Private or Limited Membership Landscape and Facility Park or Club Facility shall be accompanied by a disclosure statement stating:

- a. The scope and purpose of the park;
- b. The use of the facilities;
- c. The provision for trash removal, water and sewer, and security;
- d. What endowment or other means will be used to construct and maintain the park and facilities;
- e. The management and operations procedures, including any mitigating measures to mesh the park and facilities with the neighborhood.

C. BOARD OF ADJUSTMENT REVIEW AND ACTION

The Board of Adjustment shall approve a Private or Limited Membership Landscape and Facility Park, or a Private or Limited Membership Club Facility, only if the following standards are met:

1. The design and operation of the park will be consistent with the intent of the zone and will not significantly decrease the quality of the neighborhood environment through the imposition of large volumes of traffic or produce levels of odor, noise, glare, light, or similar conditions which are incompatible with the character of the area;
2. The primary purpose of the park is for beautification and recreation; accessory uses (parking lots, food concessions, etc.) will not become the primary use of the development but be designed to accommodate the users of the recreational facilities within the park;
3. Vehicular access and off-street parking will be adequate to accommodate the anticipated use of the park;
4. The location and size of the park will be consistent with the major street plan;
5. The park will not create undue problems of access or use of adjacent land parcels;
6. No overnight camping or sleeping rooms are allowed. Exception: in a CE-1, CE-2, or M&G-1 Zone, a portion of a Private or Limited Membership Landscape and Facility Park may be designated as a noncommercial campground and campsite facility, if authorized by the Board of Adjustment as a special exception according to the provisions of Sections 7-21 and 3-32 of this ordinance, in which case camping shall be allowed in such campground.

D. BUSINESS LICENSE REQUIRED

If the park is one for which charges are to be assessed for membership in the organization, entrance to the grounds, or for use of any of the facilities, an annual business license to operate said park must be obtained from the Department of Business Regulations. Such license shall not be issued or renewed unless construction and/or operation of the park is in conformance with the approved site plan and disclosure statement.

3-32: MAJOR CAMPGROUNDS AND CAMPSITE FACILITIES FOR NONCOMMERCIAL USE, APPROVAL REQUIREMENTS AND STANDARDS

- A. The Board of Adjustment, as a special exception granted under the terms of Section 7-21 of this ordinance, may authorize a noncommercial campground or campsite facility provided the following provisions are met.
- B. The Board of Adjustment has first received from the owner or agent of the owner of land in a qualifying zone a plan (layout) of the campground or campsite facility and a program of management, which plan and program are consistent with the requirements and standards of this and all other applicable sections of the zoning ordinance.

- C. Such campground or campsite facility is for the non-commercial use of private individuals or non-profit corporations (for commercial campgrounds and recreational vehicle courts see Section 3-33)
- D. Such campground or campsite facility is located in a CE-1, CE-2, or M&G-1 zone and meets the minimum area requirements of the zone.
- E. The location and size of the campground or campsite facility is consistent with the circulation plan of the "Utah County Master Plan 1980".
- F. The design for the campground or campsite facility (including the number of tent sites, recreation vehicle pads, and parking spaces; the water system; the sewage disposal facility; the trash collection facilities; the fire protection facilities; the amount of open space and common area; the road and walkway system; etc.) shall be adequate for the number of persons permitted to use the facility.
 - 1. One parking space shall be provided for each tent site, recreation vehicle space, or camp site. In group camping areas, each five (5) people shall be counted as one camp site in calculating the number of parking spaces or other amenities.
 - 2. Roadways shall be a minimum of 20 feet in width (except one-way loop roads shall be at least 12 feet in width) and have no curve where the radius of the center line is less than forty-five (45) feet.
- F. Such campground or campsite facility has guaranteed access by deeded easement, or the equivalent, via a right-of-way adequate to handle anticipated traffic volume.
- G. Adequate water rights, water supply and distribution systems, and sewage disposal systems are provided which meet federal, state, and any local health, county, and Board of Adjustment standards.
- H. Solid waste (garbage) collection facilities and a program of disposal are provided which meet federal, state, and any local health, county, and Board of Adjustment standards.
- I. A performance bond, if such is required as a condition of approval, guarantees that such access, garbage, water and sewage facilities will be provided.
- J. The campground or campsite facility is for camping or recreation vehicles as an incidental recreational use, rather than for primary dwellings; whereas shelters, sheds, equipment storage, etc. may be permitted as an incidental part of the campground or campsite facility; any permanent or primary dwelling shall comply with the normal width, area, frontage, yard, and other requirements applicable to dwellings within the zone in addition to the requirements for a campground or campsite facility.
- K. The design and operation of the facilities are consistent with the intent of the zone and will not significantly decrease the quality of the

residential environment through the imposition of large volumes of traffic or produce levels of odor, noise, glare, light, or similar conditions which are incompatible with the character of the area.

- L. Whenever campgrounds or campsite facilities are to be associated with a landscape and facility park, its design shall also be consistent with the design and purpose of said park.
- M. Before occupancy and use of the campground or campsite facility, the owner shall qualify for and obtain a certificate of occupancy and zoning compliance (re: Section 7-10) from the Zoning Administrator certifying compliance.

3-33: RECREATION VEHICLE COURTS AND COMMERCIAL CAMPGROUNDS

A. INTENT AND PURPOSE

The intent and purpose of this section is to protect the safety and convenience of recreation vehicle court and commercial campground users, to reduce congestion in and around the court or campground facilities, and protect the safety and welfare of those occupying surrounding properties.

B. APPROVAL AUTHORITY

- 1. The Board of Adjustment, as a special exception granted under the terms of Section 7-21 of this ordinance, may grant approval for a recreation vehicle court or commercial campground in the HS-1 Highway Service Zone provided the provisions stated below are met.
- 2. For recreation vehicle courts or commercial campgrounds which are part of a platted Recreational Resort, the Planning Commission shall review the plan to determine its compliance with both the provisions stated below and the provisions of chapter 6 for recreational resorts.

C. PLANS REQUIRED

The applicant for a permit for a recreation vehicle court or commercial campground shall submit a drawn-to-scale site and construction plan containing the information called for below. The site plan shall be at a scale of 1 inch to 100 feet or larger.

The plans shall include:

- 1. Proposed layout of roads, recreation vehicle parking spaces (or campsites), automobile parking spaces, service buildings, and management office.
- 2. Location and size of existing and proposed water, sewer and electric power lines and facilities.
- 3. Drainage features and slope of the land.

4. Schematic drawing of a typical recreation vehicle parking pad (or campsite) with the appurtenant automobile parking spot and landscaped yard space.
5. Planting plan showing the area to be landscaped, types of plants to be used, types of landscaping structures to be used and a legend showing the:
 - a. Scale
 - b. Total number of acres in the development;
 - c. Total number of recreation vehicle spaces (or campsites);
 - d. Average number of recreation vehicle spaces (or campsites) per acre;
 - e. Total number of off-street automobile parking spaces;
 - f. Percentage of the total area to be hard-surfaced;
 - g. Percentage of the total area to be in open space, exclusive of hard-surfaced areas and parking sites;
 - h. Percentage of the total area to be developed as playground, recreation and other common facilities;
 - i. Any other data reasonably required by the zoning administrator.

C. SPECIFIC STANDARDS AND REQUIREMENTS

1. Recreation vehicle courts and commercial campgrounds shall be confined to zones in which such use is specifically permitted.
2. All recreation vehicle courts and commercial campgrounds shall abut on and gain access from a hard-surfaced public street which meets the standards of Utah County for collector or arterial roads, except:
 - a. Where the recreation vehicle court or commercial campground gains access from a central parking lot which in turn abuts on and gains access from a hard-surfaced public street.
 - b. In platted recreational resorts in the CE-2 Zone where the recreation vehicle court or commercial campground gains access from a major street in the recreational resort and the resort itself abuts on and gains access from a hard-surfaced public street.
3. All roadways providing access to recreation vehicle spaces (or campsites) shall have a hard-surfaced width of at least ten (10) feet, for one-way roads, and twenty (20) feet for two-way roads, plus two (2) feet of unobstructed shoulder on each side of the surface. Such roadways shall not exceed a grade of eight percent

(8%), nor have a curve where the radius of the center line is less than forty-five (45) feet.

4. The roadway system shall provide convenient circulation through the recreation vehicle court and shall provide access to each recreation vehicle space (and campsite). No recreation vehicle space (or campsite) will be permitted direct access to a public street, road, or highway other than by means of the recreation vehicle court (or campground) roadway system. No entrance or exit shall be located closer than one hundred (100) feet to the right-of-way line of any intersecting street.
5. Each recreation vehicle space shall be hard-surfaced, ten (10) feet or more in width, forty (40) feet or more in length, and have adjacent thereto a standard automobile parking space and at least eight hundred (800) square feet of landscaped yard space.
6. All recreation vehicles and camping paraphernalia shall be set back at least thirty (30) feet from any public street, and the setback space resulting therefrom shall be landscaped except for permitted driveways.
7. In addition to the recreation vehicles, campsites, and a management office, the development may include non-profit public recreation buildings which serves the occupants of the facility.
8. All recreation vehicle courts and commercial campgrounds shall be served by a water supply and sewage facility that has been approved by the City-County Health department as meeting its standards and the standards of Section V-3 and II-7 of the Utah Division of Health "Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulations", or its successor regulation.
9. Each recreation vehicle space (or campsite) shall be served by a hookup facility for water, sewage disposal, and electrical power.
10. Hydrants and other fire protection facilities, as well as the design of the development, shall meet the fire codes adopted by Utah County as administered by the Utah County Fire Marshal.
11. No recreation vehicle shall be allowed in the court (nor camp user in the campground) for more than forty-five (45) days in any calendar year. Besides the approved caretaker and common facilities shown on the plan, only recreation vehicles and camp users (plus their automobiles) may occupy the facility; mobile homes, construction equipment, outdoor storage, etc. are prohibited).

E. OTHER LICENSES AND PERMITS REQUIRED

A building permit from the Utah County building inspector is required before any construction is commenced on a recreational vehicle court or commercial campground, and a current business license is required before such is operated. Failure of the owner and/or operator to construct and maintain the court in accordance with the terms of approval may result

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in the revocation of the building permit or revocation of the business license.

3-34: AIRPORTS

A. INTENT

It is the intent of this section to avoid or lessen hazards resulting from the operation of aircraft, to avoid creation of new hazards, and to protect the lives of people who use aircraft facilities.

B. MEANING OF TERMS

For the purpose of this section and this ordinance, the following terms shall have the following meanings:

1. Airport Approach Zone

An area at each end of an airport landing strip or take-off strip, broadening from a width of one thousand (1,000) feet at the end of the strip to a width of four thousand (4,000) feet at a distance of seven thousand five hundred (7,500) feet from the end of such strip, its centerline being a continuation of the centerline of the strip;

2. Airport Transition Zone

A triangular area adjacent to each side of an airport approach zone located with reference thereto as follows: One corner of said transition zone shall be identical with the corner of the approach zone nearest to the landing strip; a second corner shall be located at the end of a line, said line extending from the end of the landing strip to a point one thousand five hundred fifty (1,550) feet from the centerline of said landing strip and at right angles thereto; a third corner shall be located at a point along said approach zone boundary line, which point is seven thousand five hundred (7,500) feet distance from the first corner above-mentioned;

3. Airport Turning Zone

A circular area surrounding an airport encompassing all of the land lying within a radius of two (2) miles distance from the landing strip of an airport, except that area covered by the airport, the transition zones, and the approach zones.

C. SCOPE

The Board of Adjustment, as a special exception granted under the terms of Section 7-21 of this ordinance, may authorize an airport, flying field, or helicopter pad, with their related terminal and aircraft storage facilities in the A-1, M&G-1 or I-1 Zones, provided the following provisions are met.

D. AIRPORT REGULATIONS

1. Height Limits Near Airports

- a. In any airport approach zone, no building or structure shall be erected which is more than one (1) foot in height for each fifty (50) feet said building or structure is distant from the end of the landing or take-off strip.
- b. In any airport transition zone, no building or structure shall be erected which is more than one (1) foot in height for each seven (7) feet said building or structure is distant from the inside airport approach zone boundary.
- c. In any airport turning zone, no building or structure shall be erected to a height greater than one hundred fifty (150) feet.

2. Use Restrictions

Notwithstanding any other provision of this ordinance, no uses may be made of land within Utah County which will: create electrical interference with radio communication between airports and aircraft; make it difficult for flyers to distinguish between airport lights and others; result in glare in the eyes of flyers using the airport; impair visibility in the vicinity of an airport; or endanger the landing or taking off of aircraft.

3-35: EXPLOSIVES PLANTS AND STORAGE FACILITIES

A. INTENT

It is the intent of this section to permit the operations of the explosive industry, but only in settings where personal safety and the property of the neighbors may be protected.

B. STANDARDS

The Board of Adjustment, as a special exception granted under the terms of Section 7-21 of this ordinance, may authorize an explosives manufacturing, storage, or testing facility, provided the following provisions are met.

1. Such uses are permitted in the zoning district;
2. The subject lot is sufficiently large to provide a safe buffer distance between the explosives facility and adjacent parcels of land;
3. The design of the facilities and operations plan are safe and are consistently followed;
4. Standards of the current fire codes of Utah County are met, as certified by the Utah County fire marshal;
5. An inventory of hazardous materials, a drawn-to-scale plot plan of their locations, and a brief explanation of the hazards involved, are submitted for use by public safety officials;

6. An annual business license is obtained.

3-36: MANOR DWELLINGS

A. INTENT

It is the intent of this section to provide the owners of residential property to have 24-hour caretakers and domestic help without adding to the density of the zone nor detract from the character of the neighboring land uses and the general zoning district.

B. SCOPE

Manor dwellings shall be permitted only in the A-1, RR-5, TR-5, CE-1, CE-2 or M&G-1 Zones.

C. CONDITIONS

The Board of Adjustment may approve a manor dwelling subject to the following conditions:

1. The dwelling units, other than the primary unit, house only persons or dependents of persons whose chief source of income is from employment on the premises in the capacity of a domestic (maid, butler, nurse, or cook, security guard, buildings maintenance person or groundskeeper), or persons related to the occupants of the primary unit by blood, marriage, or adoption;
2. The dwelling units, other than the primary unit, are clearly accessory to the primary unit;
3. The buildings will be compatible with the character of the surrounding neighborhood;
4. The public facilities (street width, sewer, water, etc.) will be sufficient for the manor dwelling and the uses of the surrounding property;
5. The lot size required for the manor dwelling shall be calculated as "n" times "a", where "n" is the total number of dwelling units in the manor dwelling, and "a" is the size of a zoning lot that required for a one-family dwelling in the zone;
6. The minimum lot width for a manor dwelling shall be the same width as required for a one-family dwelling in the zone.
7. The number of parking spaces provided must be two times the number of dwelling units in the manor dwelling.

3-37: MOBILE HOMES

In order to meet the needs of those county residents desiring the portability and economy of mobile homes as a form of housing, as opposed to conventional fixed structures, and to provide adequate public facilities, transportation, health, and

safety features for those occupying mobile homes, as well as neighboring property owners, only mobile homes which comply with the current HUD Federal construction and safety standards, and bear a Federal seal certifying to that effect, shall be permitted in Utah County, and only according to one of the four circumstances:

- A. When placed in a properly approved and currently licensed Mobile Home Park and in compliance with the management policies of such park and the standards and ordinances of Utah County;
- B. As a temporary caretaker dwelling on a lot on which a permitted conventional dwelling is being constructed in order to protect the site, provided:
 1. A bond in lawful money equal to the cost of removing the mobile home, as per the amount set by the Legislative Body, is first posted with the County Building Official to guarantee timely removal of the mobile home;
 2. The owner(s) of the lot and mobile home agree to remove the mobile home within the time of the bond to obtain a full refund of the bond, or otherwise to allow the county to enter and remove the mobile home using the bond to defray costs;
 3. The mobile home shall remain on the lot no longer than the current term of the building permit for the subject conventional dwelling; the completion date of the conventional dwelling; or 365 days, whichever is less. Exception: the zoning administrator may grant one extension period of an additional 365 days upon finding that the construction of the permanent dwelling is being carried out diligently toward completion.
- C. When placed in the I-1, NC-1 or HS-1 Zone, in the capacity of a caretaker dwelling and when incidental to, and located on, the same lot or parcel of land as a principal use permitted in the zone, subject to the requirements set forth in said zone.
- D. When placed in the A-1 Agricultural Zone, RR-5 Rural Residential Zone, or TR-5 Transitional Residential Zone and when all of the following requirements have been met:
 1. The mobile home shall be affixed to a permanent foundation that shall support the structure after the running gear and hitch have been removed and is continuous around the perimeter of the mobile home so as to eliminate the need for skirting. The owner must obtain a building permit to ensure that the mobile home is adequately anchored to the permanent foundation and that plumbing and electrical hookups are in compliance;
 2. Garages, carports, rooms and other structural additions or attachments to the mobile home must also meet current HUD mobile home standards for safety and construction and have a certificate to that effect.

3. The mobile home shall comply with all other applicable requirements of the zoning district in which it is located including any additional requirements imposed by the FPO Zone requirements of this ordinance.

3-38: MOVED BUILDINGS

It is the purpose of this ordinance to prevent the degradation of neighborhoods by moved on, unsightly, or unsafe buildings. As a special exception to the ordinance, the Board of Adjustment is authorized to grant a permit to move a building upon compliance with the following conditions.

A. PRE-INSPECTION

No permit shall be issued for the moving of any building which has had prior use from one site within the county to another site within the county, or from a site outside of the county to a site within the county, without a pre-inspection being made of the building by the Zoning Administrator prior to moving. The fee for this pre-inspection shall be consistent with the schedule found in the current building codes of Utah County.

B. APPLICATION

The following information shall be filed with the Zoning Administrator at the time the application is made:

1. Location and address of the old and new site;
2. Plot plan of the new location, also showing adjacent lots on all sides of the property and indicating all structures and improvements on said lots;
3. Plans and specifications for the proposed improvements of the new location, including plans for landscape treatment.

C. BOARD OF ADJUSTMENT ACTION

The application shall then be submitted to the Board of Adjustment for approval or disapproval as a special exception according to the provisions of Section 7-21 of this ordinance.

D. BOARD OF ADJUSTMENT FINDINGS

Before the Board of Adjustment may approve an application for the moving of a building onto a lot within the county, it must find:

1. That the building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved;
2. That the building is consistent with the quality of buildings existing in the area into which the building is proposed to be moved;

3. That the building and the lot on which the building is to be located will conform to the requirements of the Uniform Building Code, State Plumbing Code, and zoning ordinance;
4. That its location on the lot does not in any substantial way adversely affect buildings or uses on abutting properties.

E. STANDARDS REQUIRED BEFORE OCCUPANCY

The buildings and grounds shall be brought up to standards required of a new building before it is occupied.

F. BOND REQUIRED

Before a permit to move a building may be granted, the applicant shall post a bond or other assurance as determined by the Board of Adjustment to cover costs of bringing the buildings and grounds up to standard. In the event of failure to comply with conditions required by the Board of Adjustment, the bond may be forfeited as one of the enforcement proceedings.

G. OLD SITE TO BE RESTORED

The bond shall also cover the costs involved in cleaning up the vacated site, if said site is within the boundaries of Utah County, and restoring it to a safe and sightly condition.

3-39: CARETAKER DWELLINGS (NC-1, HS-1, AND I-1 ZONES)

The Zoning Administrator may approve a temporary mobile home incident to the construction of a one-family dwelling according to the provisions of Subsection 3-37-B of this ordinance.

Otherwise, a caretaker dwelling is allowed only in the NC-1, HS-1 and I-1 zones, if authorized by the Board of Adjustment as a special exception granted under the terms of Section 7-21 of this ordinance and the following provisions:

- A. A caretaker dwelling is listed as a conditional use allowed in the zone;
- B. The principal use served by the caretaker dwelling is a use allowed in the zone;
- C. The evidence is clear and convincing that the caretaker dwelling is necessary for the successful operation of the principal use;
- D. The dwelling is clearly incidental to the principal use which it serves;
- E. The dwelling is on the same site as the principal use;
- F. The dwelling is a one-family dwelling or mobile home that is occupied by an individual or family which is employed at the site in the capacity of a caretaker or watchman;

- G. These provisions are not applied to housing for agricultural operations, livestock-raising businesses, nor construction projects.

3-40: TEMPORARY USES AND STRUCTURES

The following regulations govern the operation of certain transitory or seasonal uses.

A. PERMITS

Applications for a temporary use permit shall be made to the Zoning Administrator, and shall contain the following information:

1. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property;
2. A description of the proposed use;
3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.

B. USES

The following are temporary uses and are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which the use is located.

1. Carnival or Circus

A temporary use permit for a carnival or circus may be issued in any zone provided:

- a. The period of use shall not exceed thirty (30) consecutive days, nor be more than one period per annum;
- b. The lot used shall be at least ten (10) acres in size;
- c. No carnival or circus activities or facilities shall be located closer than 500 feet to a dwelling;
- d. Parking is provided (See Subsection 3-14-A-6).

2. Christmas Tree Sales

A temporary use permit may be issued in any zone for display and open-lot sales of Christmas trees for a period not longer than forty-five (45) days.

3. Temporary Buildings and Yards for the Storage of Construction Materials and Equipment

In any zone, a temporary use permit may be issued by the Zoning Administrator for a temporary office and for temporary buildings and yards for storing materials and equipment incidental to a construction project. The permit shall be valid for a period of not more than one (1) year, but is renewable throughout the length of the project. The buildings shall be removed and the yard restored upon completion of the project and expiration of the permit.

4. Short-term Migrant Camps

In any zone except the I-1 Industrial, the NC-1 Neighborhood Commercial, or the HS-1 Highway Service Zone, the Zoning Administrator may issue a temporary use permit for temporary camps for accommodating migrant farm workers provided:

- a. Occupancy shall be limited to persons employed on the same zoning lot as the camp in harvesting agricultural crops, plus dependents.
- b. The period of use shall not exceed fourteen (14) days per calendar year;
- c. The camp may consist of parking areas, access driveways, utilities, camping pads or sites, and the tents or recreational vehicles using the pads;
- d. Culinary water, sanitary sewage disposal, and electricity must be available in the area of the camping pads;
- e. Setback distances for the camping pads shall be the same as for buildings.

C. ISSUANCE OF PERMIT

The Zoning Administrator shall issue a permit upon receipt of a properly completed application and when all of the above requirements are met.

3-41: PREMISES OCCUPATION

The Zoning Administrator shall not issue a permit for a premises occupation unless all of the following are met.

- A. A premises occupation is permitted in the zone.
- B. No commercial vehicles are used except one delivery truck which does not exceed three-fourths (3/4) ton rated capacity.
- C. Signs are limited to one (1) non-flashing sign not larger in area than ten (10) square feet. If lighted, the light shall be diffused or shielded.
- D. The premises occupation shall consist of the making and/or sale of goods or services produced on the premises; the operator shall possess a valid county business license.

- E. As determined by the Zoning Administrator, the physical appearance, traffic, and other activities in connection with the premises occupation are not contrary to the intent of the zone in which the premises occupation is located and do not depreciate surrounding values.
- F. The floor area of any accessory building devoted to the premises occupation shall not exceed six hundred (600) square feet.
- G. There shall be no outside storage of materials or products in connection with the premises occupation.
- H. No person shall be employed within the premises occupation who does not reside on the premises.
- I. The occupation is conducted entirely within the building and no sale of goods or products is permitted on the lot.

3-42: HOME OCCUPATION

The Zoning Administrator shall not issue a permit for a home occupation unless all the following are met.

- A. A home occupation is permitted in the zone.
- B. The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.
- C. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling not normally associated with residential use.
- D. No commercial vehicles are used except one delivery truck which does not exceed three-fourths (3/4) ton rated capacity.
- E. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
- F. No more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
- G. Signs are limited to one (1) non-flashing sign which is two hundred twenty-six (226) square inches or less in area in a residential zone or ten (10) square feet or less in area in a nonresidential zone. If lighted, the light shall be diffused or shielded.
- H. The home occupation shall consist of the making and/or sale of goods or services produced in the dwelling; the residing family shall possess a valid business license.
- I. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the State Health Department or other public agency.

- J. As determined by the Zoning Administrator, the physical appearance, traffic, and other activities in connection with the home occupation are not contrary to the intent of the zone in which the home occupation is located and do not depreciate surrounding values.

3-43: ADVERTISING AND OTHER SIGNS

A. CERTAIN SIGNS PERMITTED IN ALL ZONES

In addition to other signs which may be permitted, the following signs shall be permitted in any zone:

1. Temporary real estate signs that advertise the sale or rental of the property on which such signs are located, provided no sign is larger than thirty-two (32) square feet in area nor closer than six hundred sixty (660) feet to another such sign on the lot;
2. Traffic and street name signs placed by a governmental agency;
3. Political campaign signs.

B. FREEWAY SIGNS

In addition to other signs which may be permitted, a community sign may be permitted in the A-1 Zone, provided:

1. The sign identifies an incorporated city or town of Utah County for the convenience of the traveling public;
2. No more than two signs in Utah County are permitted for any city or town;
3. The sign is alongside of and clearly visible from a travel lane of an interstate road;
4. A permit for the sign is obtained from the Utah State Department of Transportation;
5. No advertising or businesses are mentioned on the sign;
6. The face of the sign does not exceed eight-hundred square feet in area, and the highest point on the sign and structure is no more than twenty (20) feet above the nearest travelled surface of the road.

C. SIGNS IN RESIDENTIAL ZONES

In addition to the signs permitted by part A above, accessory signs may be permitted in a residential zone subject to the following limitations.

1. Accessory in Nature

Only accessory signs of the following types shall be permitted:

- a. Name plates of people residing on the premise;
- b. Signs advertising the activities of a home occupation conducted on the premise;
- c. Signs identifying a family care home, family day-care center, foster care home, youth group home, or nursing home located on the premise;
- d. Signs identifying a church, school, cemetery, or landscape or facility park located on the premise;
- e. Temporary signs (in season) offering for sale agricultural products grown on the lot;
- f. Signs identifying a large-scale development located on the site;

2. Quantity

Such signs, in aggregate, shall be limited to a total of two (2) per lot.

3. Size

Name plates shall not exceed two hundred twenty-six (226) square inches in area, and any other sign shall not exceed ten (10) square feet.

4. Height

No sign may exceed the height of eight (8) feet, except for a sign attached to a building, which may not exceed the height of the wall to which it is attached.

D. SIGNS IN THE A-1 AND M&G-1 ZONES

Signs in the A-1 and M&G-1 Zones shall be limited to those permitted by parts A and B above, plus no more than a total of two (2) accessory signs, which are restricted to the following types:

1. A name plate which identifies people residing on the premise or a land use on the premise which conforms to the zone;
2. A sign advertising the activities of a premise occupation or home occupation located on the premise (see Sections 3-41 and 3-42 of this ordinance);
3. A sign advertising a produce stand on the premise, subject to Section 3-45 of this ordinance;
4. A sign advertising animals or agricultural products raised on the premise, or a mine operating on the premise.

A name plate shall not exceed ten (10) square feet in area, and the other sign types shall not exceed thirty-two (32) square feet in area.

E. SIGNS IN THE CE-1 ZONE

Signs in the CE-1 Zone shall be limited to those permitted by part A above, plus no more than a total of two (2) accessory signs which are restricted to the following types:

1. A name plate which identifies people residing on the premise or a land use on the premise which conforms to the zone
2. A sign advertising animals or agricultural products raised on the premise, or a mine operating on the premise.

No such sign shall exceed thirty-two (32) square feet in area.

F. SIGNS IN THE I-1, NC-1, and HS-1 ZONES

Signs in the HS-1 zone shall be limited to those permitted by Subsection 3-43-A, above, plus attached and freestanding signs which advertise uses present in the zoning district where the sign is located. Attached and freestanding accessory and nonaccessory signs shall be allowed in the NC-1 and I-1 zones.

G. LOCATION AND SETBACK

In any zone, signs shall be set back from a public street or property line at least as far as a building is required to be set back, except for no more than one temporary sign per lot if such sign does not exceed thirty-two (32) square feet in area nor protrude into the right-of-way of a public street.

Special Exception: the Board of Adjustment, as a special exception granted under the terms of Section 7-21 of this ordinance, may approve a sign with a lesser setback if:

1. After receiving the advice of the County Surveyor, the Board of Adjustment finds that vehicle safety and driver sight distance will not be reduced by the location, design, and lighting of the sign;
2. No part of the sign or sign support structure protrudes into the right-of-way of a public street; and
3. The sign is not located in a residential zone.

H. LIGHTING

1. Signs may be illuminated in any zone, but such lighting shall be diffused so as to not shine directly onto adjacent lots or into the eyes of motorists on public streets.
2. Flashing signs shall be prohibited in all zones except the HS-1 and I-1 Zones.

I. MAINTENANCE OF SIGNS

All signs shall be maintained in good condition and in accord with adopted county sign codes. Failure to maintain a sign in good condition or in accord with the sign codes shall be cause to revoke any permits or licenses pertaining thereto and have the sign removed.

J. LICENSES FOR NON-ACCESSORY SIGNS

In addition to any building permit required for the construction and use of such sign, a yearly business license fee shall be paid to Utah County for each non-accessory sign as long as the sign remains on its site. (A permit may also be required by the State Department of Transportation for signs adjacent to state and interstate roads.)

3-44: SHORT-TERM CONCRETE AND ASPHALT MIXING PLANTS

A. INTENT

The intent and purpose of this section is to allow the short-term operation of a concrete or asphalt mixing plant without causing a deleterious effect upon the other uses allowed in the zone.

B. CONDITIONS

The zoning administrator may grant a permit for a short-term concrete or asphalt mixing plant, provided:

1. Such mixing plant is listed in the pertenant zone as a permitted conditional use;
2. The mixing plant shall be located on the lot with an existing sand and gravel pit;
3. The sand and gravel in said pit is suitable for, and shall be the major supply of aggregate for, the mixing plant;
4. The term of operation of the plant shall be no longer than two (2) years;
5. A cash or surety bond is posted by the applicant, in the amount set by the Legislative Body, but not less than two thousand dollars (\$2000.00), to guarantee the removal of the mixing plant within the two-year period. The bond shall be accompanied with an agreement which states that the bond shall be forfeited to Utah County if the mixing plant is not removed within the two years. Notwithstanding the forfeiture of the bond, the applicant and his assigns shall retain liability to fully comply with the ordinance and the terms of the permit.
6. The plant is portable, or capable of easy disassembly, so that it can be readily moved onto and off the premises;

7. The plant will create no fumes, noise, dust, nor other discharge which will be detectable to dwellings or deleterious to agricultural pursuits of the area;
8. The plant is located farther than 4,000 feet from the nearest municipal boundary;
9. These and all other provisions of the zoning ordinance and other ordinances of Utah County are met.

C. COMPLIANCE

If the permittee fails to maintain the mixing plant in accord with this ordinance or the terms of the permit, the zoning administrator may revoke the permit and order cessation of the plant operations.

3-45: PRODUCE STANDS

A. INTENT

The intent and purpose of this section is to allow the operation of incidental produce stands which supply the local market with needed food and farm products without causing a deleterious effect upon the agricultural industry fostered in the zone.

B. CONDITIONS

The zoning administrator may grant a permit for a produce stand provided the following conditions are met:

1. Only plants, animals or parts thereof which are products of the subject lot or farm unit shall be offered for sale;
2. At least five (5) off street parking spaces shall be provided in accord with Section 3-14 of this ordinance;
3. Only one sign, which advertises only products of the lot or farm unit, shall be permitted and shall not extend into the road right-of-way;
4. An annual business license is obtained from the county business regulations office to operate the stand.

3-46: MARINAS

A. INTENT

The intent and purpose of this section is to utilize suitable locations along the shores of Utah Lake and other bodies of water in Utah County for boating and water-related recreation where it can be determined that such use will not cause a deleterious effect upon the agricultural industry fostered in the zone.

B. CONDITIONS

The zoning administrator may grant a permit for a marina provided the following conditions are met:

1. The applicant demonstrates that there will be no significant deleterious effect on the surrounding farming operations;
2. The marina shall have water and sewage disposal systems which meet the Health Department standards;
3. The marina shall have twenty (20) double-length parking spaces per each twenty-foot-width of the launching ramp in addition to the spaces required by Section 3-14-A-6 of this ordinance;
4. The applicant shall obtain a valid access permit from the County Surveyor or State Highway Department when the marina lot fronts on a public street, or shall provide private road access suitable for the use of fire and other emergency vehicles comparable to the road standards for recreational resorts in Section 6-5-F-7 of this ordinance;
5. The marina shall be approved by the US Army Corps of Engineers when it is located in a navigable waterway;
6. Items sold on the premise shall be limited to boating, fishing, water sports, and marine supplies;
7. No overnight camping shall be allowed.
8. All areas not designated as driveways, parking, structures, and launch areas shall be landscaped and maintained; landscaped areas shall constitute at least 10 percent of the total above-water area of the marina.

C. SITE PLAN

As a part of the application for a marina, the applicant shall submit a site plan which shows:

1. The perimeter boundary of the marina.
2. The access points for ingress and egress.
3. The layout of roads, driveways, parking areas, and launching sites.
4. The location of all buildings and structures.
5. All landscaped areas.

3-47: PUBLIC FACILITIES

A. PERMITTED USES

The zoning administrator may approve the following public facilities in any zone:

1. Motor vehicle roads and driveways;
2. Railroad tracks;
3. Electric power transmission and distribution lines with a capacity of not more than 69 kv;
4. Gas transmission and distribution line with a design pressure of less than six hundred (600) psi and a pipe diameter of less than sixteen (16) inches;
5. Canals and water transmission and distribution lines of not more than two hundred (200) cubic feet per second;
6. Telephone lines;
7. Cable television lines.
8. Any rights-of-way, service driveways, or accessory structures which are appurtenant to the above uses.

B. STANDARDS

Public facilities shall be subject to all of the height, bulk, location and other standards for the zoning district in which they are located except:

1. There shall be no minimum zoning lot size required;
2. Only walled and/or roofed structures shall be required to meet the setback standards of the zone; otherwise the public facilities listed in this section shall have no minimum setback requirement.

3-48: STANDARDS FOR APPROVING A STORAGE OR SALVAGE YARD

A. INTENT

The intent and purpose of this section is to protect neighboring properties from the litter, loss of usefulness, and loss of property value caused by the "spillover effect" of uncontained junk, salvage, and storage yards.

B. SCOPE

The provisions of this section shall apply to automobile wrecking yards, salvage yards and storage yards authorized by Subsections 5-10-B-6, and 5-10-B-7 of the I-1 Industrial Zone of this ordinance.

C. CONDITIONS

The Zoning Administrator may grant a permit for an automobile wrecking yard or industrial storage yard provided the following conditions are met:

1. All automobiles, parts, building materials, and other items, whether functional or not, are surrounded by a well-maintained sight-obscuring fence.
2. The sight-obscuring fence shall be constructed to a height of at least eight (8) feet and must obscure all items (except daytime customer parking lots and landscaping features) from view from any adjacent public street and adjacent parcel of land.
3. Any parts or materials which are light enough to blow in the wind shall be kept in an enclosed building;

3-49: RESIDENTIAL FACILITIES FOR HANDICAPPED PERSONS

The Zoning Administrator may grant a permit for a residential facility for handicapped persons provided the following conditions are met:

1. The facility meets or exceeds all applicable building, safety and health ordinances of Utah County;
2. The operator provides proper supervision for the residents on a 24-hour basis;
3. The operator establishes and maintains a community advisory committee through which all complaints and concerns of neighbors may be addressed;
4. The facility has adequate off-street parking provided by the operator;
5. The facility has the ability to "blend in" with the neighborhood, meaning that it can be used as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
6. The facility is located 3/4ths (0.75) mile or more from any other residential facility for handicapped persons;
7. No person being treated for alcoholism or drug abuse, nor who is violent, is placed in the facility;
8. Placement in the facility shall be strictly on a voluntary basis, and not a part of - or in lieu of - confinement, rehabilitation, or treatment in a correctional institution;
9. The facility is located in the A-1, RR-5, TR-5, CE-1, CE-2, or M&G-1 Zone and meets the setback, area, frontage, and all other requirements for a zoning lot as if it were a one-family dwelling in such zone.

3-50: RESIDENTIAL FACILITY FOR ELDERLY PERSONS

The Zoning Administrator may grant a permit for a residential facility for elderly persons provided the following conditions are met:

1. The facility meets or exceeds all applicable building, safety and health ordinances of Utah County;
2. The facility has adequate off-street parking provided by the operator;
3. The facility has the ability to "blend in" with the neighborhood, meaning that it can be used as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
4. The facility is located 3/4ths (0.75) mile or more from any other residential facility for elderly persons as well as 3/4ths mile or more from any residential facility for handicapped persons;
5. No person being treated for alcoholism or drug abuse is placed in the facility;
6. Placement in the facility shall be strictly on a voluntary basis, and not a part of - or in lieu of - confinement, rehabilitation, or treatment in a correctional institution;
7. The facility is located in the A-1, RR-5, TR-5, CE-1, CE-2, or M&G-1 Zone and meets the setback, area, frontage, and all other requirements for a zoning lot as if it were a one-family dwelling in such zone.

3-51: LARGE SCALE UTILITY LINE INSTALLATION

A. INTENT

The intent of this section is to allow the installation of major electric power, natural gas, and water transmission lines while meeting the responsibility to provide for the health, safety, and general welfare of the public and protect the environment.

B. SCOPE

Large-scale utility line installations shall be permitted only in those zones where such are listed as a permitted conditional use, and permits granted only in compliance with this ordinance and the regulations of this section. Only the following large-scale utility line installations may be granted permits:

1. Electric power transmission lines (capacity of sixty-nine [69] kv or more);
2. Gas transmission lines (design pressure of six hundred [600] psi or more, or a pipe diameter or sixteen [16] inches or more);

3. Water transmission facilities (capacity of two hundred [200] second-foot or more).

C. APPROVAL OF PLANS AND DOCUMENTS

Before a permit can be issued for any construction connected with a large-scale utility line development, the overall plans, together with documents pertaining to the development, must be submitted and approved as hereinafter set forth, and the final plans recorded by the County Recorder.

1. Preliminary Planning Commission Review.

Plans for a large-scale utility development must be submitted to the Planning Commission for review. After reviewing the proposed plans, the Planning Commission shall submit to the Legislative Body a recommendation of approval or disapproval of the plans according to the rules and regulations adopted by the Planning Commission.

2. Legislative Body Hearing.

The proposed utility line installation shall be considered at an open public hearing conducted by the Legislative Body. The Legislative Body shall give notice of the time, place, and subject matter of the hearing by one publication for each of three successive weeks prior to the hearing in a newspaper having general circulation in the county.

3. Conditional Approval.

The Legislative Body shall grant or deny conditional approval based on the hearing, or the recommendations of the Planning Commission, or the health, safety, and general welfare of the residents of the county.

4. Bonding Security.

The County Commission shall set a bond that will insure installation of the utility line in accordance with the final plan. This bond shall be released by the Board of County Commissioners following completion of the project but only after final inspection by the County Commission, or designated agency, to determine compliance with the final plan.

5. Final Approval.

Final approval of the utility line installation shall be given by the Legislative Body when the developer obtains adequate bonding and complies with the rules and regulations adopted by the Planning Commission with regard to submission of final plans for such large-scale developments. The Planning staff shall have the responsibility of coordinating the final review of the plans with other involved agencies by assuring that each agency reviews the plans and certifies compliance with the applicable requirements of each agency.

6. Recording

The line, location receiving final approval shall be recorded as an amendment to the Official Map Ordinance and the County Surveyor shall add the line location to the Official Map of Utah County, Utah kept in his office.

7. Building Permit

The utility line installation project is thereafter eligible for a building permit from the County Building Inspector for up to two years from date of final approval; the permit may be renewed at two year intervals until the project is completed.

3-52: CEMETERY APPROVAL STANDARDS

The planning commission may grant a conditional use permit for a cemetery after finding that all of the following provisions have been met:

- A. The applicant has submitted the following scale drawings:
 - 1. A plat of the proposed cemetery showing the perimeter boundary, survey points and monuments, and location of each individual burial plot (each shall be numbered);
 - 2. A landscaping plan which shows the planting plan and the layout of the irrigation system;
 - 3. A drainage plan showing the system of disposal of surface waters.
- B. The applicant has submitted the following supportive information:
 - 1. The total number of acres in the cemetery;
 - 2. The location of any existing drainage channels and floodways;
 - 3. The location of areas where ground water rises to within eight (8) feet of the surface of the ground;
 - 4. The location of areas covered in the event of a base flood;
 - 5. The location of the access roads;
 - 6. The source of water to be used in the maintenance of the vegetation;
 - 7. Any additional information related to the cemetery that is required by the Planning Commission.
- C. The following standards shall be met:
 - 1. The cemetery plat shall be recorded, following approval of the planning commission, in the office of the county recorder according to the terms of Section 8-3-1 of the Utah Code Annotated 1953;

2. The parcel of land contained within the cemetery plat shall be properly landscaped, irrigated and maintained;
 3. Areas rendered unsuitable due to potential for flooding, high topographic relief, shallow depth to groundwater, or other problems peculiar to the site, shall not be used as burial sites;
 4. No burial sites shall be within thirty (30) feet of the boundary of an adjacent property ownership or road right-of-way line;
 5. If above-grade markers or monuments are used, the area containing such markers shall be screened from view from adjacent lots or roads by perennial plants or topography;
 6. Vehicular travelways within the cemetery shall be hard surfaced at least ten (10) feet in width;
 7. A survey monument shall be placed at each row of burial sites;
 8. Buildings shall be limited to maintenance sheds, and such shall be located one-hundred (100) feet or more from any cemetery boundary line;
 9. The location of the cemetery and the layout shall not interfere with the adopted street plans and public facilities of the Official Map of Utah County.
- D. Except for public cemeteries, the applicant for a cemetery shall put into effect a deed covenant, endowment fund, and agreement to guarantee that the applicant and his successors will provide continued care and maintenance as long as any part of the plat is used as a burial site. Together the documents shall require:
1. Permanent fencing to prevent animals and unauthorized vehicles from entering the cemetery;
 2. Maintained and irrigated grass and plants;
 3. Repair of any deterioration or damage to the grounds and facilities;
 4. The designation of a corporate or other perpetuating party as trustee to operate and maintain the cemetery;
 5. The removal and proper disposal of the remains at the termination of the cemetery at the expense of the applicant and his successors, rather than the public or some other party (for this purpose the cemetery shall not be severable from the endowment fund properties);
 6. That the county may enforce these provisions, including maintenance of neglected cemeteries, or the removal of remains at the termination of operations, and use the endowment assets to defray the expense.

7. The endowment assets used to guarantee such maintenance and removal shall bear a reasonable relationship to the current costs of the same, including changes due to increasing numbers of occupied burial plots and inflation.

The endowment properties used to guarantee maintenance and removal must bear a reasonable relationship to the current costs of same and provide for inflation.

- E. Other requirements reasonably imposed by the Planning Commission to implement the county street plan, official map, master plan, and the legislative intent of the zoning district in which the cemetery lies.

3-53: DIVISION OF LAND, PLAT REQUIRED

A. PLAT REQUIRED

Any owner or agent of any owner of real property which is located within a subdivision as defined by this ordinance that sells, assigns, or otherwise transfers a lot, parcel of land, or structure before the subdivision plat is given final approval and recorded in the office of the County Recorder, shall be guilty of a separate violation of this ordinance for each lot, parcel, or structure so transferred or sold; and the county may enjoin such transfer or sale by action for injunction brought in any court of equity jurisdiction or may recover said penalty by civil action in any court of competent jurisdiction. The occupancy or use of the facilities involved may be remedied, in addition to other remedies provided by law, by action for injunction mandamus, abatement, or other appropriate action or actions

B. EXEMPTION

Any owner or agent of any owner of real property who seeks to partition land without recording a plat by virtue of the exemption in Section 2-2-B, Subsection 146, for agricultural, commercial, manufacturing, and industrial land, shall first acquire a waiver on forms furnished and signed by the County Building Official. The Building Official shall approve said waiver upon satisfactory completion of the application form by the applicant, including, in the case of agricultural land, the recording of satisfactory deed covenants precluding the residential or other non-agricultural use of the land until the recording of a properly approved subdivision plat. Any sale or other transfer of land into three or more parcels without the owner or agent of the owner first having obtained a signed waiver from the Building Official, or having recorded an approved subdivision plat, shall be considered prima facie evidence of the illegal subdivision of land and a violation of this section, subject to the penalties stated herein.

3-54: CONDOMINIUM PROJECTS

The owner or owners of real property may construct a new condominium project or convert existing land and/or structures into a condominium project by complying with the provisions of Chapter 57-8 of the Utah Code Annotated 1953, as amended, and the regulations of this ordinance.

A. MINIMUM REQUIREMENTS

Whereas the requirements of this section shall be the minimum requirements for the preparation, submission, and the recording of plats, survey maps, and supporting documents and declarations, the Planning Commission and/or Legislative Body may require an increased standard to insure that the development will mesh harmoniously with the uses permitted in the surrounding zone and developments.

B. PERMITTED USES

Uses permitted within a condominium project shall be limited to those specifically permitted within a zone in which the project is located.

C. APPROVAL PROCEDURE

Any owner or owners of real property wishing to develop a new condominium project, or desiring to convert existing land and/or structures into a condominium project, shall follow the procedure commencing with Section 6-1 of this ordinance for large scale developments.

D. STANDARDS

In addition to the standards as set forth in Chapter 57-8 of the Utah Code Annotated 1953, as amended, condominium projects shall:

1. Conform to the large scale developments standards and requirements, if said project also qualifies as a large scale development; or
2. Conform with the requirements and standards of the zone in which the property is located, and the documentation for large scale developments, if the condominium project does not qualify as a large scale development.

E. VIOLATION

It shall be unlawful to record any record of survey map or declaration of a condominium project in the office of the County Recorder unless the same shall bear thereon signatures witnessing final approval of the Planning Commission and Legislative Body, and any record of survey map or declaration so recorded without such approval shall be null and void. Any owner or agent of any owner of real property which is contained within a condominium project as defined by this ordinance who sells or otherwise transfers any parcel of land, structure, or other condominium unit in such condominium project before obtaining final approval by the Planning Commission and Legislative Body, and recording the survey map and declaration in the office of the Utah County Recorder, shall be guilty of a separate violation of this ordinance for each lot, parcel of land, structure, time unit, or other condominium unit so sold.

CHAPTER 4
ESTABLISHMENT OF ZONES

4-1: ZONES ESTABLISHED

In order to carry out the purposes of this ordinance, the unincorporated territory of Utah County, Utah, is hereby divided into zones as follows:

A-1	Agricultural Zone
RR-5	Rural Residential Zone
TR-5	Transitional Residential Zone
CE-1	Critical Environmental Zone
CE-2	Critical Environmental Zone
M&G-1	Mining and Grazing Zone
NC-1	Neighborhood Commercial Zone
HS-1	Highway Service Zone
I-1	Industrial Zone
FPO	Flood Plain Overlay Zone
NHO	Natural Hazards Overlay Zone

4-2: DECLARATION

It is hereby declared that in establishing the zones, the boundaries thereof, and regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses, and to the character of the zone, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county.

4-3: OFFICIAL ZONE MAP

The location and boundaries of each of the zones are shown on the Official Utah County Zone Map, and said map is hereby declared to be an official record and part of this ordinance and said map and all notations, references, and other information shown thereon shall be as much a part of this ordinance as if the matters and other information as set forth by said map was fully described herein. Said map shall be identified by the signature of the chairman of the Legislative Body, attested by the County Clerk, and recorded in the office of the County Clerk and County Recorder. Whenever amendments or changes are made in zone boundaries, such amendments or changes shall be made on the said map promptly. No amendment or change shall become effective until after it has been properly noted and attested to on the said map.

No changes of any nature shall be made in said map except in conformity with the procedure set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided in this ordinance.

Regardless of the existence of purported copies of said map which may from time to time be made or published, said map which shall be located in the office of the County Clerk and County Recorder shall be the final authority in determining current status.

Any area or portion of this county which is not clearly zoned on said map because of zone boundary designations which do not close, segregations from incorporated municipalities, additions to the area of the county due to county boundary changes, an amendment to the ordinance which deletes a zone, a judicial decision which has the effect of deleting a zone, or any other action which would leave an unzoned enclave of property in the unincorporated area of Utah County, is hereby declared to be in the CE-1 Critical Environmental Zone.

To avoid uncertainty, zone boundary lines and amendments thereto, shall follow section lines, quarter section lines, or lot lines wherever possible.

4-4: BOUNDARIES OF ZONES

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply.

- A. Where the intended boundaries on the zone map are approximately street or alley lines, said street or alleys shall be construed to be the zone boundaries.
- B. Where the indicated boundaries are approximately section or quarter section lines or lot lines, said section, quarter section, or lot lines shall be construed to be the zone boundaries unless otherwise indicated.
- C. Where land had not been subdivided into lots or where the section or quarter section lines do not exist, the zone boundary shall be determined by the use of the scale of measurement shown on the map.
- D. Where other uncertainty exists, the Board of Adjustment shall interpret the map.

CHAPTER 5
REGULATIONS WITHIN ZONES

5-1: DECLARATION

It is hereby declared that the location, height, bulk, and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts, and other open spaces, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, or other purposes are regulated as set forth in this ordinance.

5-2: A-1 AGRICULTURAL ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The A-1 Agricultural Zone covers that portion of Utah County which historically has been utilized for the growing of crops and the raising of livestock. It includes that area of the county where the combination of soil quality, size of land parcel, availability and supply of water, and other natural and man-caused factors make the land most appropriately suited for agricultural use.

It is hereby declared that the specific purposes and intent of the Legislative Body in establishing the A-1 Agricultural Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning as set forth in Sections 17-27-5 and 17-27-13 of the Utah Code Annotated 1953, and Section 1-2 of this ordinance.
2. To preserve the county's agricultural land;
3. To foster and protect agro-industry and agricultural operations from adjacent antagonistic and incompatible land uses.
4. To coordinate development in a way that is economical for agriculture;
5. To stabilize and encourage the cultivation of crops and the raising and keeping of livestock and related uses within this zone;
6. To promote the conservation of water, land, and other resources;
7. To maintain a greenbelt around urban centers, insofar as possible, as a means of cleansing the atmosphere and the preservation of the quality living environment;
8. To avoid excessive costs for the public services which result from excessive scattering of urban uses.

9. To preserve and protect agricultural activities from the problems in residential areas by limiting residential development.

In order to accomplish the above-stated purposes and intent, those uses which are reasonably necessary to the use of the land for production of food and fiber are permitted and encouraged, while those uses which are inconsistent with, or tend to militate against the continued use of the land for agricultural purposes, such as most commercial and industrial establishments, are excluded from the zone. The specific regulations necessary for the accomplishment of the purposes as outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the standards and requirements as set forth in this ordinance:

1. The care and keeping of domestic livestock and fowl without restriction as to number; and barns, stables, corrals, feedyards, pens, coops, and other structures for the propagation and keeping of such livestock or fowl, subject to the provisions of Section 3-19 of this ordinance;
2. The raising of mink, beaver, nutria, and similar furbearing animals, and the pens and sheds used in the raising of such animals;
3. The production of fruits and crops in the field, and fruit and vegetable packing plants;
4. Buildings, silos, and other structures for the storage and keeping of farm products and machinery;
5. Buildings and other structures for the fabrication and portion control for domestic livestock and poultry raised on the farm unit premise;
6. Dairy farms, and buildings and facilities for the processing and packaging of milk produced on the dairy farm unit;
7. Apiaries and establishments for extracting and processing honey;
8. Kennels;
9. Fish hatcheries and the raising of fish;
10. Forest and plant nurseries and greenhouses;
11. Botanical gardens and arboretums;
12. Buildings and pens for the sales of domestic livestock and poultry, and furbearing animals;

13. Incidental produce stands, subject to the provisions of Section 3-45 of this ordinance;
14. One-family dwellings and mobile homes;
15. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant;
16. Foster care homes;
17. Residential facilities for handicapped persons and residential facilities for elderly persons, subject to the standards set forth in Section 3-49 and 3-50, respectively, of this ordinance;
18. Churches and other structures for religious worship when located on a street meeting the minimum county standards for a collector or arterial street
19. Home occupations, subject to the conditions set forth in Section 3-42;
20. Premises occupations, subject to the conditions set forth in Section 3-41;
21. Historical monuments;
22. Landscape parks;
23. Radio, television, and microwave towers;
24. Fences, walls, and landscaping, subject to the conditions set forth in Sections 3-20 and 3-21 of this ordinance;
25. Signs, subject to the provisions of Sections 3-43 of this ordinance;
26. Man-made lakes, ponds, and dams, if such are under ten (10) acre feet in capacity, and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
27. Hunting preserves and accessory storage buildings;
28. Oil wells, gas and water wells, and appurtenant pumps and pumphouses;
29. Unlighted roping and riding arenas; (Except that arenas which are totally enclosed within the roof and walls of a farm structure may be lighted inside.)
30. Office structures, including moved-on office structures, when accessory to the operation of a mine, sand, gravel, or clay pit;
31. Windmills;

32. Short-term concrete and asphalt mixing plants, subject to the provisions of Section 3-44 of this ordinance.
33. Marinas, subject to the provisions of Section 3-46.

C. PERMITTED CONDITIONAL USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this ordinance and after approval has been given by the designated reviewing agency: (Approval by other agencies or levels of government may be required.)

1. Man-made lakes, ponds, and dams, when over ten (10) acre feet in capacity, and covered water tanks and reservoirs which extend over two (2) feet above natural grade, when such are found to be compatible with the surrounding neighborhood and when approved by the Board of Adjustment as a special exception;
2. Airports, flying fields, and helicopter pads, including terminal and aircraft storage facilities, when approved by the Board of Adjustment as a special exception and subject to the conditions set forth in Section 3-34 of this ordinance;
3. Water treatment plants and culinary water distribution reservoirs and sewage treatment plants when approved by the Board of Adjustment as a special exception;
4. Sanitary landfills, refuse incinerators, and other solid waste processing and disposal facilities, when operated directly by or under written franchise from a governmental unit, and when approved by the Board of Adjustment as a special exception;
5. Preschools, primary and secondary schools when approved by the Board of Adjustment as a special exception;
6. Family care homes and youth group homes, when approved as a special exception by the Board of Adjustment, provided such are included as a part of a primary farm dwelling on a farm unit, and provided further that no youth group home shall be located within one mile of an existing youth group home;
7. Electric power transmission lines over 69 kv, but less than 345 kv capacity, and right-of-way and substations, subject to the requirements set forth in Section 3-51;
8. Gas transmission lines with a design pressure of 600 psi or more, or a pipe diameter of 16" or more, and rights-of-way and regulating stations, subject to the requirements set forth in Section 3-51 of this ordinance;
9. Water transmission lines over 200 second feet capacity and rights-of-way, subject to the requirements set forth in Section 3-51 of this ordinance;

10. Planned subdivisions, subject to the procedures and conditions set forth under Sections 6-1 and 6-3 of the zoning ordinance;
11. Manor dwellings, when approved by the Board of Adjustment as a special exception, subject to the requirements of Section 3-36 of this ordinance.
12. Cemeteries, when granted a conditional use permit by the Planning Commission according to the provisions of Section 3-52 of this ordinance;
13. Sand, gravel, and clay pits, when approved by the Board of Adjustment as a special exception, subject to the conditions set forth in Section 3-28 of this ordinance;
14. Rock crushers, when approved by the Board of Adjustment as a special exception and when located on the same lot as a gravel pit or quarry;
15. Lighted roping and riding arenas that are not totally enclosed within a farm structure, when approved by the Board of Adjustment as a special exception according to the provisions of Section 7-21 of this ordinance, and upon finding that the arena will not interfere with the farming activities of neighboring properties;
16. Electrical power generation plants, when approved by the Board of Adjustment as a special exception;
17. Facility parks, and public, private and limited membership park facilities and clubs (such as tennis clubs or country clubs) which are a part of a facility park, when such park and facilities are found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception according to the provisions of Section 3-31 of this ordinance.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the zone shall be as follows.

1. Each one-family dwelling, mobile home, foster care home, family care home, youth group home residential facility for handicapped persons, or residential facility for elderly persons shall be located on a lot containing at least five (5) acres of land.
2. Each facility park, club, or public, private, or limited membership park facility shall be located on a lot containing at least five (5) acres of land.
3. Each church or other religious structure, shall be located on a lot containing at least two and one-half (2.5) acres of land.
4. Each preschool, or primary or secondary school shall be located on a lot containing at least five (5) acres of land.

5. For other permitted structures and uses there shall be no minimum area requirement except that an area sufficient to accommodate location requirements, off-street parking, loading and unloading, or other provisions of this ordinance shall be present.

E. WIDTH REQUIREMENTS

The width of a zoning lot within the zone shall be as follows.

1. For any one-family dwelling, mobile home, foster care home, residential facility for handicapped persons, residential facility for elderly persons, family care home, youth group home, home occupation, or premise occupation, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

However, without regard to the 250-foot requirement stated above, if the property is included in a recorded large-scale development plat, the minimum width shall be the width of the lot or building site shown on such plat.

2. For churches and schools, the minimum frontage of a lot along public streets measured at the building setback line shall be two hundred and fifty (250) feet.
3. For other permitted uses and structures, there shall be no minimum width requirement, except as may be required to comply with other provisions of this ordinance.

F. LOCATION REQUIREMENTS

The minimum location requirements within the zone shall be as follows.

1. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by Section 3-16 of this ordinance.

2. Side and Rear Setback

All buildings and structures, other than public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20 of this ordinance, shall have a side and rear setback of at least twenty-five (25) feet, unless a greater setback is required by Section 3-16 of this ordinance.

Exception: the side setback may be reduced to ten (10) feet for a one-story accessory building which has a fire-resistive rating of one (1) hour or more, is not occupied by human beings, and is located at least fifty (50) feet from any dwelling and at least one hundred (100) feet from the nearest right-of way line of any public street.

G. HEIGHT REQUIREMENTS

No part of any building or structure shall be erected to a height greater than thirty (30) feet above grade if such part is combustible or contains any combustible material.

Exception: the Board of Adjustment, as a special exception granted according to the terms of Section 7-21 of this ordinance, may approve a building or structure which exceeds the thirty-foot limit when the structure is fitted with adequate fire suppression facilities which are additional to fire trucks and hose streams operating from the ground.

H. DWELLINGS SIZE AND PATTERN

1. No one-family dwelling, mobile home, or other building containing a dwelling unit shall have a floor area of less than eleven-hundred (1100) square feet for the ground-level story.
2. The roof of each one-family dwelling or mobile home shall have a slope of 2 to 12 or greater, shall have a non-reflective covering (exception: solar collection cells), and shall have eaves (including attached gutters) that extend at least six (6) inches beyond
3. The exterior siding material, other than windows and solar collection cells, shall be non-reflective.

I. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire or health hazard.
2. No occupied building shall be located on land having a natural slope exceeding thirty (30) percent if the sewage or sepsis waste is disposed of in the soil.
3. No street or driveway shall be located where the side slopes exceed the critical angle of repose of the soil or where the side slopes are too steep to become revegetated.
4. The grade of roads and driveways which serve a dwelling unit shall not exceed twelve (12) percent.
5. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard-surfacing, or a layer of topsoil at least one inch in depth. In order to prevent the soil from eroding, it shall be reseeded with plant material having sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

I. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with the applicable requirements as set forth in Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones.

5-3: RR-5 RURAL RESIDENTIAL ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The RR-5 Rural Residential Zone covers certain agricultural, grazing, and canyon areas of the unincorporated portions of the county which have been designated in the master plan for low-density residential development and hobby farms.

The areas so designated are characterized by low-quality cropland, native or improved pasture land, canyon bottoms, and hilly lands, which are neither prime agricultural land nor dense urban areas. Such lands are interspersed with increasing numbers of residential structures in association with cropland, pastures, barns, limited livestock, and other farming uses on small acreages.

It is hereby declared that the purpose and intent of the Legislative Body in establishing the RR-5 Rural Residential Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning as set forth in Section 17-27-5 and 17-27-13 of the Utah Code Annotated 1953, and Section 1-2 of this ordinance;
2. To provide a location where dwellings can be situated in association with a limited number of domestic livestock under conditions which will help stabilize this use;
3. To promote the orderly conversion of open land into functional residential areas as the need arises and as water, sewer, and other municipal-type services can be provided by the developer;
5. To reduce the waste of financial and physical resources by providing an efficient, economical development process for the change from rural to developed lands, and by making an efficient, economical system of water, drainage, sanitation, and other public facilities;
6. To help stabilize and encourage the cultivation of crops and raising of livestock and help preserve the county's agricultural land;
7. To more fully bring about the implementation of the county's master plan.
8. To provide a suitable location for the combination hobby-farm and residential use;

The specific regulations necessary for the accomplishment of the purposes of the zone as outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the standards and requirements as set forth in this ordinance:

1. One-family dwellings and mobile homes;
2. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant;
3. Family day-care centers and foster care homes;
4. Residential facilities for handicapped persons and residential facilities for elderly persons, subject to the standards set forth in Section 3-49 and 3-50, respectively, of this ordinance;
5. Home occupations, subject to the conditions set forth in Section 3-42 of this ordinance;
6. The pasturing of domestic livestock and the keeping of fowl for personal use; also barns, sheds, corrals, pens, and coops for keeping such livestock and fowl, subject to the requirements of Section 3-19 of this ordinance;
7. The production of fruits and crops in the field;
8. Buildings, silos, and other structures for the storage and keeping of farm products and machinery;
9. Apiaries;
10. Fish hatcheries and the raising of fish;
11. Forest and plant nurseries and greenhouses;
12. Botanical gardens and arboretums;
13. Landscape parks;
14. Historical monuments;
15. Churches and other structures for religious worship;
16. Fences, walls, and landscaping, subject to the conditions of Sections 3-20 and 3-21 of this ordinance;
17. Signs, subject to the limitations of Section 3-43 of this ordinance;
18. Man-made lakes, ponds, and dams, if such are under ten (10) acre feet in capacity, and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade;
19. Water wells, well pumps, and pump housings.

C. PERMITTED CONDITIONAL USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this ordinance and after approval has been given by the designated reviewing agency: (Approval by other agencies or levels of government may be required.)

1. Planned subdivisions, when granted a conditional use permit according to the procedures and conditions set forth under Sections 6-1 and 6-3 of this ordinance.
2. Mobile home parks, subject to the requirements of Sections 3-37, 6-1 and 6-6 of this ordinance;
3. Planned unit developments, subject of the requirements of Sections 6-1 and 6-2 of this ordinance;
4. Cemeteries, when granted a conditional use permit by the planning commission according to the provisions of Section 3-52 of this ordinance.
5. Facility parks, and public, private and limited membership park facilities and clubs (such as tennis clubs or country clubs) which are a part of a facility park, when such park and facilities are found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception, subject to Section 3-31 of this ordinance;
6. Man-made lakes, ponds, and dams, when over ten (10) acre feet in capacity, and covered water tanks and reservoirs which extend over two (2) feet above natural grade, when such are found to be compatible with the surrounding neighborhood and when approved by the Board of Adjustment as a special exception;
7. Water treatment plants and sewage treatment plants when such are found to be compatible with the surrounding neighborhood and when approved by the Board of Adjustment as a special exception;
8. Preschools, and primary and secondary schools, when approved by the Board of Adjustment as a special exception;
9. Electric power transmission lines over 69 kv but not more than 138 kv capacity, and rights of way and substations, when approved according to the provisions of Section 3-51 of this ordinance;
10. Gas transmission lines with a design pressure of 600 psi or more or a pipe diameter of sixteen (16) inches or more, and rights of way and regulating stations, when approved according to the requirements set forth in Section 3-51 of this ordinance;
11. Family care homes, youth group homes, and nursing homes, when approved by the Board of Adjustment as a special exception, provided the design and operation of such home will not detract from the residential character of the vicinity and no variance from width, setback and area requirements is needed; and further provided no youth group home is located within one (1) mile of an existing youth group home.
12. Manor dwellings, when approved by the Board of Adjustment as a special exception, subject to the requirements of Section 3-36 of this ordinance.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the zone shall be as follows.

1. Each one-family dwelling, mobile home, foster care home, family day-care center, residential facility for handicapped persons, or residential facility for elderly persons, shall be on a lot containing at least five (5) acres of land.

Exception: Where a master plan of streets and drainage for the zoning district has been drafted, reviewed by the public and adjacent municipalities, and adopted by the county, the minimum lot area for each such building or use shall be one (1) acre.

However, without regard to the 1- or 5-acre requirement stated above, if the property is included in a recorded large-scale development plat, the minimum required area shall be the entire undivided lot or building site as depicted on such recorded plat.

2. Each family care home, youth group home or nursing home shall be located on a lot containing at least five (5) acres of land.
3. Each planned subdivision shall be located on a lot containing at least five (5) acres of land, except as provided for in subsection 6-3-F-2 for nonconforming lots of record.
4. Each mobile home park or planned unit development shall be located on a lot containing at least five (5) acres of land;
5. Each facility park, club, or public, private, or limited membership park facility, shall be located on a lot containing at least five (5) acres of land;
6. Each church or other religious structure shall be located on a lot containing at least two and one-half (2.5) acres;
7. For the pasturing of domestic livestock or the keeping of fowl, the minimum lot area shall be one-half acre plus one-half acre per head;
8. For other permitted structures and uses there shall be no minimum area requirement except that an area sufficient to accommodate location requirements, off-street parking, loading and unloading, or other provisions of this ordinance shall be present.

E. WIDTH REQUIREMENTS

The width of a zoning lot within the zone shall be as follows.

1. For any one-family dwelling, mobile home, foster care home, family day-care center, family care home, residential facility for handicapped persons, residential facility for elderly persons, or home occupation, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

Exception : Where a master plan of streets and drainage for the zoning district has been drafted, reviewed by the public and adjacent municipalities, and adopted by the county, such minimum width shall be one-hundred (100) feet.

However, without regard to the 100- or 250-foot requirement stated above, if the property is included in a recorded large-scale development plat, the minimum width shall be the width of the lot or building site shown on such plat.

2. For any youth group home, nursing home, church, facility park, preschool, or primary or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two-hundred fifty (250) feet.
3. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. LOCATION REQUIREMENTS

The minimum location requirements within the zone shall be as follows.

1. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by Section 3-16 of this ordinance.

2. Side and Rear Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20 of this ordinance, shall have a side and rear setback of at least fourteen (14) feet from any property line unless a greater setback is required by Section 3-16 of this ordinance.

Exception: the minimum setback shall be the approved setback line where such line has been shown on a recorded large scale development plat which has a water system in place supplying standard fire flows to hydrants (1000 gpm for 60 minutes or more at a gravity-induced pressure of 40 psi or better and a residual pressure of 20 psi or more).

G. HEIGHT REQUIREMENTS

The height requirements within the zone shall be as follows.

1. No part of any building or structure shall be erected to a height greater than thirty (30) feet above grade if such part is combustible or contains any combustible material.

Exception: the Board of Adjustment, as a special exception granted according to the terms of Section 7-21 of this ordinance, may approve a building or structure which exceeds the thirty-foot limit when the structure is fitted with adequate fire suppression facilities which are additional to fire trucks and hose streams operating from the ground.

2. The minimum height of any dwelling shall be eight (8) feet above natural grade.

H. DWELLINGS SIZE AND PATTERN

1. No one-family dwelling, mobile home, or other building containing a dwelling unit shall have a floor area of less than eleven-hundred (1100) square feet for the ground-level story.
2. The roof of each one-family dwelling or mobile home shall have a slope of 2 to 12 or greater, shall have a non-reflective covering (exception: solar collection cells), and shall have eaves (including attached gutters) that extend at least six (6) inches beyond
3. The exterior siding material, other than windows and solar collection cells, shall be non-reflective.

I. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No occupied building shall be located on land having a natural slope exceeding thirty (30) percent if the sewage or sepsis waste is disposed of in the soil.
3. No street or driveway shall be located where the side slopes exceed the critical angle of repose of the soil or where the side slopes are too steep to become revegetated.
4. The grade of roads and driveways which serve a dwelling unit shall not exceed twelve (12) percent.
5. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard-surfacing, or a layer of topsoil of at least one inch in depth. In order to prevent the soil from eroding, it shall be reseeded with plant material having sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

J. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with all applicable requirements as set forth under Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones.

5-4. TR-5 TRANSITIONAL RESIDENTIAL ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The TR-5 Transitional Residential Zone covers land which abuts on or lies adjacent to the boundaries of existing municipalities. The area is characterized by open land that is interspersed with residential dwellings.

It is hereby declared that the purpose and intent of the Legislative Body in establishing the TR-5 Transitional Residential Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning as set forth in Section 17-27-5 and 17-27-13 of the Utah Code Annotated 1953, and Section 1-2 of this ordinance;
2. To promote the orderly conversion of open land to residential areas by facilitating incorporation or annexation to a municipality;
3. To reduce the waste of financial and physical resources by providing an efficient, economical development process for the change from rural to developed lands, and by making an efficient, economical system of water, drainage, sanitation, and other public facilities;
4. To more fully bring about the implementation of the county's master plan.

The specific regulations necessary for the accomplishment of the purposes of the zone as outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the standards and requirements as set forth in this ordinance:

1. One-family dwellings and mobile homes;
2. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant;
3. Family day-care centers and foster care homes;
4. Residential facilities for handicapped persons and residential facilities for elderly persons, subject to the standards set forth in Section 3-49 and 3-50, respectively, of this ordinance;
5. Home occupations, subject to the conditions set forth in Section 3-42 of this ordinance;
6. The pasturing of domestic livestock and the keeping of fowl for personal use; also barns, sheds, corrals, pens, and coops for keeping such livestock and fowl, subject to the requirements of Section 3-19 of this ordinance;

7. The production of fruits and crops in the field;
8. Buildings, silos, and other structures for the storage and keeping of farm products and machinery;
9. Apiaries;
10. Fish hatcheries and the raising of fish;
11. Forest and plant nurseries and greenhouses;
12. Botanical gardens and arboretums;
13. Landscape parks;
14. Historical monuments;
15. Churches and other structures for religious worship;
16. Fences, walls, and landscaping, subject to the conditions of Sections 3-20 and 3-21 of this ordinance;
17. Signs, subject to the limitations of Section 3-43 of this ordinance;
18. Man-made lakes, ponds, and dams, if such are under ten (10) acre feet in capacity, and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade;
19. Water wells, well pumps, and pump housings.

C. PERMITTED CONDITIONAL USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this ordinance and after approval has been given by the designated reviewing agency: (Approval by other agencies or levels of government may be required.)

1. Planned subdivisions, when granted a conditional use permit according to the procedures and conditions set forth under Sections 6-1 and 6-3 of this ordinance.
2. Cemeteries, when granted a conditional use permit by the planning commission according to the provisions of Section 3-52 of this ordinance.
3. Facility parks, and public, private and limited membership park facilities and clubs (such as tennis clubs or country clubs) which are a part of a facility park, when such park and facilities are found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception, subject to Section 3-31 of this ordinance;
4. Man-made lakes, ponds, and dams, when over ten (10) acre feet in capacity, and covered water tanks and reservoirs which extend over

two (2) feet above natural grade, when such are found to be compatible with the surrounding neighborhood and when approved by the Board of Adjustment as a special exception;

5. Water treatment plants and sewage treatment plants when such are found to be compatible with the surrounding neighborhood and when approved by the Board of Adjustment as a special exception;
6. Preschools, and primary and secondary schools, when approved by the Board of Adjustment as a special exception;
7. Electric power transmission lines over 69 kv but not more than 138 kv capacity, and rights of way and substations, when approved according to the provisions of Section 3-51 of this ordinance;
8. Gas transmission lines with a design pressure of 600 psi or more or a pipe diameter of sixteen (16) inches or more, and rights of way and regulating stations, when approved according to the requirements set forth in Section 3-51 of this ordinance;
9. Family care homes, youth group homes, and nursing homes, when approved by the Board of Adjustment as a special exception, provided the design and operation of such home will not detract from the residential character of the vicinity and no variance from width, setback and area requirements is needed; and further provided no youth group home is located within one (1) mile of an existing youth group home.
10. Manor dwellings, when approved by the Board of Adjustment as a special exception, subject to the requirements of Section 3-36 of this ordinance.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the zone shall be as follows.

1. Each one-family dwelling, mobile home, foster care home, family day-care center, residential facility for handicapped persons, or residential facility for elderly persons, shall be on a lot containing at least five (5) acres of land.

Exception: Where a master plan of streets and drainage for the zoning district has been drafted, reviewed by the public and adjacent municipalities, and adopted by the county, the minimum lot area for each such building or use shall be one (1) acre.

However, without regard to the 1- or 5-acre requirement stated above, if the property is included in a recorded large-scale development plat, the minimum required area shall be the entire undivided lot or building site as depicted on such recorded plat.

2. Each family care home, youth group home or nursing home shall be located on a lot containing at least five (5) acres of land.

3. Each planned subdivision shall be located on a lot containing at least five (5) acres of land, except as provided for in subsection 6-3-F-2 for nonconforming lots of record.
4. Each facility park, club, or public, private, or limited membership park facility, shall be located on a lot containing at least five (5) acres of land;
5. Each church or other religious structure shall be located on a lot containing at least two and one-half (2.5) acres;
6. For the pasturing of domestic livestock or the keeping of fowl, the minimum lot area shall be one-half acre plus one-half acre per head;
7. For other permitted structures and uses there shall be no minimum area requirement except that an area sufficient to accommodate location requirements, off-street parking, loading and unloading, or other provisions of this ordinance shall be present.

E. WIDTH REQUIREMENTS

The width of a zoning lot within the zone shall be as follows.

1. For any one-family dwelling, mobile home, foster care home, family day-care center, family care home, residential facility for handicapped persons, residential facility for elderly persons, or home occupation, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

Exception : Where a master plan of streets and drainage for the zoning district has been drafted, reviewed by the public and adjacent municipalities, and adopted by the county, such minimum width shall be one-hundred (100) feet.

However, without regard to the 100- or 250-foot requirement stated above, if the property is included in a recorded large-scale development plat, the minimum width shall be the width of the lot or building site shown on such plat.

2. For any youth group home, nursing home, church, facility park, preschool, or primary or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two-hundred fifty (250) feet.
3. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. LOCATION REQUIREMENTS

The minimum location requirements within the zone shall be as follows.

1. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by Section 3-16 of this ordinance.

2. Side and Rear Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20 of this ordinance, shall have a side and rear setback of at least fourteen (14) feet from any property line unless a greater setback is required by Section 3-16 of this ordinance.

Exception: the minimum setback shall be the approved setback line where such line has been shown on a recorded large scale development plat which has a water system in place supplying standard fire flows to hydrants (1000 gpm for 60 minutes or more at a gravity-induced pressure of 40 psi or better and a residual pressure of 20 psi or more).

G. HEIGHT REQUIREMENTS

The height requirements within the zone shall be as follows.

1. No part of any building or structure shall be erected to a height greater than thirty (30) feet above grade if such part is combustible or contains any combustible material.

Exception: the Board of Adjustment, as a special exception granted according to the terms of Section 7-21 of this ordinance, may approve a building or structure which exceeds the thirty-foot limit when the structure is fitted with adequate fire suppression facilities which are additional to fire trucks and hose streams operating from the ground.

2. The minimum height of any dwelling shall be eight (8) feet above natural grade.

H. DWELLINGS SIZE AND PATTERN

1. No one-family dwelling, mobile home, or other building containing a dwelling unit shall have a floor area of less than eleven-hundred (1100) square feet for the ground-level story.
2. The roof of each one-family dwelling or mobile home shall have a slope of 2 to 12 or greater, shall have a non-reflective covering (exception: solar collection cells), and shall have eaves (including attached gutters) that extend at least six (6) inches beyond
3. The exterior siding material, other than windows and solar collection cells, shall be non-reflective.

I. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No occupied building shall be located on land having a natural slope exceeding thirty (30) percent if the sewage or sepsis waste is disposed of in the soil.
3. No street or driveway shall be located where the side slopes exceed the critical angle of repose of the soil or where the side slopes are too steep to become revegetated.
4. The grade of roads and driveways which serve a dwelling unit shall not exceed twelve (12) percent.
5. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard-surfacing, or a layer of topsoil of at least one inch in depth. In order to prevent the soil from eroding, it shall be reseeded with plant material having sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

J. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with all applicable requirements as set forth under Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones.

5-5: CE-1 CRITICAL ENVIRONMENTAL ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The CE-1 Critical Environmental Zone covers the rugged upland areas and other areas of environmental concern in Utah County. Because of the limitations imposed by climate, steep slopes, unstable soils, mountain water courses, and vegetative conditions, the prudent use of land in this area is limited to grazing, wildlife, outdoor recreation, and low impact mines, ranches, utilities, and cabins.

Land within the zone has functioned historically as native pasture, watershed, and wildlife habitat, and has been a pass-through area for roads and utilities. It has also been the source of wildfires, floods, rockfalls, landslides, soil erosion, avalanches, and other natural hazards. Parts of the critical environmental zone form the recharge areas for the culinary aquifers used by the cities and the critical winter range essential to wildlife. Of high importance is maintaining the scenic quality of the mountain environment, which is the basis for the large tourism industry located in the zone.

It is hereby declared that the specific purposes and intent of the Legislative Body in establishing the CE-1 Critical Environmental Zone are:

1. To take advantage of and more fully implement the basic purposes for planning and zoning as set forth in Sections 17-27-5 and 17-27-13 of the Utah Code Annotated 1953 and Section 1-2 of this ordinance;
2. To protect and conserve the water supply, vegetation, soils, wildlife, and other natural resources within the watershed;
3. To avoid the creation of hazard from flood, fire, and other dangers;
4. To preserve the aesthetic appearance of the landscape;
5. To prevent the degradation of the environment and the waste of natural and financial resources;
6. To secure economy in governmental expenditures.

In order to accomplish the above purposes, those uses which can be conducted in a manner and densities consistent with the objectives of the zone are permitted, provided that adequate guarantees for protection of the watershed are incorporated. Uses or densities which tend to produce a hazardous condition or otherwise degrade or militate against the preservation of the quality of the environment in the zone are not permitted.

The specific regulations necessary for the accomplishment of the purposes as outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the standards and requirements as set forth in this ordinance:

1. The grazing and pasturing of domestic livestock limited to numbers and densities that do not erode the soil; also barns, sheds, corrals, pens, and fields for the keeping and feeding of such livestock, subject to the requirements of Section 3-19 of this ordinance;
2. The raising of poultry and other fowl, and the coops, pens, and hatcheries used in the raising of such fowl;
3. The raising of mink, beaver, nutria, and similar furbearing animals, and the pens and sheds used in the raising of such animals;
4. The production of fruits and crops in the field;
5. Buildings, silos, and other structures for the storage and keeping of farm products and machinery;
6. Apiaries and establishments for extracting and processing honey;
7. Kennels;
8. Fish hatcheries and the raising of fish;
9. Forest and plant nurseries and greenhouses;
10. Botanical gardens and arboretums;
11. Landscape parks;
12. Historical monuments;
13. One-family dwellings;
14. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant;
15. Foster care homes;
16. Residential facilities for handicapped persons and residential facilities for elderly persons, subject to the standards set forth in Section 3-49 and 3-50, respectively, of this ordinance;
17. Radio, television, and microwave towers;
18. Camping and picnicking;
19. Minor campgrounds, and appurtenant campsite facilities, for noncommercial use;
20. Hunting preserves and accessory storage facilities;

21. Man-made lakes, reservoirs, ponds, and dams under ten (10) acre feet in capacity;
22. Fences, walls and landscaping, subject to the conditions set forth in Sections 3-20 and 3-21 of this ordinance;
23. Office structures, including moved-on office structures, when accessory to the operation of a mine, sand, gravel, or clay pit.
24. Oil, gas and water wells, and appurtenant pumps and pumphouses;
25. Signs, subject to the provisions of Section 3-43 of this ordinance;
26. Short-term concrete and asphalt mixing plants, subject to the provisions of Section 3-44 of this ordinance;

C. PERMITTED CONDITIONAL USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this ordinance and after approval has been given by the designated reviewing agency: (Approval by other agencies or levels of government may be required.)

1. Man-made lakes, ponds, and dams, when over ten (10) acre feet in capacity, and covered water tanks and reservoirs which extend over two (2) feet above natural grade, when such are found to be compatible with the surrounding neighborhood and when approved by the Board of Adjustment as a special exception;
2. Water treatment plants, water distribution reservoirs, and sewage treatment plants, when approved by the Board of Adjustment as a special exception;
3. Electric power transmission lines with a capacity of more than 69 kv, and rights-of-way and substations, subject to the requirements set forth in Section 3-51 of this ordinance;
4. Gas transmission lines with a design pressure of 600 psi or more or a pipe diameter of 18" or more, and rights-of-way and regulating stations, subject to the requirements set forth in Section 3-51 of this ordinance;
5. Water transmission lines over 200 second feet capacity, and rights-of-way, subject to the conditions set forth in Section 3-51 of this ordinance;
6. Planned subdivisions, subject to the procedures and conditions set forth under Section 6-1 and 6-3 of this ordinance;
7. Major campgrounds, and appurtenant campsite facilities, for noncommercial use, when approved by the Board of Adjustment as a special exception, subject to the requirements of Section 3-32;

8. Manor dwellings, when approved by the Board of Adjustment as a special exception, subject to the requirements of Section 3-36 of this ordinance.
9. Hydroelectric power generating plants, when approved by the Board of Adjustment as a special exception, but not to include fossil fuel or nuclear generating plants;
10. Shotgun, pistol and rifle shooting ranges, when approved as a special exception by the Board of Adjustment, subject to the applicant providing adequate evidence of safe setbacks, location and layout, noise abatement, and continuing management.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the zone shall be as follows.

1. Each one-family dwelling, foster care home, residential facility for handicapped persons, or residential facility for elderly persons, shall be on a lot containing at least fifty (50) acres of land.

However, without regard to the 50-acre requirement stated above, if the property is included in a recorded large-scale development plat, the minimum lot area shall be the entire undivided lot or building site as depicted on such recorded plat.

2. Each major campground and its appurtenant campsite facilities shall be located on a lot containing at least fifty (50) acres of land.
3. Each minor campground and its appurtenant campsite facilities shall be located on a lot containing at least five (5) acres for each recreation vehicle pad, tent site, or other campsite in the campground.
3. Each planned subdivision shall be located on a lot containing at least one hundred fifty (150) acres.
4. For other permitted structures and uses there shall be no minimum area requirement except that an area sufficient to accommodate location requirements, off-street parking, loading and unloading, or other provisions of this ordinance shall be present.

E. WIDTH REQUIREMENTS

The width of a zoning lot within the zone shall be as follows:

1. For any one-family dwelling, foster care home, residential facility for handicapped persons, or residential facility for elderly persons, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

However, without regard to the 333-foot requirement stated above, if the property is included in a recorded large-scale development plat, the required lot width shall be the width of the lot or building site as shown on such plat.

2. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. LOCATION REQUIREMENTS

The minimum location requirements within the zone shall be as follows.

1. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by Section 3-16 of this ordinance.

2. Side and Rear Setbacks

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20 of this ordinance, shall have a side and rear setback of at least twenty-five (25) feet, unless a greater setback is required by Section 3-16 of this ordinance.

Exception: the side setback may be reduced to ten (10) feet for a one-story accessory building which has a fire-resistive rating of one (1) hour or more, is not occupied by human beings, and is located at least fifty (50) feet from any dwelling and at least one hundred (100) feet from the nearest right-of way line of any public street.

G. HEIGHT REQUIREMENTS

The height requirements within the zone shall be as follows.

1. No part of any building or structure shall be erected to a height greater than thirty (30) feet above grade if such part is combustible or contains any combustible material.

Exception: the Board of Adjustment, as a special exception granted according to the terms of Section 7-21 of this ordinance, may approve a building or structure which exceeds the thirty-foot limit when the structure is fitted with adequate fire suppression facilities which are additional to fire trucks and hose streams operating from the ground.

2. The minimum height of any dwelling shall be eight (8) feet above natural grade.

H. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.

2. No occupied building shall be located on land having a natural slope exceeding thirty (30) percent if the sewage or sepsis waste is disposed of in the soil.
3. No street or driveway shall be located where the side slopes exceed the critical angle of repose of the soil or where the side slopes are too steep to become revegetated.
4. The grade of roads and driveways which serve a dwelling unit shall not exceed twelve (12) percent.
5. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard-surfacing, or a layer of topsoil of at least one inch in depth. In order to prevent the soil from eroding, it shall be reseeded with plant material having sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

I. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with all applicable requirements set forth under Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones.

5-6: CE-2 CRITICAL ENVIRONMENTAL ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The CE-2 Critical Environmental Zone includes certain of the less rugged mountainous and riparian lands within Utah County. Characteristically, the lands included within this zone consist of mountain valleys and the less rugged canyon floor areas.

Historically, lands within this zone have been used for livestock grazing, wildlife habitat, and the location of an occasional ranch, mine, recreational site, or seasonal homes area.

The lands also function as an integral part of the watershed which supplies much of the irrigation and culinary water for the Utah Valley. The watershed area is environmentally fragile, and its preservation is of critical importance to the county.

Because of a combination of factors, including accessibility from existing roads, availability of water, suitable topographical soil and vegetative conditions, and aesthetic attractions, part of the territory included within this zone is capable of accommodating certain types of recreational and summer housing development without undue adverse effect on the quality of the watershed, provided that such developments are limited in size and are constructed and maintained under carefully regulated conditions.

It is hereby declared that the specific purposes and intent of the Legislative Body in establishing the CE-2 Critical Environmental Zone are:

1. To take advantage of and more fully implement the basic purposes for planning and zoning as set forth in Sections 17-27-5 and 17-27-13 of the Utah Code Annotated 1953 and Section 1-2 of this ordinance;
2. To protect and conserve the water supply, vegetation, soils, wildlife, and other natural resources within the watershed;
3. To avoid the creation of hazard from flood, fire, and other dangers;
4. To preserve the aesthetic appearance of the landscape;
5. To prevent the degradation of the environment and the waste of natural and financial resources;
6. To permit certain types of development to take place in areas of critical environmental concern under conditions which will result in the conservation of the water supply, vegetation, soils, wildlife, and other natural resources within the zone;
7. To secure economy in governmental expenditures.

In order to accomplish the above purposes, those uses which can be conducted in a manner consistent with the objectives of the zone are

permitted, provided that adequate guarantees for protection of the watershed are incorporated. Uses or densities which tend to produce an unduly hazardous condition or significantly degrade or militate against the preservation of the quality of the environment in the zone are not permitted.

The specific regulations necessary for the accomplishment of the purposes as outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the standards and requirements as set forth in this ordinance:

1. The grazing and pasturing of domestic livestock limited to numbers and densities that do not erode the soil; also barns, sheds, corrals, pens, and fields for the keeping and feeding of such livestock, subject to the requirements of Section 3-19 of this ordinance;
2. The production of fruits and crops in the field;
3. Buildings, silos, and other structures for the storage and keeping of farm products and machinery;
4. Apiaries and establishments for extracting and processing honey;
5. Fish hatcheries and the raising of fish;
6. Forest and plant nurseries and greenhouses;
7. Botanical gardens and arboretums;
8. One-family dwellings;
9. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant;
10. Family day-care centers and foster care homes;
11. Residential facilities for handicapped persons and residential facilities for elderly persons, subject to the standards set forth in Section 3-49 and 3-50, respectively, of this ordinance;
12. Historical monuments;
13. Landscape parks;
14. Radio, television, and microwave towers;
15. Camping and picnicking;

16. Minor campgrounds, and appurtenant campsite facilities, for noncommercial use;
17. Hunting preserves and accessory storage facilities;
18. Man-made lakes, ponds, and dams, if such are under ten (10) acre feet in capacity, and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
19. Water wells, well pumps, and pump housings;
20. Fences, walls and landscaping, subject to the conditions set forth in Sections 3-20 and 3-21 of this ordinance;
21. Signs, subject to the provisions of Section 3-43 of this ordinance;
22. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
 - a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
 - b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
 - c. Office buildings housing the administrative and governmental activities of the agency, group assembly rooms and post offices.

C. PERMITTED CONDITIONAL USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this ordinance and after approval has been given by the designated reviewing agency: (Approval by other agencies or levels of government may be required.)

1. Water treatment plants, water distribution reservoirs, and sewage treatment plants, when approved by the Board of Adjustment as a special exception;
2. Electric power transmission lines with a capacity of more than 69 kv, and rights-of-way and substations, subject to the requirements set forth in Section 3-51 of this ordinance;
3. Gas transmission lines with a design pressure of 600 psi or more or a pipe diameter of 16" or more, and rights-of-way and regulating stations, subject to the requirements set forth in Section 3-51 of this ordinance;
4. Water transmission lines over 200 second feet capacity, and rights-of-way, subject to the conditions set forth in Section 3-51 of this ordinance;

5. Man-made lakes, ponds, and dams, when over ten (10) acre feet in capacity, and covered water tanks and reservoirs which extend over two (2) feet above natural grade, when such are found to be compatible with the surrounding neighborhood and when approved by the Board of Adjustment as a special exception;
6. Hydroelectric power generating plants, when approved by the Board of Adjustment as a special exception, but not to include fossil fuel or nuclear generating plants;
7. Major campgrounds, and appurtenant campsite facilities, for noncommercial use, when approved by the Board of Adjustment as a special exception, subject to the requirements of Section 3-32;
8. Planned subdivisions, subject to the procedures and conditions set forth under Sections 6-1 and 6-3 of this ordinance;
9. Mountain home developments, subject to requirements for such uses as set forth under Sections 6-1 and 6-4 of this ordinance;
10. Recreational resorts, subject to the requirements for such uses as set forth under Sections 6-1 and 6-5 of this ordinance;
11. Facility parks, and public, private and limited membership park facilities and clubs (such as tennis clubs or country clubs) which are a part of a facility park, when such park and facilities are found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception, subject to Section 3-31 of this ordinance;
12. Family care homes and youth group homes, when approved by the Board of Adjustment as a special exception, provided the design and operation of the home will not detract from the residential character of the vicinity and no variance from width, setback, and area requirements is needed; and further provided that no youth group home is located within one (1) mile of an existing youth group home.
13. Manor dwellings, when approved by the Board of Adjustment as a special exception, subject to the requirements of Section 3-36 of this ordinance.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the zone shall be as follows.

1. Each one-family dwelling, family day-care center, foster care home, residential facility for handicapped persons, or residential facility for elderly persons, shall be located on a lot containing at least twenty (20) acres of land.

However, without regard to the 20-acre requirement stated above, if the property is included in a recorded large-scale development plat, the minimum required area shall be the entire undivided lot or building site as depicted on such recorded plat.

2. Each family care home or youth group home shall be located on a lot containing at least twenty (20) acres of land.
3. Each major campground and its appurtenant campsite facilities shall be located on a lot containing at least twenty (20) acres of land.
4. Each minor campground and its appurtenant campsite facilities shall be located on a lot containing at least five (5) acres for each recreation vehicle pad, tent site, or other campsite in the campground, if it consists of from one (1) to four (4) campsites; a minor campground having five (5) or more campsites shall be located on a lot containing at least twenty (20) acres of land.
5. Each mountain home development or recreational resort shall be located on a lot containing at least twenty (20) acres of land.
6. Each planned subdivision shall be located on a lot containing at least sixty (60) acres of land.
7. Each facility park, club, or public, private, or limited membership park facility, shall be located on a lot containing at least five (5) acres of land.
8. For other permitted structures and uses there shall be no minimum area requirement except that an area sufficient to accommodate location requirements, off-street parking, loading and unloading, or other provisions of this ordinance shall be present.

E. WIDTH REQUIREMENTS

The width of a zoning lot within the zone shall be as follows.

1. For any one-family dwelling, family day-care center, foster care home, family care home, residential facility for handicapped persons, or residential facility for elderly persons, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

However, without regard to the 330-foot requirement stated above, if the property is included in a recorded large-scale development plat, the minimum width shall be the width of the lot or building site shown on such plat.

2. For any youth group home, the minimum width shall be three hundred thirty (330) feet.
3. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. LOCATION REQUIREMENTS

The minimum location requirements within the zone shall be as follows, except that such provisions shall not apply in approved mountain home developments or recreational resorts (see Sections 6-4-F and 6-5-F).

1. Front Setback

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All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21, and 3-20, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by Section 3-16 of this ordinance.

2. Side and Rear Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21, 3-20 of this ordinance, shall have a side and rear setback of at least fifteen (15) feet, unless a greater setback is required by Section 3-16 of this ordinance.

Exception: the side setback may be reduced to ten (10) feet for a one-story accessory building which has a fire-resistive rating of one (1) hour or more, is not occupied by human beings, and is located at least fifty (50) feet from any dwelling and at least one hundred (100) feet from the nearest right-of way line of any public street or platted large-scale developemnt roadway.

G. SIZE OF DWELLINGS

The height requirements within the zone shall be as follows:

1. No part of any building or structure shall be erected to a height greater than thirty (30) feet above grade if such part is combustible or contains any combustible material.

Exception: the Board of Adjustment, as a special exception granted according to the terms of Section 7-21 of this ordinance, may approve a building or structure which exceeds the thirty-foot limit when the structure is fitted with adequate fire suppression facilities which are additional to fire trucks and hose streams operating from the ground.

2. The minimum height of any dwelling shall be eight (8) feet above natural grade.

H. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No occupied building shall be located on land having a natural slope exceeding thirty (30) percent if the sewage or sepsis waste is disposed of in the soil.
3. No street or driveway shall be located where the side slopes exceed the critical angle of repose of the soil or where the side slopes are too steep to become revegetated.

4. The grade of roads and driveways which serve a dwelling unit shall not exceed twelve (12) percent.
5. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard-surfacing, or a layer of topsoil of at least one inch in depth. In order to prevent the soil from eroding, it shall be reseeded with plant material having sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

I. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with all applicable requirements set forth under Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones.

5-7: M&G-1 MINING AND GRAZING ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The M&G-1 Mining and Grazing Zone generally covers the dry mountain and desert areas of the county. Because of the limitations imposed by climate, topography, soil capability, inadequate water supply, and the presence of economically significant mineral deposits, this area has historically been utilized: (1) as a place for the grazing of livestock on the open range, (2) as the location of numerous mining and mineral exploration sites, and (3) as the location of activities and industrial operations which, because of their nature of operation, are not appropriate near urban centers.

The peculiar characteristics and conditions present in this area make the land most appropriately suited for a continuation of these uses. However, because of the relatively fragile balance of nature in the area, all permitted activities must be carried out in a manner consistent with the limitations of the environment.

It is hereby declared that the specific purposes and intent of the Legislative Body in establishing the M&G-1 Mining and Grazing Zone are:

1. To take advantage of and to more fully implement the basic purposes for planning and zoning as set forth in Sections 17-27-5 and 17-27-13 of the Utah Code Annotated 1953 and Section 1-2 of this ordinance;
2. To promote the conservation of water, land, mineral, and other resources;
3. To prevent the degradation of the natural environment;
4. To foster agriculture, mining, and industry within the state;
5. To provide a location for certain types of agricultural, industrial, and other uses which, because of certain characteristics of operation such as odor, noise, etc., are not compatible with urban development.

In order to accomplish the above-stated purposes, those uses which are reasonably necessary to the use of the land for agricultural, mining, and certain types of industrial operations shall be encouraged, provided that adequate guarantees for the protection of the environment in the area have been incorporated. Conversely, residential, commercial, and similar urban type uses which are inconsistent with or militate against the continued use of the area for the above-stated purposes are not permitted in this zone.

The specific regulations necessary for the accomplishment of the purposes as outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the standards and requirements as set forth in this ordinance:

1. Mines (underground and open pit), sand, gravel, topsoil and clay pits, subject to the conditions of Section 3-28 of this ordinance;
2. Mine, slag, and mineral waste dumps;
3. Oil, gas and water wells, and appurtenant pumps and pumphouses;
4. The care and keeping of domestic livestock and fowl without restriction as to number; and barns, stables, corrals, feedyards, pens, coops, and other structures for the propagation or keeping of such livestock or fowl, subject to the provisions of Section 3-19 of this ordinance;
5. The raising of mink, beaver, nutria, and similar furbearing animals, and the pens and sheds used in the raising of such animals;
6. The production of fruits and crops in the field, and fruit and vegetable packing plants;
7. Buildings, silos, and other structures for the storage and keeping of farm products and machinery;
8. Buildings and other structures for the fabrication and portion control for domestic livestock and poultry raised on the farm unit premise;
9. Dairy farms, and buildings and facilities for the processing and packaging of milk produced on the dairy farm unit;
10. Apiaries and establishments for extracting and processing honey;
11. Kennels;
12. Fish hatcheries and the raising of fish;
13. Forest and plant nurseries and greenhouses;
14. Botanical gardens and arboretums;
15. Buildings and pens for the sales of domestic livestock and poultry, and furbearing animals;
16. One-family dwellings;
17. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant;
18. Foster care homes and family day-care centers;
19. Residential facilities for handicapped persons and residential facilities for elderly persons, subject to the standards set forth in Section 3-49 and 3-50, respectively, of this ordinance;

20. Incidental produce stands, subject to the provisions of Section 3-45 of this ordinance;
21. Premises occupations and home occupations, subject to the requirements of Sections 3-41 and 3-42, respectively;
22. Historical monuments;
23. Landscape parks;
24. Radio, television, and microwave towers;
25. Fences, walls, and landscaping, subject to the conditions set forth in Sections 3-20 and 3-21 of this ordinance;
26. Camping and picnicking;
27. Minor campgrounds, with appurtenant campsite facilities, for noncommercial use;
28. Hunting preserves and accessory storage buildings;
29. Signs, subject to the provisions of Sections 3-43 of this ordinance;
30. Man-made lakes, ponds, dams, water tanks and reservoirs;
31. Unlighted roping and riding arenas; (Except that arenas which are totally enclosed by the roof and walls of a farm structure may be lighted inside);
32. Cement manufacturing plants;
33. Office structures, including moved-on office structures, when accessory to the operation of a mine, sand, gravel, or clay pit.
34. Oil, gas and water wells, and appurtenant pumps and pumphouses;
35. Windmills;
36. Short-term concrete and asphalt mixing plants, subject to the provisions of Section 3-44 of this ordinance;
37. Marinas, subject to the provisions of Section 3-46;
38. Sawmills.

C. PERMITTED CONDITIONAL USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this ordinance and after approval has been given by the designated reviewing agency: (Approval of other agencies or levels of government may be required.)

1. Slag dumps and mine and mineral waste disposal sites, when approved by the Board of Adjustment as a special exception;
2. Rock crushers, mineral reduction and processing plants, and retail sales of rocks and minerals processed on the premises, when approved by the Board of Adjustment as a special exception;
3. Automobile and motorcycle race tracks and race courses, subject to approval of the Board of Adjustment as a special exception;
4. Fairgrounds, rodeo arenas, and horserace tracks, when operated by a public agency, subject to the approval of the site plan by the Board of Adjustment as a special exception;
5. Facility parks, and public, private and limited membership facilities and clubs (such as tennis clubs or country clubs) which are a part of a facility park, when such park and facilities are found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception, subject to Section 3-31 of this ordinance;
6. Shotgun, pistol and rifle shooting ranges, when approved as a special exception by the Board of Adjustment, subject to the applicant providing adequate evidence of safe setbacks, location, layout, and continuing management;
7. Correctional institutions and correctional schools, subject to the approval of the Board of Adjustment as a special exception;
8. Airports, flying fields, and helicopter pads, including terminal and aircraft storage facilities, when approved by the Board of Adjustment as a special exception, and subject to the conditions set forth in Section 3-34 of this ordinance;
9. Electric power transmission lines over 69 kv capacity, and rights-of-way and substations, subject to the requirements set forth in Section 3-51 of this ordinance;
10. Gas transmission lines with a design pressure of 600 psi or more or a pipe diameter of 16" or more, and rights-of-way and regulating stations, subject to the requirements set forth in Section 3-51 of this ordinance;
11. Water transmission lines over 200 second feet capacity, and rights-of-way, subject to the requirements set forth in Section 3-51 of this ordinance;
12. Electrical power generating plants, when approved by the Board of Adjustment as a special exception;
13. Water treatment plants, culinary water distribution reservoirs, and sewage treatment plants, when approved by the Board of Adjustment as a special exception;

14. Sanitary landfills, refuse incinerators, and other solid waste processing and disposal facilities, when operated directly by or under written franchise from a governmental agency, and when approved by the Board of Adjustment as a special exception;
15. Livestock and poultry slaughtering and processing plants and animal by-products and rendering plants, when approved by the Board of Adjustment as a special exception;
16. Explosives manufacturing, storage, and testing facilities, when approved by the Board of Adjustment as a special exception, subject to the provisions of Section 3-35 of this ordinance
17. Planned subdivisions, subject to the procedures and conditions set forth under Sections 6-1 and 6-3 of this ordinance;
18. Cemeteries, when granted a conditional use permit by the planning commission according to the provisions of Section 3-52 of this ordinance.
19. Major campgrounds, and appurtenant campsite facilities, for noncommercial use, when approved by the Board of Adjustment as a special exception, subject to the requirements of Section 3-32;
20. Lighted roping and riding arenas that are not totally enclosed within a farm structure, when approved by the Board of Adjustment as a special exception according to the provisions of Section 7-21 of this ordinance, and upon finding that the arena will not interfere with the farming activities of neighboring properties;
21. Family care homes and youth group homes, when approved by the Board of Adjustment as a special exception, provided such use will not detract from the residential character of the vicinity, and no variance from width, setback, and area requirements is needed; and further provided no youth group home is located within one (1) mile of an existing youth group home.
22. Manor dwellings, when approved by the Board of Adjustment as a special exception, subject to the requirements of Section 3-36 of this ordinance.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the zone shall be as follows.

1. Each one-family dwelling, foster care home, family day-care center, residential facility for handicapped persons, or residential facility for elderly persons, shall be located on a lot containing at least fifty (50) acres of land.

However, without regard to the 50-acre requirement stated above, if the property is included in a recorded large-scale development plat, the minimum required area shall be the entire undivided lot or building site as depicted on such recorded plat.

2. Each family care home or youth group home shall be located on a lot containing at least fifty (50) acres of land.
3. Each major campground and its appurtenant campsite facilities shall be located on a lot containing at least fifty (50) acres of land.
4. Each minor campground and its appurtenant campsite facilities shall be located on a lot containing at least five (5) acres for each recreation vehicle pad, tent site, or other campsite in the campground.
5. Each facility park, club, or public, private, or limited membership park facility, shall be located on a lot containing at least five (5) acres of land.
6. Each slag dump, mine or mineral waste disposal site, livestock or poultry slaughtering and processing plant, explosive manufacturing plant or storage facility or testing site, or sawmill, shall be located on a lot containing at least fifty (50) acres of land and so situated as to provide an adequate buffer between the subject use and existing or subsequent uses of neighboring parcels of land.
7. For other permitted structures and uses there shall be no minimum area requirement except that an area sufficient to accommodate location requirements, off-street parking, loading and unloading, or other provisions of this ordinance shall be present.

E. WIDTH REQUIREMENTS

The width of a zoning lot within the zone shall be as follows.

1. For any one-family dwelling, family day-care center, foster care home, residential facilities for handicapped persons, residential facilities for elderly persons, home occupation, or premise occupation, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

However, without regard to the 330-foot requirement stated above, if the property is included in a recorded large-scale development plat, the minimum width shall be the width of the lot or building site shown on such plat.

2. For any family care home or youth group home, the minimum width of the lot between the frontage and the structure shall be three hundred thirty (330) feet;
3. For other permitted uses, there shall be no width requirement.

F. LOCATION REQUIREMENTS

The minimum location requirements within the zone shall be as follows.

1. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by Section 3-16 of this ordinance.

2. Side and Rear Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20 of this ordinance, shall have a side and rear setback of at least twenty-five (25) feet, unless a greater setback is required by Section 3-16 of this ordinance.

Exception: the side setback may be reduced to ten (10) feet for a one-story accessory building which has a fire-resistive rating of one (1) hour or more, is not occupied by human beings, and is located at least fifty (50) feet from any dwelling and at least one hundred (100) feet from the nearest right-of way line of any public street.

G. HEIGHT REQUIREMENTS

The height requirements within the zone shall be as follows:

1. No part of any building or structure shall be erected to a height greater than thirty (30) feet above grade if such part is combustible or contains any combustible material.

Exception: the Board of Adjustment, as a special exception granted according to the terms of Section 7-21 of this ordinance, may approve a building or structure which exceeds the thirty-foot limit when the structure is fitted with adequate fire suppression facilities which are additional to fire trucks and hose streams operating from the ground.

2. The minimum height of any dwelling shall be eight (8) feet above natural grade.

H. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. No occupied building shall be located on land having a natural slope exceeding thirty (30) percent if the sewage or sepsis waste is disposed of in the soil.
3. No street or driveway shall be located where the side slopes exceed the critical angle of repose of the soil or where the side slopes are too steep to become revegetated.

4. The grade of roads and driveways which serve a dwelling unit shall not exceed twelve (12) percent.

I. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with all applicable requirements as set forth under Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones.

5-8: NC-1 NEIGHBORHOOD COMMERCIAL ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The NC-1 Neighborhood Commercial Zone is found in the midst of existing unincorporated residential communities and undeveloped land or agricultural areas which have been designated by the master plan for transformation into residential use.

The areas so zoned are characterized by attractive stores and businesses that provide the frequently used services of a residential neighborhood, but which do not conflict with the atmosphere of the surrounding or future residential area by noxious activities or by needlessly drawing traffic from outside the neighborhood. It is anticipated that commercial needs not met in this zone are met in the commercial districts of incorporated municipalities where water for fire protection, central sewers, nearby police stations and other supporting services provide the base for a complete range of commercial establishments.

It is hereby declared that the purpose and intent of the Legislative Body in establishing the NC-1 Neighborhood Commercial Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning as set forth in Sections 17-27-5 and 17-27-13 of the Utah Code Annotated, 1953 and Section 1-2 of this ordinance.
2. To provide a convenient setting with adequate roads, utilities, and other public facilities where day-to-day shopping needs of the neighborhood are safely met.
3. To protect the surrounding residences from noise, light, fumes, pests, overcrowding, heavy traffic, and other problems which may arise from an unharmonious mix of commercial and residential uses.
4. To promote efficiency and economy in the process of development.
5. To reduce waste of physical and financial resources.
6. To bring about the economical utilization of water, drainage, sanitary and other facilities.
7. To more fully bring about the implementation of the county's master plan

The specific regulations necessary for the accomplishment of the purposes of the zone as outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the standards and requirements as set forth in this ordinance:

1. Restaurants and eating places;
2. Grocery stores;
3. Variety stores (medium size);
4. Apparel stores;
5. Drug stores;
6. Barber shops and beauty shops;
7. Shoe repair shops;
8. Apparel cleaners and coin-operated laundromats;
9. Indoor studios for instruction in art, music, dance, gymnastics, self-defense (except with weapons) and other athletic activities;
10. Medical, dental, chiropractic, optical, and other health-care professional offices; psychiatrist, psychologist, and similar professional counseling offices; and professional offices for bookkeepers, certified professional accountants, and attorneys;
11. Gasoline service stations and automobile repair facilities appurtenant to such service stations, car wash establishments;
12. Churches and other structures for religious worship, and a parsonage appurtenant to and on the same lot as a church but not to exceed one dwelling unit per church;
13. Automobile parking facilities;
14. Signs, subject to the provisions of Section 3-43 of this ordinance;
15. Accessory storage buildings serving other uses permitted in the zone;
16. Landscape parks;
17. Fences, walls, and landscaping, subject to the provisions set forth in Sections 3-20 and 3-21 of this ordinance;
18. Culinary water storage tanks, water wells, and associated pump houses and facilities;
19. Buildings and appurtenant grounds and facilities, when such are owned and operated by a governmental agency and used for one of the following:
 - a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment;

- b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
- c. Office buildings housing the administrative and governmental activities of the agency, group assembly rooms and post offices.

20. Buildings and facilities for private security guards, ambulance, wreck extraction and towing.

C. PERMITTED CONDITIONAL USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this ordinance and after approval has been given by the designated reviewing agency: (Approval by other agencies or levels of government may be required.)

- 1. Facility parks, and public, private and limited membership facilities and clubs (such as tennis clubs or country clubs) which are a part of a facility park, when such park and facilities are found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception, subject to Section 3-31 of this ordinance;
- 2. Preschools, primary and secondary schools, when approved by the Board of Adjustment as a special exception;
- 3. Psychiatric group care homes, family care homes, youth group homes, and nursing homes, when approved by the Board of Adjustment as a special exception, provided: the site is suitable to provide a decent residential environment; all width, area, location, and other ordinance requirements are met; and provided no youth group home is located within one mile of an existing youth group home;
- 4. Electric power transmission lines over 69 kv but not more than 138 kv capacity, and rights-of-way and substations, subject to the requirements set forth in Section 3-51;
- 5. Gas transmission lines with a design pressure of 600 psi or more or a pipe diameter of 16" or more, and rights-of-way and regulating stations, subject to the requirements set forth in Section 3-51 of this ordinance;
- 6. A one-family caretaker dwelling, when approved by the Board of Adjustment as a special exception, subject to the requirements of Section 3-39 of this ordinance

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the zone shall be as follows.

1. Each individual NC-1 Neighborhood Commercial Zones shall contain at least five (5) acres of land.
2. Each gasoline service station, psychiatric group home, family care home, youth group home, nursing home and pre-school shall have a minimum lot area of one (1) acre.
3. Each caretaker dwelling shall be on a lot that contains at least one (1) acre in area in addition to the required parking area and building area of the use to which such dwelling is apurtenant.
4. Each primary school, secondary school, or church or other religious structure shall be located on a lot containing at least two and one-half (2 1/2) acres.
5. Each church with a parsonage shall be located on a lot containing at least three and one-half (3 1/2) acres.
6. Each facility park, club, or public, private, or limited membership park facility, shall be located on a lot containing at least five (5) acres.
7. For other permitted structures and uses there shall be no minimum area requirement except that an area sufficient to accommodate location requirements, off-street parking, loading and unloading, or other provisions of this ordinance shall be present.

E. WIDTH REQUIREMENTS

The width of a zoning lot within the zone shall be as follows.

1. For any primary school, secondary school, church, parsonage, psychiatric care home, foster care home, youth group home, nursing home, or caretaker dwelling, the minimum width of the lot at any point between the frontage and the structure shall be one hundred hundred (100) feet.
2. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

F. LOCATION REQUIREMENTS

The minimum location requirements within the zone shall be as follows.

1. Major Street Location

All individual NC-1 Neighborhood Commercial Zones shall abut a state or county road that has been designated as, and is constructed to the county standards for, a collector or arterial street.

2. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by Section 3-16 of this ordinance.

3. Side and Rear Setbacks

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20 of this ordinance, shall have a side and rear setback of at least fourteen (14) feet from any property line unless a greater setback is required by Section 3-16 of this ordinance.

G. HEIGHT AND BUILDING SIZE REQUIREMENTS

The height and building size requirements within the zone shall be as follows.

1. No part of any building or structure shall be erected to a height greater than thirty (30) feet above grade if such part is combustible or contains any combustible material.

Exception: the Board of Adjustment, as a special exception granted according to the terms of Section 7-21 of this ordinance, may approve a building or structure which exceeds the thirty-foot limit when the structure is fitted with adequate fire suppression facilities which are additional to fire trucks and hose streams operating from the ground.

2. The minimum height of any psychiatric group home, family care home, youth group home, nursing home, parsonage or caretaker dwelling shall be eight (8) feet above natural grade.
3. A medium-size variety store shall have a floor area not to exceed eight thousand (8,000) square feet.
4. Any accessory storage building shall have a floor area not more than (50) percent of the building(s) containing the use to which it pertains.

H. SPECIAL PROVISIONS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.
2. Paved parking shall be required for all permitted uses according to the regulations of Section 3-14 of this ordinance.
3. Off-street loading space shall be provided according to the standards of Section 3-15 of this ordinance in such a way that light, noise, and fumes of the loading operation are screened from any neighboring residence.

4. 3. All outside storage except licensed vehicles in running order shall be enclosed within a sight-obscuring masonry or metal fence or wall at least eight (8) feet in height.
5. At least two (2) times the floor area of all main and accessory buildings in any zoning district shall be planted and maintained in lawn, trees and shrubs, according to the provisions of Section 3-21.
6. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard-surfacing, or a layer of topsoil of at least one inch in depth. In order to prevent disturbed soil from eroding, it shall be reseeded with plant material having a sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

I. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with all applicable requirements set forth under Chapter 3, entitled Supplementary Regulations and Procedures Applicable Within Zones.

A. DECLARATION OF LEGISLATIVE INTENT

The HS-1 Highway Service Zone has been established for the purpose of providing compact, convenient roadside locations where the needs of the traveling public can be met without having the hazards of strip commercial development, numerous access driveways, and a confusing array of signs adjacent to a high-speed arterial highway. It is not the intent of this zone to meet the local retail demands of a specific neighborhood or the major commercial needs of a broad region; such needs are met in the commercial zones of the incorporated cities.

The zone is characterized by an outlying location adjacent to a freeway or state highway, where no other city or county commercial zone is convenient for the traveler. It characteristically has functional roadside commercial buildings, ample parking, traffic acceleration lanes, and adequate fire protection and other facilities available. Uses are limited to common roadside needs and supportive utilities.

It is hereby declared that the purpose and intent of the Legislative Body in establishing the HS-1 Highway Service Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning as set forth in Sections 17-27-5 and 17-27-13 of the Utah Code Annotated, 1953 and Section 1-2 of this ordinance.
2. To meet the needs of the travelling public in a convenient fashion;
3. To promote safety on the highways;
4. To promote efficiency and economy in the process of development.
5. To reduce waste of physical and financial resources.
6. To bring about the economical utilization of water, drainage, sanitary and other facilities.
7. To more fully bring about the implementation of the county's master plan

The specific regulations necessary for the accomplishment of the purposes of the zone as outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the standards and requirements as set forth in this ordinance:

1. Public eating places;
2. Small retail variety stores;

3. Gasoline service stations;
4. Automobile towing and repair garages;
5. Automobile and truck parking facilities;
6. Signs, subject to the provisions of Section 3-43 of this ordinance;
7. Accessory storage buildings serving uses permitted in the zone;
8. Buildings and fixtures for fire and other emergency and rescue activities;
9. Fences, walls, and landscaping, subject to the provisions set forth in Sections 3-21 and 3-20 of this ordinance;
10. Landscape parks;
11. Culinary water storage tanks, water wells, and associated pump houses and facilities;
12. Self-service laundering and dry cleaning facilities, showers, and bathing facilities;
13. Buildings and appurtenant grounds and facilities, when such are owned and operated by a governmental agency and used for one of the following:
- a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment;
 - b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
 - c. Office buildings housing the administrative and governmental activities of the agency, group assembly rooms, tourist information services, and post offices.

C. PERMITTED CONDITIONAL USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this ordinance and after approval has been given by the designated reviewing agency: (Approval by other agencies and levels of government may be required.)

1. A one-family caretaker dwelling, when approved by the Board of Adjustment as a special exception, subject to the requirements of Section 3-39 of this ordinance;
2. Facility parks, and public, private and limited membership park facilities and clubs (such as tennis clubs or country clubs) which are a part of a facility park, when such park and facilities are found to be compatible with the surrounding neighborhood and approved by

the Board of Adjustment as a special exception, subject to Section 3-31 of this ordinance;

3. Recreation vehicle courts and commercial campgrounds when approved as a special exception, subject to the provisions of Section 3-33 of this ordinance;
4. Hotels and motels for overnight or short-term accommodations, when approved by the Board of Adjustment as a special exception, and when adequately served by roads and public facilities, including a water system capable of producing a gravity-induced fire flow of at least 1000 gpm for one hour at 20 psi residual pressure (or a greater flow rate when required by the formula, fire flow equals 18 times the square root of the floor area [in feet] of all stories except unoccupied basements.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the zone shall be as follows.

1. Each individual HS-1 Highway Service Zones shall contain at least five (5) acres of land.
2. Each recreation vehicle court and commercial campground shall contain not less than one (1) acre, plus eleven hundred (1,100) square feet for each unit present.
3. Each caretaker dwelling shall be on a lot that contains at least one (1) acre in area in addition to the required parking area and building area of the use to which such dwelling is appurtenant.
4. Each gasoline service station shall have a minimum area of one (1) acre.
5. Each facility park, club, or public, private, or limited membership park facility, shall be located on a lot containing at least five (5) acres of land.
6. Each hotel or motel shall be placed on a lot containing at least five (5) acres which is in addition to the area that may be required for other uses on the lot.
7. For other permitted structures and uses there shall be no minimum area requirement except that an area sufficient to accommodate location requirements, off-street parking, loading and unloading, or other provisions of this ordinance shall be present.

E. WIDTH REQUIREMENTS

The width requirements within the zone shall be as follows.

1. The maximum length for the part of any individual HS-1 Highway Service Zone which lies adjacent to or astride a state or county road shall be twenty-six hundred (2,600) feet; except at the

intersection of two distinctively numbered state or county roads, the maximum shall be fifty-two hundred (5,200) feet.

2. There shall be no width requirement for any use permitted in this zone except as may be required under other provisions of this ordinance.

F. LOCATION REQUIREMENTS

The minimum location requirements within the zone shall be as follows.

1. All individual HS-1 Highway Service Zones shall abut a state highway which provides direct access to the zone.
2. All freestanding signs, buildings, recreation vehicles, gasoline pumps, and above-grade utility installations shall be set back at least fifty (50) feet from the property line, unless a greater standard is required by Section 3-16 of this ordinance.
3. Recreation vehicles and caretaker's dwellings shall be located at least twenty (20) feet away from any other building.
4. There shall be no other location requirements for uses permitted in the zone except as may be required under other provisions of this ordinance.

G. HEIGHTS AND SIZES OF BUILDINGS

The height and size requirements within the zone shall be as follows.

1. A small variety store shall have a floor area less than four thousand (4,000) square feet.
2. An accessory storage building shall have a floor area not exceeding fifty (50) percent of the building(s) containing the use to which it is appurtenant.
3. Caretaker dwellings shall be constructed to a height of at least eight (8) feet above grade.
4. No part of any building or structure shall be erected to a height greater than thirty (30) feet above grade if such part is combustible or contains any combustible material.

Exception: the Board of Adjustment, as a special exception granted according to the terms of Section 7-21 of this ordinance, may approve a building or structure which exceeds the thirty-foot limit when the structure is fitted with adequate fire suppression facilities which are additional to fire trucks and hose streams operating from the ground.

5. There shall be no other height or building size requirement except as may be required under other provisions of this ordinance

H. SITE PLAN REVIEW

A plan review shall be made by the zoning administrator as follows:

1. Scope.

All uses allowed in the HS-1 Zone, except for public facilities permitted under Section 3-47, shall have a site plan reviewed by the zoning administrator wherein a determination is made the site and use complies with this ordinance.

2. Contents.

The site plan shall be clearly labeled, drawn to a scale no smaller than one inch to two hundred feet (1"=200'), and show:

- a. The names and addresses of the developer, property owner, and project designer;
- b. The tax number and dimensions of the lot(s) to be used;
- c. The location and names of all public streets running through or abutting the property and private roads and driveways to give access within the property;
- d. The location and use of all existing and proposed buildings and yard areas on the subject property;
- e. The location of all easements and utility lines on the property;
- f. The location of the proposed landscape features, fences, parking areas, lighting facilities, access roads, and loading areas.
- g. Any other features reasonably requested by the Zoning Administrator to determine compliance with this ordinance.

I. SPECIAL PROVISIONS

1. Each restaurant, store, service station, hotel, or other commercial establishment open to the public shall provide, either individually or jointly with neighboring establishments, highway access by means of a deceleration lane four hundred (400) feet in length for vehicles entering the establishment and a separate acceleration lane six hundred (600) feet in length for traffic returning to the highway.

The acceleration lane shall be isolated from the parking areas and grounds of the commercial uses by a curb, non-sight-obscuring fence, or other physical barrier for at least three-fourths of its length.

If the highway sight distance is over 2,000 feet from the point of re-entry, the Board of Adjustment may, as a special exception, reduce the length of the acceleration (return) lane after determining the facts of safety involved.

2. Parking shall be on paved or crushed-gravel surfaces in the amounts required by Section 3-14 of this ordinance.
3. All outside storage except licensed vehicles in running order shall be enclosed within a sight-obscuring masonry or metal fence or wall at least eight (8) feet in height.
4. Privately-owned roads within the zone which give access to places patronized by the public shall be named and have a sign at each intersection.
5. Utility lines to serve buildings, light poles, and other structures shall be underground.
6. Grades for roads and driveways used by the public shall not exceed eight (8) percent nor have curves where the centerline radius is less than forty-five (45) feet; private driveways shall not exceed twelve (12) percent grade.
7. Storm drainage for paved parking and roof-over areas shall be engineered to dispose of storm water on-site.
8. Slopes resulting from cuts and fills shall not exceed the critical angle of repose; disturbed areas shall be recovered by 1 inch or more of top soil and reseeded.
9. At least two (2) times the floor area of all main and accessory buildings in any zoning district shall be planted and maintained in lawn, trees and shrubs, according to the provisions of Section 3-21.

J. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with all applicable requirements set forth under Chapter 3, entitled Supplementary Regulations and Procedures Applicable Within Zones.

5-10: I-1 INDUSTRIAL ZONE

ENT 16 143 BK 2691 PG 712

A. DECLARATION OF LEGISLATIVE INTENT

The I-1 Industrial Zone has been established for the purpose of providing places where manufacturing, processing, warehousing, fabrication, and wholesaling of goods and materials can be carried on with minimum conflict or deleterious effects upon surrounding properties. Retailing is not the intent, nor allowed in the I-1 Zone. It is also the intent of this zone to promote the economic well-being of the people and to broaden the tax base.

This zone is characterized by a mixture of warehousing, industrial, manufacturing, and processing uses and establishments that are served by street, power, water, sewage and other utilities and facilities or where such facilities can be readily provided or installed by the developer. Open spaces not yet used for industry are characterized by agricultural use.

This zone does not provide a healthful environment for dwellings, so dwellings are prohibited except for non-farm caretaker dwellings which are essential to the operation of an industrial plant.

It is hereby declared that the purpose and intent of the Legislative Body in establishing the I-1 Industrial Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning as set forth in Sections 17-27-5 and 17-27-13 of the Utah Code Annotated, 1953 and Section 1-2 of this ordinance.
2. To promote efficiency and economy in the process of development.
3. To promote industry by providing a location where conflicts between neighboring business establishments are minimal and conflicting, non-industrial land uses are not present;
4. To reduce waste of physical and financial resources.
5. To bring about the economical utilization of water, drainage, sanitary and other facilities.
6. To more fully bring about the implementation of the county's master plan

The specific regulations necessary for the accomplishment of the purposes of the zone as outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the standards and requirements set forth in this ordinance.

1. Structures and buildings for the manufacturing of apparel, textiles, and other finished products made from fabrics, leather, fur, and other similar materials;
2. Lumber and wood product manufacturing;
3. Fabrication and manufacturing of machinery, electronic components, furniture and fixtures;
4. Concrete and asphalt mixing plants;
5. Buildings containing recycling plants to extract and reuse useful materials (paper, glass, metals, etc.), when there is no outdoor storage, salvaging, or processing on the property.
6. Automobile wrecking and salvage yards, subject to the requirements of Section 3-48;
7. Industrial storage yards for the outdoor storage of heavy equipment, portable structures, contracting equipment, lumber, equipment or vehicular parts, or earth materials (rock, coal, sand, etc.), subject to the requirements of Section 3-48;
8. Buildings for the storage and repair of construction equipment;
9. Automobile, truck, and heavy equipment repairs and facilities;
10. Warehousing and storage in enclosed buildings and structures;
11. Petroleum storage facilities (does not mean the refining of petroleum and related products);
12. Structures and buildings for the manufacturing of bricks, structural clay tile, and other structural clay products;
13. Mines, gravel pits, sand pits, clay pits, rock quarries, rock crushers, and mine structures and mine, slag, and mineral waste dumps in connection therewith, subject to Section 3-28 of this ordinance;
14. Structures and buildings for sorting, processing, packaging, and storage of such farm products as meat, pelts, dairy products, grain, fruit, vegetables, ornamental plants and sod.
15. The care and keeping of domestic livestock and fowl without restriction as to number; and barns, stables, corrals, feedyards, pens, coops, and other structures for the propagation and keeping of such livestock or fowl, subject to the provisions of Section 3-19 of this ordinance;
16. The raising of mink, beaver, nutria, and similar furbearing animals, and the pens and sheds used in the raising of such animals;
17. The production of fruits and crops in the field;

18. Buildings, silos, and other structures for the storage and keeping of farm products and machinery;
19. Buildings and other structures for the fabrication and portion control for domestic livestock and poultry raised on the premise or surrounding farms;
20. Dairy farms and buildings and facilities for the processing and packaging of milk produced on the premise or surrounding farms;
21. Apiaries and establishments for extracting and processing honey;
22. Kennels;
23. Fish hatcheries and the raising of fish;
24. Forest and plant nurseries and greenhouses;
25. Botanical gardens and arboretums;
26. Landscape parks;
27. Historical monuments;
28. Radio, television, and microwave towers;
29. Fences, walls, and landscaping, subject to the conditions set forth in Sections 3-20 and 3-21 of this ordinance;
30. Signs, subject to the limitations of Section 3-43 of this ordinance;
31. Man-made lakes, ponds and dams, water tanks and reservoirs;
32. Oil, gas and water wells, and appurtenant pumps and pumphouses;
33. Food catering service facilities.

C. PERMITTED CONDITIONAL USES

The following buildings, structures, and use of land shall be permitted upon compliance with the requirements set forth in this ordinance and after approval has been given by the designated reviewing agency: (Approval by other agencies or levels of government may be required.)

1. Explosives manufacturing and storage facilities, when approved by the Board of Adjustment as a special exception, subject to the provisions of Section 3-35 of this ordinance;
2. Livestock and poultry slaughtering and processing plants, when approved by the Board of Adjustment as a special exception;
3. Structures and buildings containing chemical manufacturing plants, and storage facilities, when approved by the Board of Adjustment as a special exception, provided:

- a. The standards of the Uniform Fire Code are met as certified by the County Fire Marshal,
 - b. An inventory of hazardous materials, a scaled plot plan of their locations, and a brief explanation of the hazards involved are submitted for use by public safety officials, and
 - c. An annual business license is obtained;
4. Primary metal industries (iron foundries, steel mills, and smelting and refining of nonferrous metals), when approved by the Board of Adjustment as a special exception;
 5. Petroleum refining and related products, when approved by the Board of Adjustment as a special exception.
 6. Airports, flying fields, and helicopter pads, including terminal and aircraft storage facilities, when approved by the Board of Adjustment as a special exception and subject to the conditions set forth in Section 3-34 of this ordinance;
 7. Fairgrounds, rodeo arenas, and horse racetracks, when operated by a public agency, subject to the approval of the site plan by the Board of Adjustment as a special exception;
 8. Water treatment plants, water distribution reservoirs, and sewage treatment plants, when approved by the Board of Adjustment as a special exception;
 9. Sanitary landfills, refuse incinerators, and other solid waste processing and disposal facilities, when operated directly by or under written franchise from a governmental unit, and when approved by the Board of Adjustment as a special exception;
 10. Caretaker dwellings for non-farm uses, when approved by the Board of Adjustment as a special exception:
 - a. Subject to the requirements set forth in Section 3-39 of this ordinance;
 - b. The primary use to which the caretaker dwelling pertains is limited to an industrial use listed in Subsections 5-10-B-1 through 5-10-B-14 or Subsections 5-10-C-1 through 5-10-C-5 of this ordinance;
 11. Automobile and motorcycle racetracks and race courses, subject to approval of the Board of Adjustment as a special exception;
 12. Shotgun shooting range, subject to approval of a site plan by the Board of Adjustment as a special exception;
 13. Electric power transmission lines over 69 kv capacity, and rights-of-way and substations, subject to the requirements set forth in Section 3-51 of this ordinance;

14. Gas transmission lines with a design pressure of 600 psi or more or a pipe diameter of 16" or more, and rights-of-way and regulating stations, subject to the requirements set forth in Section 3-51 of this ordinance;
15. Water transmission lines over 200 second feet capacity, and rights-of-way, subject to the requirements set forth in Section 3-51 of this ordinance;
16. Cafeterias and lunchrooms that are only used by the employees of the primary use on the site when approved by the Board of Adjustment as a special exception, provided:
 - a. The cafeterias or lunchrooms are located on the same premise as the primary use,
 - b. The cafeterias or lunchrooms are appurtenant to a primary use listed in Subsections 5-10-B-1 through 5-10-B-14 and Subsections 5-10-C-1 through 5-10-C-7 of this ordinance;
17. Facility parks, and public, private and limited membership facilities and clubs (such as tennis clubs or country clubs) which are a part of a facility park, when such park and facilities are found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception, subject to Section 3-31 of this ordinance.

D. AREA REQUIREMENTS

1. Each caretaker dwelling shall be on a lot that contains at least one (1) acre in area in addition to the required parking area and building area of the use to which such dwelling is appurtenant.
2. For other permitted structures and uses there shall be no minimum area requirement except that an area sufficient to accommodate location requirements, off-street parking, loading and unloading, or other provisions of this ordinance shall be present.

E. WIDTH REQUIREMENTS

There shall be no minimum requirement for width of lot other than the width needed to meet setback or other requirements of this ordinance.

F. LOCATION REQUIREMENT

The minimum location requirements within the zone shall be as follows.

1. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by Section 3-16 of this ordinance.

2. Side and Rear Setbacks

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of Sections 3-47, 3-21 and 3-20 of this ordinance, shall have a side and rear setback of at least fourteen (14) feet from any property line unless a greater setback is required by Section 3-16 of this ordinance.

3. Caretaker Dwelling Setback

Any caretaker dwelling shall be located a distance at least fifty (50) feet from any other building.

G. HEIGHT AND SIZE REQUIREMENTS

The height requirements within the zone shall be as follows:

1. No part of any building or structure shall be erected to a height greater than thirty (30) feet above grade if such part is combustible or contains any combustible material.

Exception: the Board of Adjustment, as a special exception granted according to the terms of Section 7-21 of this ordinance, may approve a building or structure which exceeds the thirty-foot limit when the structure is fitted with adequate fire suppression facilities which are additional to fire trucks and hose streams operating from the ground.

2. The minimum height of any caretaker dwelling shall be eight (8) feet above natural grade.

H. SITE PLAN REVIEW

A plan review shall be made by the zoning administrator as follows:

1. Scope.

All uses allowed in the I-1 Zone, except for public facilities permitted under Section 3-47, signs permitted under Subsection 5-10-B-30 and farm uses permitted under Subsections 5-10-B-15 through 5-10-B-24, shall have a site plan reviewed by the zoning administrator, wherein a determination is made the site and use complies with this ordinance.

2. Contents.

Such site plan shall be drawn to a scale that is not smaller than one inch to two hundred feet (1"=200') and show:

- a. Names and addresses of the developer and project designer;
- b. Legal description and dimensions of the lot to be built on;

- c. Location and names of all public and private streets;
- d. North point;
- e. Location and use of all existing and proposed structures;
- f. Location of all easements and utility lines on the lot;
- g. Location of proposed landscaping, parking areas, access points, lighting, loading areas that are needed to meet the requirements to Sections 3-21, 3-14 and 3-15 of this ordinance.

I. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with all applicable requirements as set forth under Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones.

5-11: FPO FLOOD PLAIN OVERLAY ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The FPO Flood Plain Overlay Zone includes those flood hazard areas of the unincorporated portion of Utah County which have been identified by the Federal Insurance Administration report entitled "Flood Insurance Study, Utah County, Utah, Unincorporated Areas" dated April 15, 1982, and its accompanying "FIRM Flood Insurance Rate Map, Utah County, Utah" dated October 15, 1982, as having a one percent chance of flooding, plus other unincorporated areas identified by the Legislative Body as having a significant flood hazard.

The flood hazard areas included within the zone are subject to periodic inundation which results in: loss of life and property; hazards to health and safety; disruption of commerce and governmental services; impairment of the tax base; and extraordinary public expenditures for flood protection and damages relief. Losses from flooding in this zone are caused by the cumulative effect of obstructions in the path of flooding which increase the height and velocity of the floods, inadequately anchored structures which move during a flood and damage other property, and structures or uses which are inadequately flood proofed, elevated, or otherwise protected from flood damage.

It is hereby declared that the specific purposes and intent of the Legislative Body in establishing the FPO Zone are:

1. To make the unincorporated portion of Utah County eligible for the federal flood insurance program by enacting these flood protection regulations according to federal guidelines;
2. To take advantage of and more fully implement the basic purposes for planning and zoning as set forth in Sections 17-27-5 and 17-27-13 of the Utah Code Annotated 1953 and Section 1-2 of this ordinance;
3. To protect human life and health;
4. To minimize the expenditure of public money for costly flood control projects;
5. To minimize the need for rescue and relief efforts associated with flooding which occur at public expense;
6. To minimize prolonged business interruptions;
7. To minimize damage to essential public facilities, including water and gas mains, electric, telephone and sewer lines, roads, and bridges located in areas of special flood hazard;
8. To maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

9. To notify buyers of areas of special flood hazard;
10. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions regarding land use, construction, and grading.

In order to accomplish the stated purposes and intent, the provisions of the FPO Zone:

restrict or prohibit those uses that are dangerous to health, safety, and property because they contribute to damaging increases in erosion, flood heights, or flood velocities or generate new hazards of erosion or water;

require that uses and facilities vulnerable to floods be protected against flood damage at the time of construction; control the alteration of natural flood plains, stream channels, and protective barriers which accommodate or dissipate flood waters;

control any filling, grading, dredging, or other development which may unnaturally divert flood waters or increase flood hazards in other areas.

The following provisions shall apply.

B. SCOPE

1. Extent

The provisions of this Section shall apply to all areas of special flood hazard within the unincorporated area of Utah County, which are depicted on the Official Zone Map of Utah County, Utah, as lying within the bounds of the FPO Zone. Such provisions shall not abrogate but shall be in addition to the requirements of the underlying zoning districts and the easements, covenants, and deed restrictions pertaining to the property within the FPO Zone; where the provisions of this Section may be in conflict, the more stringent restriction shall apply.

2. Interpretation

To determine which properties lie within the FPO Zone, the zoning administrator shall determine the boundaries of the zone by scaling the distances from the Official Zone Map of Utah County, Utah. He may be aided in his interpretation by the Utah County Flood Insurance Study and FIRM map. Any person contesting the location of the zone boundary may appeal to the Board of Adjustment according to Section 7-20 of this ordinance; the Board shall use the written technical evidence supplied by the appellant, the Flood Insurance Study for Utah County, and the FIRM map as a guide in making its determination.

3. Compliance

No structure or land shall hereafter be constructed, located, extended, converted, altered or otherwise developed without full

compliance with the terms of this Section. In this regard, "new construction" shall mean structural work commenced after October 29, 1982, and "new subdivision or mobile home park" shall refer to divisions making new lots or mobile home sites after October 29, 1982.

C. PERMITTED USES

1. Uses

All uses and structures which are listed as permitted uses and permitted conditional uses in the underlying zoning districts shall also be permitted in the territory covered by the FPO Zone if they meet the standards of this Section.

2. Clearance

Before any building permit to develop or construct within the FPO Zone is issued, the zoning administrator must first find that such development or construction complies with the requirements of the FPO Zone and the underlying zone and issue a written clearance attesting to such finding. No development, grading or construction shall be commenced within the territory of the FPO Zone until the clearance and a building permit based on such clearance are granted.

D. GENERAL DEVELOPMENT STANDARDS

The following standards shall apply within all parts of the FPO Zone.

1. Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All new mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (1) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations (except mobile homes less than 50 feet long require only one additional tie per side);
 - (2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points (except mobile homes less than 50 feet long require only four additional ties per side);
 - (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(4) Any additions to the mobile home be similarly anchored.

2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- d. Electrical, heating, ventilation, plumbing, air conditioning and similar service facilities shall be designed and/or located so as to prevent water from entering the facilities during conditions of flooding.

4. Fill

- a. Fill shall be planned and accomplished in a manner that will neither be unsightly nor diminish the value of neighboring properties.
- b. When any area is proposed to receive fill, the applicant shall submit a plan which shows the horizontal extent of the fill, a typical cross section, and the treatment proposed to overcome unsightliness.

5. Large-scale Development Proposals

- a. All large-scale development proposals shall be consistent with the need to minimize flood damage.
- b. All large-scale development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

- c. All large-scale development proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Base flood elevation data shall be provided for any large-scale development proposal which contains at least 50 lots or 5 acres (whichever is less).

E. STANDARDS WHERE THE BASE FLOOD ELEVATION IS KNOWN

In addition to any standards listed elsewhere in this ordinance, in all areas of the FPO Zone where the base flood elevation data has been determined in the Flood Insurance Study, the FIRM map, or a federal, state, or other accurate scientific engineering flood plain study maintained under Subsection 5-11-H-3, the following provisions shall be required.

1. Residential construction

- a. Any new construction or substantial improvement to any structure used as a dwelling shall have the lowest floor (including basement) raised above the elevation of the base flood.
- b. Within areas designated AO and AH on the FIRM map, all new construction and substantial improvements to structures used as a dwelling shall have the lowest floor (including basement) raised above the highest adjacent grade to a point at least as high as the depth number specified in feet on the FIRM map (at least two feet if no depth number is specified.)
- c. Within areas designated AO and AH on the FIRM map, there shall be drainage paths around existing and proposed structures built on slopes which are adequate to guide flood waters around and away from any proposed dwelling structure.
- d. All new construction and substantial improvements, that fully enclose areas below the lowest floor that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (2) the bottom of all openings shall be no higher than one foot above grade;
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential construction

a. Any new construction or substantial improvement to any commercial, industrial, or other nonresidential building for human use shall have the lowest floor, including basement, raised above the level of the base flood elevation. Exception: the building, together with any attendant utility and sanitary facilities may be placed below such elevation if it:

- (1) Is flood proofed so that below the base flood level, the building is watertight with walls substantially impermeable to the passage of water;
- (2) Has structural components capable of resisting hydrodynamic loads and the effects of buoyancy;
- (3) Is certified by a professional engineer or architect licensed to practice in the State of Utah that the standards of this subsection are satisfied. (Such certifications shall be provided to the official as set forth in Subsection 5-11-H-3-b.)

b. Within areas designated AO and AH on the FIRM map, any new construction or substantial improvement to a commercial, industrial, or other nonresidential building shall have the lowest floor (including basement) raised above the highest adjacent grade to a point at least as high as the flood depth number specified in feet on the FIRM map (at least two feet if no depth number is specified).

Exception: the building, together with attendant utility and sanitary facilities, may be placed below such flood depth number if it is completely flood proofed up to or above the specified flood level according to the flood proofing standard required in subparts (1) to (3) of Section 5-11-E-2-a immediately above.

c. Within areas designated AH and AO on the FIRM map, there shall be drainage paths around existing and proposed structures built on slopes which are adequate to guide flood waters around and away from the proposed buildings.

d. All new construction and substantial improvements, that fully enclose areas below the lowest floor that are usable solely for the parking of vehicles, building access, or storage in an areas other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:

- (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

- (2) the bottom of all openings shall be no higher than one foot above grade;
- (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Mobile homes.

a. For any new mobile home parks or mobile home subdivision; for any expansions to an existing mobile home park or mobile home subdivision; for any existing mobile home park or mobile home subdivision where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the assessed value of the streets, utilities, and pads before the work commenced; or for any mobile home placed elsewhere than in a mobile home park or mobile home subdivision, it is required that:

- (1) Stands or lots be elevated on compacted fill or mobile homes placed on pilings so that the lowest floor of the mobile home is above the base flood level;
- (2) Adequate surface drainage and access for a mobile home transporter are provided; and
- (3) In the instance of elevation on pilings, lots are large enough to permit steps; piling foundations are placed in stable soil not more than ten feet apart, and reinforcement is provided for pilings more than six feet above the ground level.

b. No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

c. All mobile homes (manufactured homes) that are placed or substantially improved within zones A1-30, AH, or AE on the FIRM for Utah County on sites

- (1) outside of a mobile home park or subdivision,
- (2) within a new mobile home park or subdivision,
- (3) in an expansion to an existing mobile home park or subdivision, or
- (4) in an existing mobile home park or subdivision on which a mobile home has incurred substantial damage as the result of a flood,

shall be elevated on a permanent foundation such that the lowest floor of the mobile home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.

- d. All mobile homes (manufactured homes) to be placed or substantially improved on sites in an existing mobile home park or subdivision within flood zones A1-30, AH, and AE on the FIRM for Utah County that are not subject to the provisions of Subsection 5-11-E-3-c above, shall be elevated so that either
 - (1) the lowest floor of the mobile home is at or above the base flood elevation, or
 - (2) the mobile home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and that are securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- d. Any basement on which a mobile home is placed shall meet the standards of Subsection 5-11-E-1 above for "residential construction."

4. Recreational Vehicles

All recreational vehicles placed on sites within flood zones A1-30, AH, and AE on the FIRM for Utah County shall either

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use, or

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

F. STANDARDS WITHIN FLOODWAYS

Floodways shall be identified within the FPO Zone by the Flood Insurance Study, the "Flood Boundary and Floodway Map, Utah County, Utah" (or Floodway Map) dated October 15, 1982, and engineering studies maintained according to Subsection 5-11-H-3. Because a floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following requirements shall apply in a floodway in addition to the other FPO Zone requirements.

1. Encroachments

Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless a written report is provided of a study conducted by a professional engineer licensed to practice in the State of Utah which certifies that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If subpart 1 immediately above is satisfied, all new construction and substantial improvements must comply with all applicable flood hazard reduction provisions of Subsections 5-11-D and 5-11-E.
3. No mobile home shall be placed in a floodway except in an existing mobile home park or existing mobile home subdivision.

G. VARIANCES

The Board of Adjustment may grant a variance in the elevation requirements to develop or construct in the FPO Zone, according to the standards of Section 7-22 of this ordinance and the standards stated below.

1. Items to consider

In deciding whether to grant a variance and what conditions to attach to its approval, the Board shall consider:

- a. The danger that materials may be swept onto other lands causing injury to others;
- b. The danger to life and property caused by flooding and erosion;
- c. The degree of susceptibility to flood damage of the proposed use or building (including its contents), and the effect of such damage to the owners;
- d. The importance of services provided by the facility to the community;
- e. The necessity of the facility to be on a waterfront, if applicable;
- f. The availability of alternate locations for the proposed use or building, which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with the existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area;
- i. The safety of access to the property during flooding for ordinary and emergency vehicles;
- j. The expected flood water height, velocity, duration, rate of rise, sediment transport, and wave action effects at the site;
- k. The cost of providing governmental and public utility services during and after flood conditions, including the maintenance and repair of roads, bridges, electric lines, gas lines, and water and sewer services;

1. Whether the lot to be built on has any buildable area outside of the FPO Zone boundary.
2. Presumptions relative to approval
 - a. Generally a variance may be granted for the new construction of, or substantial improvement to, a one-family dwelling on a lot of one-half (0.5) acre or less in area which is contiguous to and surrounded by lots containing structures constructed below flood base level, after fully considering the items of subpart 1 immediately above; as the lot area and human usage increases over one-half acre and one family, the burden of proof becomes more difficult to show that approval can be granted safely.
 - b. With alternate programs to protect life and provide reasonable safety, a variance may be granted to permit the restoration or rehabilitation of structures on the National Register of Historic Places without regard to the standards contained in Subsections 5-11-D and 5-11-E.
 - c. No variance shall be granted within a floodway if such will increase the flood level during the base flood discharge.
 - d. A variance shall be granted only upon the determination that the variance is the minimum amount necessary, in view of the flood hazard, to afford relief.
 - e. A variance shall be granted only if such will not result in a threat to public safety, extraordinary public expense, create a nuisance, or cause fraud or victimization of the public.

3. Disclosure

The Zoning Administrator shall give to any applicant receiving a variance a written disclosure statement stating that because the structure will be built below the base flood elevation the cost of flood insurance will be commensurate with the increased risk. Also, the Zoning Administrator shall report any variance that are approved to the federal Emergency Management Agency.

H. SPECIAL REQUIREMENTS

1. Plans

In addition to the plans required by Section 7-6 of this ordinance, any application for a permit and certification shall include:

- a. The elevation in relation to mean sea level of the lowest floor, including basement floor elevation, of all structures to be permitted;

- b. The elevation in relation to mean sea level to which any structure has been flood proofed;
- c. A statement of the nature of the flood proofing and a certification by a professional engineer who is licensed to practice in the State of Utah that the flood proofing methods used for any nonresidential structure meet the flood proofing criteria of Subsection 5-11-E-2-a;
- d. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- e. A descriptive scale drawing showing the nature, location, dimensions, and elevations of the area to be developed or built on, and the nature and locations of existing and proposed structures on the site, fill, storage of materials, and drainage facilities.
- f. The location, in relation to the proposed development, of the floodway expanse needed to discharge a base flood, and a statement of the vertical increase in elevation during a base flood caused by the proposed development.
- g. A copy of the 404 permit, when required under the Federal Water Pollution Control Act Amendments of 1972, and other permits that may be required under Federal or Utah State law, or a statement explaining why no 404 or other permit is required.

2. Certification by engineer

A plan received according to subpart 1 immediately above shall bear on it the certification of an engineer licensed to practice in the State of Utah that the requirements and standards of the flood plain zone have been met. Notwithstanding such certification, the plans and certification (along with the records for base flood elevation and floodways collected under Subsection 5-11-H-3, below) shall be reviewed by the zoning administrator to determine whether the requirements of this ordinance actually have been met before issuing any clearance to commence construction.

Exception: the zoning administrator may waive such certification for a residential accessory structure or a structure to house livestock or agricultural products or machinery if he finds the plans are sufficient to determine the structure meets the standards of this Section.

3. Records

The zoning administrator shall maintain any base flood elevation data available from a federal, state or other source, in addition to the Flood Insurance Study, the FIRM map, and the Floodway Map, and use such information for any portions of the unincorporated area of Utah County for which base flood information has not been

provided by the Federal Emergency Management Agency in its flood insurance program. Further, the zoning administrator shall:

- a. Obtain and record the actual elevation in relation to mean sea level of the lowest floor including basements of all new or substantially improved structures and identify which stories are in basements;
- b. Maintain the engineer's flood proofing certifications required in Subsection 5-11-E-2-a(3) and verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed;
- c. Maintain all records collected in the issuing of permits and administering this Section.

4. Maps and studies adopted by reference

The following three publications of the Federal Emergency Management Agency are hereby adopted by reference in book form: the "Flood insurance Study, Utah County, Utah, Unincorporated Areas" dated April 15, 1982, the "FIRM Flood Insurance Rate Map, Utah County, Utah" dated October 15, 1982, and the "FLOODWAY Flood Boundary and Floodway Map, Utah County, Utah" dated October 15, 1982. Three copies of each publication are hereby ordered to be placed in the office of the Utah County Clerk, as required by law. These publications shall be used in the administration of the FPO Zone as required therein.

5. Altered watercourses

The zoning administrator shall give notification to adjacent municipalities and the Utah State Division of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. Further, such altered or relocated watercourse shall be required to be maintained by the applicant so the flood carrying capacity is not diminished.

5-12 NHO NATURAL HAZARDS OVERLAY ZONE

A. DECLARATION AND LEGISLATIVE INTENT

The NHO Natural Hazards Overlay Zone (NHO Zone) includes the territory of the unincorporated area of Utah County which was identified in a scientific study as having a susceptibility for rockfall, debris flow, landslides, or surface fault rupture. The scientific study and the standards of the NHO Zone are the product of a joint program of the Utah Geologic and Mineral Survey and the US Geological Survey, which program was conducted in the five counties of the Wasatch Front including Utah County. In addition to the territory identified in the joint program, the NHO Zone includes other areas that have been identified by the Legislative Body as having a significant hazard. However, not all areas susceptible to natural hazard were known or recognized at the time of adoption of the provisions of this zone, so the zone shall not be construed to be all-inclusive of such hazards.

It is hereby declared that the specific purposes and intent of the Legislative Body in establishing the NHO Zone are:

1. To implement the joint program of the Utah Geologic and Mineral Survey and the U.S. Geological Survey;
2. To take advantage of and more fully implement the basic purposes for planning and zoning as set forth in the Sections 17-27-5 and 17-27-13 of the Utah Code Annotated 1953, and Section 1-2 for this ordinance;
3. To protect human life and health;
4. To minimize damage to public and private property;
5. To remove or reduce the need for rescue and relief efforts associated with hazards and disasters which occur at public expense;
6. To minimize the damage to essential public facilities including (but not limited to) water and gas mains, electric, telephone and sewer lines, and roads and bridges;
7. To maintain a stable tax base by providing for the sound use and development of areas affected by geologic hazards so as to minimize post-disaster blight;
8. To assure that those who occupy the areas susceptible to geologic hazards assume responsibility for their actions regarding land use, construction, and grading;
9. To notify owners and buyers of land in the NHO Zone of the potential for rockfall, debris flow, landslide, or surface fault rupture.

In order to accomplish the stated purposes and intent, the provisions of the NHO Zone:

1. Restrict or prohibit those uses which are dangerous to health, safety, and property because of their incompatible nature, location, design, or method of construction;
2. Require that uses and facilities vulnerable to geologic hazards be protected against collapse or severe damage at the time of construction or placement in the zone;
3. Control any fill, cut, construction or other development which may unnaturally increase the degree of hazards.
4. Require site-specific and building-specific studies by qualified engineering geologists, geological engineers, and building designers to adjust construction and land use to minimize the degree of hazard.

The following provisions shall apply.

B. SCOPE

1. Purview

The natural hazards which are the purview of the NHO Zone are limited to: rockfall, debris flow, landslide, and surface fault rupture.

2. Extent

The provisions of this Section shall apply to all areas having a susceptibility to the above-named hazards within the unincorporated area of Utah County which are depicted on the Official Zone Map of Utah County, Utah, as lying within the NHO Zone. Such provisions shall not abrogate but shall be in addition to the requirements of the underlying zoning districts within the NHO Zone, and any easements, covenants, or deed restrictions appurtenant to the lots in the zone. Where the provisions of this Section may be in conflict with the provisions of the underlying zones or lot restrictions, the more stringent restriction shall apply.

3. Interpretation

To determine which properties lie within the NHO Zone, the zoning administrator shall determine the boundaries of the zone by scaling the distances from the Official Zone Map of Utah County, Utah, 1976, as amended. He may be aided by the Natural Hazards Overlay Map Series produced by the County Geologist of Utah County. Any person contesting the location of the zone boundary may appeal to the Board of Adjustment according to Section 7-20 of this ordinance; the Board shall use the written technical evidence supplied by the appellant, the Natural Hazards Overlay Map Series, and expert testimony from the County Geologist or other available expert witnesses. Any costs incurred in providing technical reports or testimony by expert witnesses shall be solely the responsibility of the appellant and not Utah County.

4. Compliance

No structure or land use shall hereinafter be constructed, located, extended, converted, altered or otherwise developed without full compliance with this Section.

C. PERMITTED USES

1. Uses

All structures and uses of land which are listed as permitted uses and permitted conditional uses in the underlying zoning districts shall also be permitted in the territory covered by the NHO Zone if they meet the standards of both this Section and the underlying zone.

2. Clearance

Before any building permit is issued within the NHO Zone, the zoning administrator must first find that the land use, grading, construction, or other such development to be permitted therein complies with both the requirements of the NHO Zone and the underlying zone and issue a written clearance attesting to such finding. No land use, grading, construction or other development shall be commenced or altered within the territory of the NHO Zone until the clearance and the building permit based on such clearance are granted.

3. Natural Hazards Assessment

- a. Every application to use land, grade, construct, or otherwise develop in the NHO Zone shall be accompanied by a plot plan and construction plans required by Section 7-6 of this ordinance plus a Natural Hazards Assessment which complies with the standards of this chapter, unless exempted by the terms of the chart found on page 154.
- b. The Natural Hazards Assessment shall be prepared by an engineering geologist retained by the applicant, and reviewed for Utah County by the County Geologist. The Natural Hazards Assessment shall consist of an engineering geology study of the hazards on the site, findings of the degree of hazard present, and a statement of any mitigation measures needed to meet the standards of this ordinance. If the engineering geologist finds that special structural design measures are needed in order to meet the standards of this ordinance, the Natural Hazards Assessment shall not be accepted unless it includes engineered plans prepared by a professional engineer who is licensed to practice in the State of Utah and who is qualified to develop such structural plans. To determine the sufficiency of any such engineered facilities, the zoning administrator may obtain a review by the County Surveyor or other experts.

CHART SHOWING WHEN A NATURAL HAZARDS ASSESSMENT IS NOT REQUIRED	
<u>Hazard Type on Overlay Map</u>	<u>Item Exempt from Filing a Natural Hazards Assessment</u>
ROCKFALL	All structures not occupied by humans (except critical facilities, which must have an assessment)
DEBRIS FLOW	All structures not occupied by humans (except critical facilities, water tanks for culinary or fire-flow storage, and any large-scale utility line installations, which must have an assessment)
LANDSLIDE	All structures not occupied by humans (except critical facilities, water tanks, reservoirs, canals, gas lines, electric lines, telephone lines, water lines, railroad tracks, and roads, which must have an assessment)
SURFACE FAULT RUPTURE	None (all uses and structures must have an assessment)

In the column to the left in the above chart are the four categories of natural hazards which have been mapped in the county geologist's Natural Hazard Overlay Map Series; at the right are various categories of buildings and land uses. Any use or structure listed as "exempt" shall not be required to submit a Natural hazards Assessment in order to obtain a building permit or zoning compliance permit. Otherwise such assessment shall be required.

- c. Upon the determination that the Natural Hazards Assessment correctly identifies which hazards impact the subject property, the degree of hazard that is posed, and the mitigation measures necessary to meet the standards of this Section, the zoning administrator shall issue a clearance which incorporates the uses, structures, and conditions of mitigation which comply with this ordinance.
- d. When making any determinations or approvals required by Section 5-12 of this ordinance, or any of its subsections, the zoning administrator may seek the review and advice of competent experts in geology, engineering or other relevant fields.

D. STANDARDS

1. General

- a. No use, construction, or grading shall be permitted or performed in the NHO Zone which would conceal, misrepresent,

aggravate, or cause to be unrecognized the presence of any natural hazard which is within the purview of the NHO Zone.

- b. Any storage facility for toxic, caustic, flammable, or explosive materials shall be deemed a critical facility when determining whether a Natural Hazard Assessment is required or what mitigation measures are needed.

2. Rockfall

Critical facilities and structures to be occupied by humans shall not be placed in a site subject to rockfall unless the site is investigated in a site-specific engineering geology study that determines the degree of hazard, and:

- a. The potentially unstable rock is removed;
- b. The rock is stabilized by engineered cages, bolts, or other methods sufficient to prevent fall;
- c. The building is protected by engineered deflection or catchment berms sufficient to stop entry by falling rock;
- d. The structure is protected by some other engineering method sufficient to prevent the hazard, as determined by the zoning administrator.

3. Debris Flow

Water tanks, reservoirs, canal facilities, and structures to be occupied by humans shall not be placed in an area subject to debris flows unless it is protected by a deflection berm or debris catchment basin which does not discharge onto a neighboring lot and which is engineered to prevent the entry of a flow having a one percent chance of occurrence in any calendar year as determined by the Natural Hazards Assessment; or the structure is engineered to resist entry at any point in the path of the flow up to an equivalent fluid pressure load of 19,640 N/m².

4. Landslide

Roads, railroad tracks, gas lines, electric lines, telephone lines, water lines, water tanks, reservoirs, canals, critical facilities, and structures to be occupied by humans shall not be placed in a location subject to landslide unless the hazard is removed by one of the following engineering methods:

- a. Reduction of the steepness of the slope to a gradient which precludes movement;
- b. Buttressing;

- c. The placement of internal and external drainage facilities within the land mass;
- d. Bridging the slide;
- e. Removal of the slide material;
- f. Isolation of the structure through piers;
- g. Any other engineering technique identified in the Natural Hazards Assessment which is approved by the zoning administrator.

The Natural Hazard Assessment shall identify the size and nature of the landslide and shall contain the engineering design of the method it recommends to avoid the landslide hazard.

5. Surface Fault Rupture

a. Trenching.

Trenching to locate exact fault positions shall be required as a part of any Natural Hazards Assessment work program if all of the following three factors exist:

- (1) The site lies in a designated Special Study Area for Surface Fault Rupture on the County Geologist's Natural Hazards Overlay Map Series;
- (2) The subject use or building will involve human occupancy or the storage of toxic, caustic, flammable, or explosive materials;
- (3) The property has:
 - (a) A lineation, escarpment, or other visual evidence of a possible fault lying within 50 feet of the proposed building site.
 - (b) Land within a radius of 50 feet of the proposed site that has been disturbed so as to conceal any fault displacement.
 - (c) No surface evidence of faulting where a fault is inferred to exist by off-site evidence.
 - (d) A location in a graben which is adjacent to an active fault.
 - (e) A covering of surface material that is younger than 10,000 years of age.

If trenching is not mandatory within an area delineated as subject to surface fault rupture on the county geologist's

Natural Hazards Overlay Map Series, the Natural Hazard Assessment shall determine the nature of the fault hazard by profiling and mapping.

b. Location and extent of trenching.

Where trench studies are required, the trenches shall be dug at least 20 feet beyond the exterior of the proposed structure or use; or, if the fault is found, to the fault itself, whichever is closer. Approval by the county geologist of the location and depth of any such trench is required before digging is commenced, and trenches, when completed and logged, shall be reviewed by the county geologist before backfilling.

c. Building along faults.

Structures and uses placed in the vicinity of an active fault where no trenching is required shall be set back at least 50 feet from the midpoint of the fault scarp, except in the following cases where a greater setback is required:

- (1) Where the scarp slope angle is over 30 percent, the setback shall be 50 feet or more from the slope break at the top and bottom of the scarp;
- (2) Where scarp profiles indicate the presence of backtilting, secondary faulting, or graben-bounding antithetic faults, the setback shall be 50 feet or more from the outermost fault or, in areas of flexure and backtilting exceeding 1.5 degrees, it shall be at least 50 feet from the point where the slope of the pre-fault surface is regained, whichever is greater.

Where no trenching is required but is completed at the desire of the permit applicant, a closer setback may be approved by the zoning administrator in accord with the findings of the Natural Hazards Assessment and trench study.

E. VARIANCES

1. Ability to Grant

The Board of Adjustment, when deciding appeals for variances of distance or area within the NHO Zone shall follow both the standards of Sections 7-22 and the standards stated below.

2. Items to Consider

In deciding whether to grant a variance and what conditions to attach to its approval, the Board of Adjustment shall consider:

- a. The likelihood during a significant seismic or other geologic event that materials may be moved onto adjacent land areas causing property damage or injury to others;

- b. The degree of susceptibility to damage by seismic or other geologic activity for the building design or use proposed;
- c. The importance of the services of the proposed facility to the community and the need for the facility to be functional following a significant event of geologic activity;
- d. The necessity of the facility to be in the proposed location or proposed design, considering alternate locations and designs available;
- e. The ability of the community to provide emergency services to the facility in the event of a catastrophe;
- f. The degree of benefit received from the variance relative to the hazards posed to the facility's neighbors, visitors, and owners.

3. Presumption Relative to Approval

- a. Generally, the standards of this Section shall not be varied unless an equally safe method of use and construction can be approved.
- b. The amount of variance approved shall be only the minimum amount required to provide relief.
- c. A variance shall be granted only if it will not result in a threat to public safety, cause extraordinary public expense, or create a nuisance.
- d. In a continuum beginning with hay barns and agricultural structures and going to high rise apartment buildings and auditoriums, the difficulty in obtaining a variance shall be greater for structures with a high percentage of time when the structure has human utilization or is occupied by a large number of people.

F. SPECIAL REQUIREMENTS

1. Certification by Engineer

Where Chart 1 of subsection 5-12-C, above, requires a structure, fill, cut, or other facility to be designed by an engineer, such engineer shall be a professional engineer who is licensed to practice in the State of Utah and who is qualified to make such design through experience and training. The plan of the facility shall bear on it a certification by the engineer that the standards and requirements of the NHO Zone have been met. Notwithstanding such certification, the plans and certification shall be reviewed by the zoning administrator, who may obtain the recommendations of the county geologist and county surveyor, to determine whether the provisions of this ordinance have been met before issuing any clearance to commence construction.

2. Certification by Geologist

Where Chart 1 of subsection 5-12-C, above, requires a geologist to do a field study and prepare a natural hazards report of the site of the proposed facility, such geologist shall be an engineering geologist as defined by this ordinance who is qualified to make an assessment of the natural hazards regulated by this zone (eg. rockfall, debris flow, landslides, and surface fault rupture). The report of the hazards assessment shall bear the signed certification of the geologist that the study was sufficient to meet the standards of this ordinance and accurately depicts the hazards to be encountered. Notwithstanding such certification, the report shall be reviewed by the zoning administrator, who may obtain the recommendations of the county geologist and county surveyor, to determine whether the provisions of this ordinance have been met before issuing any clearance to commence construction.

3. Records

The zoning administrator shall maintain any natural hazards reports and plans of engineered facilities submitted to comply with this Section, plus an office copy of the map series assembled by the county geologist for rockfall, debris flow, landslides, and surface fault rupture hazards within the NHO Zone.

4. Maps Adopted by Reference

The map series assembled by the Utah County geologist entitled "Utah County Geologist's Map of Rockfall, Debris Flow, Landslide, and Surface Fault Rupture Hazards Identified within the NHO Zone of Utah County, Utah," dated June 1, 1988, is hereby adopted by reference in book form. Three (3) copies of the complete map series are hereby ordered to be placed in the office of the Utah County Clerk, as required by law. This map series shall be used in the administration of the NHO Zone as required therein.

G. WARNING AND DISCLAIMER

The degree of protection from geologic hazards intended to be provided by this Section is considered reasonable for regulatory purposes and is based on accepted geologic and scientific methods of study. This Section is intended to minimize the danger, cost and impact from geologic hazards. Therefore, unforeseen or unknown geologic conditions, or natural or man-made changes in conditions, may contribute to future damages even though properly permitted within the NHO Zone. Furthermore, the provisions of this Section shall not imply that areas outside the NHO Zone will always be totally free from the impact of geologic hazards. This Section shall not create a liability on the part of or be a cause of action against the county or any officer or employee thereof for any personal or property damage that may result from reliance on the regulations of the NHO Zone, or from damages occurring in areas which for any reason have not been placed in the NHO Zone.

CHAPTER 6
LARGE SCALE DEVELOPMENTS

6-1: GENERAL PROVISIONS

A. DECLARATION OF LEGISLATIVE INTENT

The intent and purposes of the large scale development section are:

1. To provide a means for encouraging the orderly development of the county in accordance with the county master plan;
2. To permit maximum use of water, soil, scenic, recreational, and other natural resources, consistent with the need to conserve and protect such resources;
3. To promote the efficient use of land;
4. To facilitate a more economic arrangement of buildings, circulation systems, land use, drainage, and utilities;
5. To promote flexibility in design and permit the creation of varied types of residential environments;
6. To preserve, to the greatest extent possible, the existing landscape features and amenities and to utilize such features in a harmonious and aesthetically pleasing manner;
7. To combine and coordinate architectural styles, building forms, and relationships with open space in a manner that will bring about variety in residential settings at less cost than is possible in conventional subdivisions;
8. To provide greater variety in building sites and living accommodations in a more wholesome environment than otherwise would be possible under conventional land development procedures;
9. To insure high quality construction within the development;
10. To establish the rights, duties, and responsibilities of land developers more definitely with respect to the development of land.

B. MINIMUM REQUIREMENTS

The requirements and conditions set forth in this ordinance pertaining to each type of large scale development are the minimum requirements which must be imposed in order to achieve the intent and purpose as herein set forth. In the event that a developer does not desire to comply with the requirements and conditions relating to a large scale development, he may develop his land in accordance with the regulations and restrictions which apply to land within the zone that surrounds the large scale development.

C. SCOPE

1. Qualification

Any person, partnership, firm, or corporation wishing to construct a large scale development in Utah County shall make application to the Planning Commission for approval of such development and shall comply with all the requirements set forth in this ordinance.

2. Types of Large Scale Developments

The following types of large scale developments may be constructed, but only in the zones as indicated:

Planned Unit Developments:	RR-5
Planned Subdivisions:	A-1, RR-5, TR-5, CE-1, CE-2, M&G-1
Mountain Home Developments:	CE-2
Recreational Resorts:	CE-2
Mobile Home Parks:	RR-5

D. PLAN COORDINATING COMMITTEE CREATED

In order to facilitate the process of plan consideration and approval, there is hereby created a Plan Coordinating Committee composed of representatives from:

1. The Planning Commission staff (Planning Director);
2. The City-County Health Department;
3. The County Surveyor's office;
4. The County Fire Marshal's office;
5. The County Attorney's office;
6. The Forest Supervisor (or his representative) when the development borders property administered by the Forest Service;
7. Any other agency or department as requested by the Planning Director.

The first six agencies shall be considered as the designated members of the Committee.

E. PROCEDURES

Any person wishing to obtain approval to construct a large scale development shall comply with the following procedure.

1. Initial Conference with Planning Staff

The developer shall obtain from the planning staff, information concerning the procedures, requirements, and documents relating to the approval of a large scale development. This must be done before the applicant commences work on the plan.

2. Developer Prepares for Pre-application Conference

A Pre-application Conference shall be held before any application for a large scale development can be filed with the Planning Commission. Said conference shall consist of a meeting between the developer and the representatives of the county agencies involved in the approval process, along with any other interested public or private agencies. The purpose of the conference shall be to convey to the developer information pertaining to the procedure, requirements, and standards relating to conditional approval of a large scale development and to assure him that the most expeditious way of obtaining approval of his plans would be for him to prepare the plans completely and clearly as called for under the terms of this ordinance.

3. Sketch Plan Required

After meeting with the planning staff and before the scheduled Pre-application Conference is held, the prospective developer shall prepare and submit the following:

- a. A sketch plan showing the location and layout of the proposed development, including the circulation system, private building areas, drainage channels, clubhouses, etc.;
- b. A statement of intent, including a full disclosure of the project and program; a statement concerning the ownership of the land; and a statement concerning the ownership and nature of the water rights;
- c. A preliminary environmental impact statement concerning potential environmental, social, and domestic impacts which the development might have on the land within the development and on the county as a whole. (The statement should cover all of the items as shown on forms provided for the purpose by the planning staff.)

4. Pre-application Conference

Upon the request of the developer, the Planning Director shall schedule a Pre-application Conference and shall invite the designated members of the Plan Coordinating Committee and other interested agencies to attend. During the conference, the developer shall make a presentation to the committee; and the developer shall then discuss the procedures, requirements, and standards as they relate to each agency. *In no way shall this conference be construed to constitute approval of the plan.*

Where the developer owns or controls more land than he wishes to develop immediately, the Planning Director may require the developer to prepare preliminary plans of the whole area, in which case the developer shall indicate on the plans the portion to be developed immediately and the portion to be held for future development.

The sole purpose in holding the conference will be to aid the developer in the preparation of his plans and documents. *In no way shall the responses from members of the committee be deemed to substitute for, or relieve the developer of, the necessity of complying with the provisions of this ordinance.*

After the conference has been held, a report shall be prepared by the planning staff, which report shall contain the staff's opinions and recommendations concerning the development. The purpose in preparing the report shall be to assist the developer in the preparation of his development plans.

In no way shall the report be construed to constitute approval of the plans. Such approval must be obtained from the Planning Commission.

5. Developer Prepares Application for Preliminary Plan Approval

After the Pre-application Conference has been held, the developer shall complete an application for preliminary plan approval on forms furnished by the planning staff and shall prepare a preliminary plan. Said preliminary plan shall include all of the maps, statements, documents, and other information required under the preliminary plan requirements of the applicable type of large scale development.

6. Developer Submits Application and Preliminary Plan

The developer shall submit nine (9) copies of the application for approval and all maps, charts, statements, documents, and other information required under the applicable preliminary plan requirements, together with a review fee in the current amount as set by the Legislative Body, for each dwelling unit and/or lot to be included within the development plan. In order for the development to be placed on the agenda, the application must be submitted to the Planning Director at least fifteen (15) days prior to the regularly scheduled meeting at which the application is to be considered.

7. Plan Coordinating Committee Reviews Preliminary Plan

Copies of the preliminary plans, documents, and statements shall be distributed by the planning staff to the designated agencies of the Plan Coordinating Committee for review. Each agency shall review and submit to the planning staff a report which shall include recommendations pertaining to corrections, additions, and deletions that must be made in the plans before said plans, documents, and statements comply with county standards.

8. Planning Staff Reviews Preliminary Plan and Committee Reports

Before the preliminary plan shall be presented to the Planning Commission, the planning staff shall:

- a. Review and coordinate recommendations pertaining to the development which have been received from the Plan Coordinating Committee;
- b. Confer with the developer as necessary in order to resolve the differences between the developer's plan and the recommendations from the Plan Coordinating Committee;
- c. Review and outline the staff's recommendations with respect to the development for use by the Planning Commission;
- d. Place copies of the preliminary plan, documents, and statements on file at the planning office for public review.

Upon completion of the review by the planning staff and after said staff has certified that the Pre-application Conference has been held, the Planning Commission shall proceed with the action on the proposed development.

9. Planning Commission Reviews and Takes Action on Preliminary Plans

The Planning Commission shall review with the developer the reports submitted by the staff and other members of the Plan Coordinating Committee. The Planning Commission shall either approve or disapprove the preliminary plan, documents, and statements or refer them back to the developer for the following reasons:

- a. The development has been found to be inconsistent with either this ordinance or Utah County's master plan;
- b. The Planning Commission requires that certain specific changes be made to the plan in order to bring the plans into compliance with county standards;
- c. The plans, documents, or statements are incomplete.

10. Preliminary Plan Approval

The Planning Commission may approve the preliminary plan, documents, and statements if all of the plans, documents, and statements are complete. Approval of said preliminary plan, documents, and statements shall not constitute approval of the final plan, but shall be deemed as an expression of approval of the layout of the preliminary plan which the developer may use as a guide in preparing the final plan and documents. Upon such approval, the Planning Commission shall be committed to grant final approval of the development plans and documentation upon compliance with all procedures, requirements, and standards as set forth in this ordinance relating to final approval.

11. Limitation of Preliminary Plan Approval

The approval of the preliminary plans and documents shall be valid for twelve (12) months from the date of action by the Planning Commission and shall lapse and become null and void if a final plat for the development has not been approved and recorded within such twelve-month period, except for a phased development (eg. where a successive series of smaller final plats are to be recorded until the whole area having preliminary approval is platted), the preliminary plan approval shall lapse and become void if any twelve-month interval passes after preliminary plan approval in which no approved final plat or phase is recorded. Extensions of the twelve month period may be granted by the Planning Director for additional twelve-month periods, provided:

- a. A written request for extension is submitted prior to expiration;
- b. The applicant shows he is diligently pursuing the development to completion; and
- c. There have been no applicable changes in zoning or county standards since preliminary plan approval.

12. Developer Prepares and Submits Final Plans, Plats, and Documents

After receiving approval or authorization to proceed (as applicable), the developer shall prepare and submit to the Planning Director:

- a. Six (6) copies of the final plans;
- b. One (1) linen or reproducible tracing and six (6) copies of the final plat;
- c. Three (3) copies of the final documents, including an itemized estimate of the cost of constructing the required improvements.

The final plat shall be accompanied by an administrative fee in the current amount as set by the Legislative Body, plus the actual cost of recording the final plat and documents. In order for the development to be placed on the agenda, the final plans, plat, and documents must be submitted to the planning staff office at least fifteen (15) days prior to the meeting at which the plans are to be considered.

13. Planning Staff Reviews Final Plan

Before the final plan is presented to the Planning Commission for consideration, the staff shall:

- a. Review the final plans, plats, documents, and cost estimates in detail to make sure that they comply with all of the provisions of county ordinances and standards and with the approved preliminary plans, plat, and documents;

- b. Communicate with the developer regarding any changes that must be made on the final plans, plat, documents, and cost estimates to bring the same into compliance with all of the provisions of county ordinances and standards and with the preliminary plans, plats, and documents;
- c. Show that each of the designated members of the Plan Coordinating Committee have approved the final plans, plat, documents, and cost estimates, or that their approval is not necessary or appropriate.

14. Planning Commission Takes Action on Final Plan

When the plans, plat, documents, and cost estimates, are complete and have been reviewed by the Planning staff as required above, the developer may make application to the Planning Commission and the Planning Commission will grant final approval after reviewing the final plan and ascertaining that:

- a. The final plans conform substantially with those given preliminary approval;
- b. The final plat complies with the requirements and standards relating to the applicable type of large scale development;
- c. The final documents comply with the ordinances relating to the applicable type of large scale development;
- d. The estimates of cost of constructing the required improvements are realistic.

15. Final Plan and Documents Submitted to Legislative Body for Approval

After the Planning Commission has approved the final plans, plat, documents, and cost estimates, a copy of the same shall be submitted to the Legislative Body for its approval. The Legislative Body will review said plans, plat, documents, and cost estimates; and if found to be consistent with the approved preliminary plan, the Legislative Body shall approve said plans, plats, and documents; execute all documents, agreements, and the final plat; and accept all public dedications.

16. Assuring Construction of Required Improvements

- a. After receiving final approval from the Planning Commission and Legislative Body, the developer may either request that the final plat not be recorded for a period of time not to exceed one hundred and eighty (180) days during which time he may opt to obtain a building permit for the improvements and install them in the development, or the developer may post a bond sufficient to guarantee the installation of the required improvements without cost to the county. Said bond may be a cash bond, surety bond, or a bond in some other form deemed

to be sufficient by the Utah County Commission in a case-by-case determination. Upon acceptance of the bond by the County Commission, the final plat may be recorded. The amount of the bond shall be recommended by the County Surveyor and set based upon the estimated cost of construction of the required improvements which have not been installed; the bond, however, shall not be the limit of liability of the developer to install improvements, for the developer shall be obligated to the full extent of the cost of installing the improvements required by this ordinance for plat approval.

- b. In order to facilitate the construction of the development, permits may be issued for buildings on lots in approved final plats which have not as yet been recorded. However, no lot or building shall be sold until the approved final plat has been recorded in the office of the County Recorder, nor shall any occupancy permit be issued for any dwelling within the development until operational roads and approved sewer (or other approved disposal facility), water, and utilities have been installed.
- c. All improvements shall be constructed in accordance with Utah County standards and approved by the County Surveyor. The developer shall pay a fee to the county for the time the County Surveyor spends in checking and inspecting the installation of the required improvements during the process of construction, which fee shall be in the amount set by the Legislative Body to cover the cost per man hour of time actually spent in checking and inspecting the work.

17. Duration of Bond

The duration of the bond and other assurance required under the provisions of this ordinance shall be for two (2) years from the date of final approval of the plat by the Legislative Body. An extension of time may be granted by the Legislative Body upon application by the developers, provided such application is submitted at least sixty (60) days prior to the expiration of the bond and provided the issuer of the bond and other assurance is willing to extend the time of the assurance.

18. Default

In the event the developer defaults, fails, or neglects to install satisfactorily the required improvements within the period required, or to pay all cost of materials and labor therefor, the Board of County Commissioners may declare the bond or other assurance forfeited, and may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurance to defray the expense thereof.

19. Timing of Construction

All improvements required under the terms of the applicable type of large scale development shall be constructed by the developer within the time period specified for the duration of the bond. However, the Board of County Commissioners, upon recommendation of the Planning Commission, may require the developer to install critical improvements on all or part of an approved large scale development within a time period which is less than the maximum time period specified but which shall not be less than six (6) months from the date of said approval.

20. Construction to be in Accordance with Plats, Plans and Documents

All individual large scale developments shall be constructed in accordance with the approved final plats, plans, and documents, and all final plats, plans, and documents shall be binding on the developer, his successors, grantees, and assigns and shall limit the use of the land and structures in the development as set forth in the approved plans and the recorded plats, and documents. In the event that the developer or his successor or assigns performs construction or uses the land in a way which is not in accordance with approved final plats, plans or documents, or fails to perform according to the agreements, or covenants required by Chapter 6 of this ordinance for plat approval, compliance may be obtained through the means of a "Notice to Comply", through the use of the funds of the improvement bond, and/or through legal action.

21. Plan and Documents to be Recorded

The Planning Director shall verify that the developer has recorded the plat and documents with the County Recorder in the form in which such were approved. No lot or building (or interest therein) shall be sold and no occupancy permits shall be issued for any buildings within a large scale development until the final plans and documents have been approved and recorded as set forth in this ordinance.

22. Final Disposition and Release

The developer shall be responsible for the installation of all required improvements and for the quality of all labor, materials, and workmanship used therein. At the completion of the work, but in no case less than ten days prior to the release date of the bond, the County Surveyor shall make a preliminary inspection of the improvements and shall submit a report to the Planning Director and to the Board of County Commissioners, setting forth the condition of such facilities. If no liens have been filed, all costs of labor and materials have been paid, and all other requirements have been satisfactorily completed, the Board of County Commissioners shall release the bond and any other required assurance.

Partial releases of the bond may be made when a portion of the required improvements have been satisfactorily installed, but only if the amount of the bond which is retained is equal to or greater than the cost of installing the uncompleted improvements. At the

end of the bonding period, if the required improvements are not complete, the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if any outstanding costs or liens are not paid, the Board of County Commissioners may declare the developer in default and take action against the bond and/or developer to remedy the deficiency.

23. Continuing Obligation

It shall be the obligation and duty of the developer or his successors or assigns to carry out the conditions made applicable to the development plans and documents. In case of failure or neglect to comply with any and all of the conditions and regulations as herein established, and as specifically made applicable to a large scale development, the Zoning Administrator shall not issue a certificate of zoning compliance therefor. Such failure or neglect to comply with the requirements or to maintain the buildings and premises in accordance with the conditions of approval of the plans and documents shall also be deemed to be a violation of this ordinance and a breach of contract between the developer, his successors or assigns, and the county.

24. Change in Plans and Documents

Changes which alter the concept or intent of the individual large scale development, or any changes in the plats, plans or documents, may be approved by submission of revised plats, plans and documents, and by recommencing the approval procedure as currently set forth in this ordinance and in other applicable laws, provided, however, that no change shall be made which is contrary to law or to Utah County's master plan or to the intent of the applicable large scale development.

A. GENERAL PROVISIONS

1. Declaration of Legislative Intent

The intent of this section is to establish guidelines which will facilitate approval of a planned unit development.

2. Scope

The owner or owners of a tract of land containing the required amount of land as set forth in the zones in which planned unit developments are permitted may construct a planned unit development thereon by complying with the regulations and standards of this section.

a. Requirements Minimum.

The requirements of this section shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned unit developments.

b. All Regulations Essential.

All of the regulations relating to planned unit developments are the minimum regulations that are needed to carry out the purpose and intent of the large scale developments chapter of this ordinance.

c. Standards May Be Increased.

The Planning Commission may increase the standards where it is determined that such increased standards are necessary in order to insure that the development will mesh harmoniously with adjoining or nearby uses of property and are necessary to carry out the intent of this chapter.

d. Exemption from Rules of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

e. Variances Are Permitted.

Variances may be approved by the Board of Adjustment when necessary to achieve the purposes of this chapter, subject to the rules and standards of Section 7-22.

B. PERMITTED USES

Uses permitted in planned unit developments shall be limited to the following:

1. One-, two-, three-, and multiple-family dwellings including condominium projects;
2. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant;
3. Family day-care centers, foster care homes, family care homes, residential facilities for handicapped persons, and residential facilities for elderly persons;
4. Primary and secondary schools;
5. Churches and other structures for religious worship;
6. Common areas and recreational facilities including golf courses, swimming pools, tennis courts, clubhouses, recreational buildings, stables and corrals for the care and keeping of horses, landscape parks, and similar recreation facilities for the use and enjoyment of all residents;
7. Production of fruit and crops in the field;
8. Buildings and facilities for the display and sale of convenience goods and services for the exclusive convenience and use of the development, subject to the conditions set forth under Section 6-2-F-3-f of this ordinance;
9. Driveways, streets, fences, walls, utility distribution lines and facilities, common storage areas, ponds, landscape features, and similar uses and structures incidental to the main use.
10. Planned dwelling groups which were approved and platted at the time of the enactment of this ordinance.

C. PROCEDURE

Any person, partnership, firm, or corporation wishing to obtain approval to construct a planned unit development shall follow the procedure outlined in Subsection 6-1-E of this ordinance.

D. PRELIMINARY PLAN REQUIREMENTS

The preliminary plan shall consist of the following elements.

1. Environmental Impact Statement

An environmental impact statement shall be prepared on forms furnished by the planning staff and shall be used as the basis for determining the layout, density, drainage pattern, types of sewage treatment facilities, and other features of the development.

2. Preliminary Layout

A preliminary layout shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Planning Director, and shall show the following:

- a. Type of development;
- b. Name and address of developer;
- c. Name and address of designer;
- d. Date;
- e. North point, scale and vicinity map;
- f. Township, range, and section line;
- g. Zone boundaries and designations;
- h. Boundary of the development with legal description;
- i. Name and address of adjacent property owners;
- j. Contour intervals as required by Pre-application Conference Committee;
- k. Location of all existing buildings and structures;
- l. Location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and areas within the bounds of the development which would be covered in the event of a 100 year flood;
- m. Existing water mains--location and size;
- n. Existing sewer mains--location and size;
- o. Proposed layout of development, including lots, building sites, open space, parks, recreational facilities and structures;
- p. Number of dwelling units within each building;
- q. Proposed streets and roads--location and identification;
- r. Plan and profile sheets of all existing and proposed roads in the development;
- s. Cross-section of roads (same as county standards);
- t. Proposed pedestrian walkways;

- u. Proposed gas or heating lines;
- v. Proposed power lines, bridges, utilities, and utility easements;
- w. Proposed sewage lines--location and size;
- x. Proposed water lines--location and size;
- y. Place of sewage disposal;
- z. Intended source of water;
- aa. Garbage collection points;
- bb. Proposed fire hydrants;
- cc. Proposed lighting system;
- dd. Drainage system plan for both surface and flood water;
- ee. Landscape plan (showing proposed general areas only);
- ff. Irrigation system plan showing how water will be handled;
- gg. Preliminary sketches and renderings for all primary buildings in sufficient detail to permit an understanding of the style of the development;
- hh. Location of common storage facility;
- ii. Tabulations showing:
 - (1) Total number of acres in the proposed development,
 - (2) Total number of lots or building sites,
 - (3) Number of lots for one- and two-family detached dwellings,
 - (4) Number of lots for multiple-family dwellings,
 - (5) Total number of dwelling units,
 - (6) Percentages of each of the proposed dwelling types,
 - (7) Number of off-street parking spaces,
 - (8) Percentage of area to be used for off-street parking,
 - (9) Percentage of area to be devoted to roadways,
 - (10) Percentage of area to be devoted to open space (ten percent minimum),

- (11) Percentage of area covered by buildings,
 - (12) Percentage of total area covered,
 - (13) Number of square feet in common storage facilities;
- jj. Any additional information which the Plan Coordinating Committee may require;

Where a developer owns or controls more land than he wishes to develop immediately, the Planning Commission may require that a preliminary plan of the whole area be submitted, in which case the developer shall indicate on the preliminary plan the portion to be developed immediately and the portion to be held for future development.

3. Preliminary Documentation

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

- a. Draft copy of the articles of incorporation and bylaws of the Property Owners' Association;
- b. Draft copy of the declaration of covenants, conditions, and restrictions;
- c. Proposed open space preservation and maintenance agreements among developer, Property Owners' Association, and the county;
- d. Whenever the proposed water supply is to come from a previously unapproved source, a statement from the State Engineer indicating the quantity and permanency of domestic water rights available to the development; (Otherwise, the supplying municipality or other entity shall state its ability and willingness to supply water to the development according to county standards.)
- e. A statement from the appropriate agency accepting responsibility for the disposal of all surface drainage water wherever such drainage water is directed into canals, drainage channels, streets, etc;
- f. A statement from the City-County Health Department containing recommendations pertaining to the proposed culinary water and sewage disposal system and treatment facilities;
- g. A statement from the County Surveyor certifying that the preliminary plans conform to county standards;
- h. A statement from the County Fire Marshal certifying that the preliminary plans and documents conform to county standards and codes pertaining to fire prevention;

- i. A written review of the legal documents required by Subsections 6-2-D-3-a to 6-2-D-3-e, above, by the County Attorney.

E. FINAL PLAN REQUIREMENTS

The final plan shall consist of the following elements.

1. Final Layout

The final layout shall consist of a set of engineering and/or architectural drawings and shall be drawn on a map or maps at a scale of one inch equals one hundred feet (1"=100'), or as directed by the Planning Director, and shall show the following:

- a. A detailed site plan with complete dimensions showing the following:
 - (1) The boundaries of the planned unit development,
 - (2) The location of all lots,
 - (3) The location of all three-family and multiple-family dwellings, and all other buildings, fences, walls, and proposed structures,
 - (4) The location of the minimum setback for all one- and two-family dwellings when such dwellings are located on separately owned lots,
 - (5) The location of all open spaces, common areas, and special use areas and facilities,
 - (6) The location of all streets, driveways, walkways, and parking areas,
 - (7) Other structures, facilities, and areas required by the Planning Commission;
- b. Sketches of floor plans and exterior elevations, when required by the Planning Commission;
- c. Detailed landscape, grading, and planting plans, showing the treatment of all exposed slopes, the sizes and locations of all plant materials, and the location of decorative materials, statuary, recreation equipment, special effects, and sprinkler and irrigation systems;
- d. Dimensioned parking layout showing the location of individual parking stalls and all areas of ingress or egress when applicable;
- e. Detailed engineering plans pertaining to the location and size of proposed water and sewer lines, fire hydrants, utilities,

curbs and gutters, streets, drainage systems and structures, irrigation system plans, and other improvements;

- f. Detailed engineering plans of flood protection measures to be taken wherever all or part of the development is to be located in a designated flood plain;
- g. All of the information requested for submission with preliminary development plans in accurate detail as required by the County Surveyor.

2. Final Documentation

The following statements and documents shall be submitted:

- a. Water rights;
- b. A statement of approval from the City-County Health Department regarding the suitability of water for domestic purposes, and the adequacy of the proposed sewage disposal facilities;
- c. A verified document from an engineer registered to practice in the State of Utah certifying that the proposed source of water has been tested and that it can produce water in sufficient quantity to comply with Utah County standards, and further certifying that the storage and delivery system has been designed to meet said standards; (The document must be approved by the County Surveyor as to its accuracy and by the County Fire Marshal as to quantity.)
- d. An instrument or deed permanently conveying the water rights to the homeowners' association and guaranteeing that said rights will not be sold apart from the land and lots served;
- e. Official documents prepared in a manner that is consistent with forms provided by the county:
 - (1) Articles of incorporation and bylaws of the association,
 - (2) Declaration of covenants, conditions, and restrictions,
 - (3) Maintenance agreement between property owners' association and Utah County,
 - (4) Open space preservation agreement between the developers, the property owners' association, and the county;
- f. The proposed "public offering statement" required by the "Utah Land Sales Practices Act" in Subsection p of Section 57-11-6 of the "Utah Code Annotated 1953"; or when not required by said act, a substitute information brochure concerning the lot owners' rights and obligations which is prepared in accord with

Utah County standards for dissemination to potential purchasers;

- g. A statement of approval from the County Surveyor regarding the completeness and accuracy of the final plans;
- h. Itemized estimates of the cost of constructing all required improvements to be constructed in the development; also a report to the Planning Commission pertaining to the source or sources of the construction funds;
- i. A bond guaranteeing the installation of required improvements, along with statements of approval from the County Surveyor concerning the bond amount, and the County Attorney concerning the form of the bond instrument, terms, and release agreement;
- j. A policy of title insurance or preliminary report of title verifying that the owners listed in the Owners' Dedication Certificate [see Subsection 6-2-E-3-f-(1)] have sufficient control over the premises to effectuate said dedication without boundary exceptions;
- k. A statement by the County Attorney relative to whether the development meets the requirements of county ordinances and whether the documents are in proper form.

3. Final Plat

The final plat shall be drafted in black drawing ink, in a workman-like manner, on a reproducible tracing medium approved by the Planning Commission. Said plat shall be drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100') or as directed by the Planning Director, and shall show the following:

- a. Boundaries of the development and the location of all required survey monuments;
- b. The location of all lot and setback lines and the identifying number for each lot and block in the development;
- c. The name, location, and extent of all streets and the location and nature of all other parcels of land to be dedicated to the public or reserved for common use by the residents of the development;
- d. The type, location, and extent of all easements;
- e. The location and extent of all parcels within the development which are subject to the restrictions imposed by the open space preservation agreement;
- f. The following certifications:

- (1) Owner's dedication of land for public use and owner's conveyance of easements and parcels for utilities or for common use by the residents of the development,
- (2) Certificate of survey accuracy by surveyor or engineer preparing the plat,
- (3) Certificate of design approval by the County Fire Marshal relative to fire standards and codes of Utah County,
- (4) Certificate of design approval by the City-County Health Department relative to water and sewage standards,
- (5) A signature block for the Planning Commission's plat approval,
- (6) County Surveyor's approval of plat accuracy (this certification may be made after approval is granted by the Planning Commission),
- (7) Legislative Body's development approval and acceptance of dedication of streets, easements, etc. (this may be completed after final approval by the Planning Commission).

F. STANDARDS AND CONDITIONS

All planned unit developments shall conform to the following standards and conditions.

1. Design

- a. The plans shall be prepared by a design team consisting of a licensed architect, a landscape architect, a civil engineer, a land surveyor, and an attorney, all of whom shall be certified to practice in the State of Utah. The Planning Commission may waive the requirements for participation of one or more members of said design team where in its opinion the nature of the development does not require the services of said member(s).
- b. There shall be architectural unity and harmony within the development and with the surrounding area.
- c. Clustering and spacing of dwelling units and structures shall provide for a restful and uncrowded environment.
- d. A significant proportion of the dwellings in the development shall be other than detached one-family dwellings.
- e. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the convenience of access, the preservation of bodies of water, and other significant features shall guide the design of the development.

2. Landscape Plan

- a. All areas not covered by buildings or off-street parking or driveways shall be landscaped and shall be maintained in accordance with good landscape practice. The plan shall include both existing and proposed landscape areas and shall specify the general types of plants and architectural features to be used.
- b. The installation of permanent sprinkler or irrigation systems may be required by the Planning Commission in order to provide irrigation for planted areas.

3. Open Space, Parks, Playgrounds, and Facilities

- a. At least ten percent or more of the area in the proposed development shall be designated for open space, parks, playgrounds, and facilities. The land covered by vehicular roads, off-street parking, yard areas around the dwellings, the common storage facility, and common facility structures shall not be included in computing the required area for open space.
- b. As assurance that the designated area will remain in open space, the developers shall execute an open space agreement with the county in which the developer agrees for himself and his successors and assigns to refrain from constructing dwellings or other structures on the designated open space areas throughout the life of the development.
- c. The open space shall be as centrally located as is feasible, and the area shall be suitable for either active or passive recreational use.
- d. All flood plain areas, if any, shall be identified and preserved as common open space.
- e. Construction of all common areas and facilities shall be provided by the developers and shall be maintained by the homeowners' association as provided for in the agreement.
- f. In a planned unit development where fifty (50) or more dwelling units have been constructed, a commercial convenience establishment containing not more than fifteen square feet per dwelling unit may be permitted if approved by the Planning Commission, provided that the aforementioned facilities shall not be constructed until 75 percent of the dwelling units have been constructed.

4. Size

The minimum acreage required to qualify for a planned unit development shall be five (5) acres.

5. Density

The dwelling units may be situated in one or more buildings and the buildings shall be clustered, provided that the total number of dwelling units within the development shall not exceed four (4) times the number of acres within the development. The ratio of dwelling units per acre may be increased up to fifty percent (50%) by the Planning Commission where additional open space is provided and where the clustering design warrants the greater density.

6. Street System

- a. All public streets shall conform to the official "Utah County Development Standards" as adopted by Utah County.
- b. All private streets and driveways shall conform to the "Utah County Development Standards" as adopted by Utah County.
- c. All planned unit developments shall abut on and shall have access to a hard-surfaced public street, unless said planned unit shall be an extension of a previously approved planned unit development.
- d. In the event that land within the proposed development is traversed by a proposed street that is shown on the county master street plan, the circulation system within the planned unit development shall be designated in accordance with the county master street plan, and the right-of-way across the development shall be dedicated to the county.
- e. The street system shall be designed in such a way as to avoid, where possible, the fronting of residential dwellings on collector or arterial streets.
- f. No vehicular road shall have a maximum sustained grade of more than eight (8) percent;

exception: a grade of ten (10) percent may be approved if the Planning Commission finds:

- (1) the grade is necessary to eliminate extra cuts, fills, or circuitous routes;
- (2) no section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length;
- (3) the total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development;
- (4) police, fire, ambulance, snow removal, and other essential services can be provided at an equal level of quality, (advice may be solicited from the sheriff, fire marshal, and County Surveyor);

(5) no section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.

- g. All vehicular roads shall be paved with a two and one-half (2 1/2) inch asphaltic surface over a six (6) inch crushed gravel base, and suitable subbase, in accord with Utah County standards.
- h. Each intersection shall bear permanent signs sufficient in design for easy identification of street names by emergency vehicles and other motorists.

7. Walkways, Curbs, and Gutters

Curbs, gutters, and sidewalks meeting the Utah County standards for urban streets shall be constructed by the developer along county roads located within the development and along the abutting side of county roads adjoining the development. Otherwise, walkways, curbs, and gutters shall be provided within the development according to the developer's circulations plan and storm drainage plan for the development as approved by the Planning Commission.

8. Drainage System Plan

The drainage system plan shall show the following:

- a. An analysis of the nature and extent of hazard from floods originating off the premises and a plan indicating how such flooding hazard will be accommodated within the development; (Said analysis and plan will be necessary only when required by the Planning Commission.)
- b. An analysis of the nature and extent of the drainage and flood problems which will be created by the development, including an analysis of the amount of water generated as a result of the sealing of absorption areas and a plan indicating how the drainage and flood waters will be accommodated;
- c. The location and size of any ditches, culverts, drains, sumps, percolation basins, curbs and gutters, and other proposed structures and facilities;
- d. A drainage system that is designed to handle all runoff on site when an already existing drainage system is not available;
- e. A statement of acceptance of the drainage waters from the appropriate agencies where excess surface drainage from the development will flow into an irrigation channel or into a public street or otherwise be directed off the premises;

- f. A method of covering, fencing, or similar safety treatment of canals and waterways traversing the development.

9. Water Supply

- a. A perpetual supply of at least 0.89 acre feet per year of culinary water, having an accelerated delivery (flow) rate of 1600 gallons per day, shall be made available to each lot in the development, except the quantity of 0.89 acre feet per year may be reduced to 0.55 acre feet per year when no outside plumbing (for landscaping, etc.) is allowed and water for the irrigation of landscaping is derived from alternate (eg. not culinary) sources. Said culinary water supply shall have a minimum static pressure of forty (40) pounds per square inch.
- b. Wherever the water to be used in a planned unit development is to be derived from a source which has not received prior approval by the City-County Health Department and by the County Fire Marshal, such approvals must be obtained from these two departments based on compliance with county standards.

10. Water System

- a. All planned unit developments shall be served by a central water system which has been approved by the City-County Health Department and by the County Fire Marshal.
- b. The system shall be designed to comply with the minimum requirements as set forth in the officially adopted county standards, and said approvals shall be based upon compliance therewith.
- c. The minimum water storage facility shall have a capacity of 60,000 gallons, or 800 gallons per dwelling unit served, whichever is greater, plus the anticipated normal domestic use in excess of water-source inflow during a one-hour fire. The storage facility shall be designed and located so as to produce a gravity-induced minimum flow at any fire hydrant of 500 gallons per minute with a residual pressure of 20 pounds per square inch.
- d. Water mains supplying fire hydrants shall be large enough to produce the flow amounts stated in Subsection c above, but in no case shall they be less than six (6) inches in diameter (no less than eight inches in diameter if the water main supplying the hydrant is on a dead-end run longer than four hundred feet).

11. Sewage Disposal

Each planned unit development shall be served by a central sewage disposal system or by individual wastewater disposal systems which are approved by the City-County Health Department. If sewage

cannot be disposed of through an approved existing central sewage treatment plant or by individual wastewater disposal systems, an alternate method must be provided by the developer and approved by the City-County Health Department.

12. Fire Protection

- a. Fire hydrants shall be installed at intervals in such a manner that no lot, dwelling unit, or building will be more than 250 feet distant from the closest hydrant, measured along the street.
- b. The Planning Commission may require additional fire protection facilities or policies when recommended by the County Fire Marshal to conform to adopted fire codes or standard fire protection practices for the area.

13. Off-street Parking

- a. The proposed development shall provide two off-street parking spaces for each dwelling unit.
- b. Additional off-street parking spaces for visitors shall be provided at a ratio of one-half parking space per dwelling unit, which shall be located within 200 feet from the dwelling unit it is intended to serve.
- c. Additional off-street parking spaces for other uses shall also be required as set forth in the provisions of the ordinance relating to off-street parking (see Section 3-14).

14. Utilities

- a. All new electric power lines shall be installed underground.
- b. Easements of not less than ten (10) feet in width shall be required for all utility lines, the location of which may vary depending upon the design of the development.
- c. No structure shall be placed within the designated easements except utility structures.

15. Location Requirements for One- and Two-family Dwellings

The location of all buildings and structures proposed to be constructed by the developer shall be shown on the detailed site plan.

Exception: the developer may elect to plat separate lots for one- and two-family dwellings without constructing the dwellings thereon, in which case the setback lines shall be shown on the final plat and shall conform to the following standards.

- a. Front setback.

All buildings shall be set back at least thirty (30) feet from the outside edge of any roadway of the development that serves two or more dwelling units and at least thirty (30) feet from the right-of-way line of any public street (a greater setback may be required by Section 3-16).

b. Side setback.

All dwellings shall be set back from the side property line a distance of at least ten (10) feet. The minimum side setback for accessory buildings shall be the same as for main buildings. The side setback from any street shall be not less than thirty (30) feet for both main and accessory buildings.

c. Rear setback.

All dwellings and other main buildings shall be set back from the rear property line a distance of at least ten (10) feet. Accessory buildings shall be set back not less than ten (10) feet from the rear property line, except that no rear setback shall be required for accessory buildings having fire-resistive walls of two (2) hours or more.

16. Common Storage Facility

The common storage area shall be designed in accordance with the following standards.

- a. The storage facility will contain an area of one hundred (100) square feet per dwelling unit within the planned unit development.
- b. The facility will be enclosed within a fence or wall of not less than six (6) feet in height.
- c. The facility shall be readily accessible from the street system of the planned unit development.

G. REQUIRED IMPROVEMENTS

All improvements as are required under the terms of this ordinance and shown on the final plat and plans shall be constructed by the developer in accordance with Utah County standards and as directed by the County Surveyor. Said improvements shall include the following:

1. Streets, driveways, and parking areas which shall be graded, graveled, and hard-surfaced;
2. Curbs, gutters, walkways, and street signs;
3. Drainage and flood control structures and facilities;
4. Both off-site and on-site water mains;

5. Both off-site and on-site sewer mains;
6. Fire hydrants;
7. Permanent survey monuments;
8. Gas, electric, telephone lines (which shall be placed underground);
9. Landscaping;
10. Sprinkling or other suitable irrigation systems;
11. Fences, walls, and all other common areas, facilities, systems, and structures proposed for development as shown on the final plans;
12. Other improvements required to be shown on the final plans.

6-3: PLANNED SUBDIVISIONS

A. GENERAL PROVISIONS

1. Declaration of Legislative Intent

The intent of this section shall be to establish guidelines which will facilitate approval of planned subdivisions.

2. Scope

The owner or owners of a tract of land containing the required amount of land as set forth in the zones in which planned subdivisions are permitted may construct a planned subdivision thereon by complying with the regulations and standards of this section.

a. Requirements Minimum.

The requirements of this section shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned subdivisions.

b. All Regulations Essential.

All of the regulations relating to subdivisions are the minimum regulations that are needed to carry out the purpose and intent of the large scale developments chapter of this ordinance.

c. Standards May Be Increased.

The Planning Commission may increase standards where it is determined that such increased standards are necessary in order to insure that the subdivision will mesh harmoniously with adjoining or nearby uses of property and are necessary to carry out the intent of this chapter.

d. Exemptions from Rule of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

e. Variances Are Permitted.

Variances may be approved by the Board of Adjustment when necessary to achieve the purposes of this chapter, subject to the rules and standards of Section 7-22.

B. PERMITTED USES

A planned subdivision shall consist of the platting of real property into three or more lots, plats, parcels, or structures according to the procedure outlined in this ordinance, and may include housing (of the type specified in the pertinent zone at the rate of one dwelling unit per numbered lot shown on the plat), residential accessory structures, fences, landscaping, public parks and playgrounds, motor vehicular roads and sidewalks, rights-of-way, and utilities. In the A-1 Agricultural Zone and the M&G-1 Mining and Grazing Zone, a planned subdivision may also include the care and keeping of domestic livestock and fowl and the raising of fruits and crops in the field.

C. PROCEDURE

Any person, firm, or corporation wishing to obtain approval to construct a planned subdivision shall follow the procedure outlined in Subsection 6-1-E of this ordinance.

D. PRELIMINARY PLAN REQUIREMENTS

The preliminary plan shall consist of the following elements.

1. Environmental Impact Statement

An environmental impact statement shall be prepared on forms furnished by the planning staff and shall be used as the basis for determining the layout, density, drainage pattern, types of sewage treatment facilities, and other features of the development.

2. Preliminary Layout

A preliminary layout shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Planning Director, and shall show the following:

- a. Type of development;
- b. Name and address of developer;
- c. Name and address of designer;
- d. Date;
- e. North point, scale, and vicinity map;
- f. Township, range, and section lines;
- g. Zone boundaries and designations;
- h. Boundary of the development with legal description;
- i. Adjacent property owners;
- j. Contour intervals as required by Plan Coordinating Committee;

- k. Location of all existing buildings and structures;
- l. Location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and areas which would be covered in the event of a 100 year flood;
- m. Existing water mains--location and size;
- n. Existing sewer mains--location and size;
- o. Proposed layout of development, including streets and utility easements, building sites, and building setback lines;
- p. Plan and profile sheets for all existing and proposed roads in the development;
- q. Cross-section of proposed streets (same as county standards);
- r. Proposed power lines, bridges, utilities, and utility easements;
- s. Proposed sewage lines--location and size;
- t. Place of sewage disposal;
- u. Intended source of water;
- v. Garbage collection points;
- w. Proposed water lines--location and size;
- x. Proposed fire hydrants;
- y. Drainage system plan for both surface and flood water;
- z. Proposed irrigation system plan showing how water will be handled;
- aa. Tabulations showing:
 - (1) Total number of acres in the proposed development,
 - (2) Total number of lots or building sites,
 - (3) Percentage of area to be devoted to roadways;
- bb. Any additional information which the Plan Coordinating Committee may require.

Where a developer owns or controls more land than he wishes to develop immediately, the Planning Commission may require that a preliminary plan of the whole area be submitted, in which case the

developer shall indicate the portion to be developed immediately and the portion to be held for future development.

3. Preliminary Documentation

The preliminary plans shall be accompanied by the following documents which have been prepared in accordance with Utah County standards and forms:

- a. Whenever the proposed water supply is to come from a previously unapproved source, a statement from the State Engineer indicating the quantity and permanency of domestic water rights available to the development; (Otherwise, the supplying municipality or other entity shall state its ability and willingness to supply water to the development according to county standards.)
- b. A statement from the appropriate agency accepting responsibility for the disposal of all surface drainage water;
- c. A statement from the City-County Health Department containing recommendations pertaining to the proposed culinary water and sewage disposal system and treatment facilities;
- d. A statement from the County Surveyor certifying that the preliminary plans conform to county standards;
- e. A statement from the County Fire Marshal certifying that the preliminary plans and documents conform to county standards and codes pertaining to fire prevention;
- f. A written review of the legal documents required by Subsections 6-3-D-3-a and 6-3-D-3-b, above, by the County Attorney.

E. FINAL PLAN REQUIREMENTS

The final plan shall consist of the following elements.

1. Final Layout

The final layout shall consist of a set of engineering and/or architectural drawings and shall be drawn on a map or maps at a scale of one inch equals one hundred feet (1"=100'), or as directed by the Planning Director, and shall show the following:

- a. Detailed engineering plans pertaining to the location and size of proposed streets, water and sewer lines, fire hydrants, utilities, curbs and gutters, drainage system and structures, irrigation system plan, and other improvements;
- b. Flood plain areas wherever the land within the subdivision is covered by a designated flood plain.

2. Final Documentation

The following statements and documents shall be submitted:

- a. Water rights;
- b. A statement of approval from the City-County Health Department regarding the suitability of the water for domestic purposes, and the adequacy of the proposed sewage disposal facilities;
- c. A verified document from an engineer registered to practice in the State of Utah certifying that the proposed source of water has been tested and that it can produce water in sufficient quantity to comply with Utah County standards, and further certifying that the storage and delivery system has been designed to meet said standards; (The document must be approved by the County Surveyor as to its accuracy and by the County Fire Marshal as to quantity.)
- d. An instrument or deed guaranteeing the water rights are permanently attached to the development;
- e. A statement of approval from the County Surveyor regarding the completeness and accuracy of the final plans;
- f. Itemized estimates of the cost of constructing all required improvements to be constructed in the development; (The developer shall also submit a report to the County Planning Commission pertaining to the source or sources of the construction funds.)
- g. A bond guaranteeing the installation of the required improvements, along with statements of approval from the County Surveyor concerning the bond amount and the County Attorney concerning the form, terms, and release agreement of the bond instrument;
- h. A policy of title insurance or preliminary report of title verifying that the owners listed in the Owners' Dedication Certificate [see Subsection 6-3-E-3-f-(1)] have sufficient control over the premises to effectuate said dedication without boundary exceptions;
- i. A statement by the County Attorney relative to whether the development meets the requirements of county ordinances and whether the documents are in proper form.

3. Final Plat

The final plat shall be drafted in black drawing ink, in a workman-like manner, on a reproducible tracing medium approved by the Planning Commission. Said plat shall be drawn in accordance with county standards at a scale of one inch equals one hundred feet

(1"=100') or as directed by the Planning Director, and shall show the following:

- a. Boundaries of the development and location of all required survey monuments;
- b. The location of all lot and setback lines and the identifying number of each lot and block in the development;
- c. The name, location, and extent of all streets and the location and nature of all other parcels of land to be dedicated to the public or reserved for common use by the residents of the development;
- d. The type, location, and extent of all easements;
- e. The location and extent of all parcels within the development which are subject to the restrictions imposed by the open space preservation agreement;
- f. The following certifications:
 - (1) Owner's dedication of land for public use and reservation of easements for utility access,
 - (2) Certificate of survey accuracy by the surveyor or engineer preparing the plat,
 - (3) Certificate of design approval by the County Fire Marshal relative to the fire standards and codes of Utah County,
 - (4) Certificate of design approval by the City-County Health Department relative to water and sewage standards,
 - (5) A signature block for the Planning Commission's plat approval,
 - (6) County Surveyor's approval of plat accuracy (this certification may be made after approval is granted by the Planning Commission),
 - (7) Legislative Body's development approval and acceptance of dedication of streets, easements, etc. (this may be completed after final approval by the Planning Commission).

F. STANDARDS AND CONDITIONS

All planned subdivisions shall conform to the following standards and conditions.

1. Design

The design of subdivisions shall conform to officially approved county standards with respect to the length, width, alignment, and grade of streets and utilities, the length of cul-de-sacs, size of turnarounds, direction of lot lines, size of blocks, and other features.

2. Size of Development

The minimum acreage required to qualify for a planned subdivision shall be in accord with the following schedule:

Zone	Area (in acres)
A-1	15
RR-5	5*
TR-5	15
CE-1	150
CE-2	60
M&G-1	150

*Exception in the RR-5 Zone: the Planning Commission may approve a planned subdivision for a smaller parcel, provided that:

- a. Such parcel is a nonconforming lot of record as defined by this ordinance; and
- b. Such parcel cannot be added to an existing subdivision or combined with other parcels to make a combined lot area which conforms to this schedule.

3. Lot Area and Width Requirements

The area and width of individual lots within planned subdivisions shall be in accordance with the following schedule.

Zone	Min. Lot Area ¹	Min. Lot Width ²
A-1	5 ac	250 feet
RR-5	10,000 sq ft	75 feet
TR-5	5 ac ³	250 feet ³
CE-1	50 ac	330 feet
CE-2	20 ac	330 feet
M&G-1	50 ac	330 feet

- Notes:
1. "ac" means acres; "sq ft" means square feet
 2. "Min. Lot Width" shall mean the minimum width of the lot at any point between the frontage and the structure.
 3. Minimums are 1 ac and 100 feet where county has adopted a district-wide plan of roads and drainage for a specific TR-5 zoning district.

4. Street System

- a. All streets shall conform to the "Utah County Development Standards" as adopted by Utah County.

- b. All planned subdivision lots shall abut on and shall have access to a hard-surfaced state or county road.
- c. In the event that the land within the proposed development is traversed by a proposed street that is shown on the county master street plan, the circulation system within the subdivision shall be designed in accordance with the county master street plan and the right-of-way across the development shall be dedicated to the county.
- d. No vehicular road shall have a grade of more than eight (8) percent.
- e. All vehicular roads shall be paved with a two and one-half (2 1/2) inch asphaltic surface over a six (6) inch crushed gravel base, and suitable subbase, in accord with Utah County standards.
- f. Each intersection shall bear permanent signs meeting county standards for identification of street names by emergency vehicles and other motorists.

5. Sidewalks

Sidewalks, dedicated to the public, shall be provided along both sides of public streets wherever one or more of the lots in the subdivision have a frontage of 150 feet or less, except:

- a. Sidewalks shall be required only on the development side for streets bounding the development;
- b. When approved by the Board of Adjustment as a special exception to the ordinance based on the findings that the subdivision lies in a zoning district for which the county has adopted a plan of roads and drainage which treats the pedestrian traffic issue; in such a case, sidewalks shall be located according to such plan and the conditions set by the Board of Adjustment.

6. Curbs and Gutters

Curbs and gutters shall be installed on both sides of public streets wherever one or more of the lots in the subdivision has a frontage of 150 feet or less, except:

- a. Curbs and gutters shall be required only on the development side for streets bounding the development;
- b. When approved by the Board of Adjustment as a special exception to the ordinance based on the findings of a plan of roads and drainage for the zoning district adopted pursuant to Section 17-27-6, Utah Code Annotated 1953, and when soil percolation rates are of at least 5 minutes per inch, the high water table is at least 3 feet below natural ground, and

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provisions exist for on-site drainage in continuous roadside drainage areas, the curbs and gutters shall be located according to said drainage plan.

7. Drainage System Plan

- a. The drainage plan shall include an analysis of potential drainage problems, along with a proposal indicating how the surface water will be disposed of.
- b. The development shall include necessary culverts, drain pipes, and drainage channels. In order to insure the safety of the occupants of a subdivision, the Planning Commission may require the developer to cover or fence culverts and canals.
- c. The drainage system shall be designed to handle all surface drainage on-site when an already existing drainage system is not available.
- d. Where surface drainage from the development will flow into an irrigation channel or into a public street or otherwise be directed off the premises, the developer shall obtain and submit a statement of acceptance of the drainage from the appropriate agencies.

8. Water Supply

- a. A perpetual supply of at least 0.89 acre feet per year of culinary water, having an accelerated delivery (flow) rate of 1600 gallons per day, shall be made available to each lot in the development. Such water supply shall have a minimum static pressure of forty (40) pounds per square inch.
- b. Whenever the water to be used in a planned subdivision is to be derived from a source which has not received prior approval by the City-County Health Department and by the County Fire Marshal, such approval must be obtained from these two departments based on compliance with county standards.

9. Water System

- a. All planned subdivisions having one or more lots under five (5) acres in area shall be served by a central water system which has been approved by the City-County Health Department and by the County Fire Marshal.
- b. The system shall be designed to comply with the minimum requirements as set forth in the officially adopted county standards, and said approvals shall be based upon compliance therewith.
- c. The minimum water storage facility shall have a capacity of 60,000 gallons, or 800 gallons per dwelling unit served, whichever is greater, plus the anticipated normal domestic use

in excess of water-source inflow during a one-hour fire. The storage facility shall be designed and located so as to produce a gravity-induced minimum flow at any fire hydrant of 500 gallons per minute with a residual pressure of 20 pounds per square inch.

- d. Water mains supplying fire hydrants shall be large enough to produce the flow amounts stated in Subsection c above, but in no case shall they be less than six (6) inches in diameter (no less than eight inches in diameter if the water main supplying the hydrant is on a dead-end run longer than four hundred feet).

10. Sewage Disposal

Each planned subdivision shall be served by a central sewage disposal system or by individual wastewater disposal systems which are approved by the City-County Health Department. If sewage cannot be disposed of through an approved existing central sewage treatment plant or by individual wastewater disposal systems, an alternate method must be provided by the developer and approved by the City-County Health Department.

11. Fire Protection

- a. All planned subdivisions having one or more lots under five (5) acres in area shall have fire hydrants installed at intervals in such a manner that no dwelling unit or building will be more than 250 feet distant from the closest hydrant, measured along the street.
- b. The Planning Commission may require additional fire protection facilities or policies when recommended by the County Fire Marshal to conform to adopted fire codes or standard fire protection practices for the area.

12. Utility Easements

To serve each lot, utility easements of not less than (10) feet in width shall be required and all utilities shall be placed underground.

G. REQUIRED IMPROVEMENTS

All improvements as are required under the terms of this ordinance and shown on the final plat and plans shall be constructed by the developer in accordance with Utah County standards and as directed by the County Surveyor. Said improvements shall include the following:

- 1. Hard-surfaced streets;
- 2. Street signs;
- 3. Curbs, gutters, and sidewalks;

4. Culverts, sumps, retention basins, and other storm-sewer facilities.
5. On and off-site water mains;
6. Fire hydrants;
7. Sewage facilities when septic tanks are not used;
8. Permanent survey markers;
9. Landscape materials and sprinkler systems where required for storm-water retention basins or for other facilities;
10. Coverings or fencing for the safety of canals and streams, when applicable.

6-4: MOUNTAIN HOME DEVELOPMENTS

A. GENERAL PROVISIONS

1. Declaration of Legislative Intent

The intent of this section is to establish guidelines which will facilitate approval of mountain home developments.

2. Scope

The owner or owners of a tract of land containing the required amount of land as set forth in the zones in which mountain home developments are permitted, may construct a mountain home development thereon by complying with the regulations and standards of this section.

a. Requirements Minimum.

The requirements of this section shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to mountain home developments.

b. All Regulations Essential.

All of the regulations relating to mountain home developments are the minimum regulations that are needed to carry out the purpose and intent of the large scale developments chapter of this ordinance.

c. Standards May Be Increased.

The Planning Commission may increase standards where it is determined that such increased standards are necessary in order to insure that the development will mesh harmoniously with adjoining or nearby uses of property and are necessary to carry out the intent of this chapter.

d. Exemption from Rules of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other documents executed in accordance with this ordinance.

e. Variances Are Permitted.

Variances may be approved by the Board of Adjustment when necessary to achieve the purposes of this chapter, subject to the rules and standards of Section 7-22.

B. PERMITTED USES

Uses permitted in mountain home developments shall be limited to the following:

1. One-family dwellings;
2. Residential facilities for handicapped persons and residential facilities for elderly persons;
3. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant;
4. Roadways, paths, walkways, trails, ponds, utility systems and facilities, and landscape features;
5. Common areas and recreational facilities including golf courses, swimming pools, tennis courts, recreational buildings, shelters, stables and corrals for the care and keeping of horses for the use and enjoyment of families on vacation, and similar recreational facilities for the exclusive use of the occupants;
6. Fences and walls within and surrounding the area designated for housing developments but not surrounding the area designated for open space;
7. Mountain home developments and seasonal homes developments having preliminary or final approval at the time of passage of this ordinance.

C. PROCEDURE

Any person, firm, or corporation wishing to obtain approval to construct a mountain home development shall follow the procedure outlined in Subsection 6-1-E of this ordinance.

D. PRELIMINARY PLAN REQUIREMENTS

The preliminary plan shall consist of the following elements.

1. Environmental Impact Statement

An environmental impact statement shall be prepared on forms furnished by the planning staff and shall be used as the basis for determining the layout, density, drainage pattern, types of sewage treatment facilities, and other features of the development.

2. Preliminary Layout

A preliminary layout shall be drawn to scale not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Planning Director, and shall show the following:

- a. Type of development;
- b. Name and address of developer;

- c. Name and address of designer;
- d. Date;
- e. North point, scale, and vicinity map;
- f. Township, range, and section lines;
- g. Zone boundaries and designations;
- h. Boundary of the development with legal description;
- i. Name and addresses of adjacent property owners;
- j. Contour intervals as required by Plan Coordinating Committee;
- k. Location of all existing buildings and structures within the bounds of the development and within 1,000 feet from the boundaries thereof;
- l. Location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, areas within the bounds of the development which would be covered in the event of a 100 year flood;
- m. Existing water mains--location and size;
- n. Existing sewer mains--location and size;
- o. Proposed layout of development, including lots, building sites, open space, parks, recreational facilities, and structures;
- p. Location of proposed streets and roadways;
- q. Plan and profile sheets for all existing and proposed roads in the development;
- r. Cross-section of proposed roads (county standards);
- s. Location of proposed pedestrian walkways, public utility lines and easements, gas or heating lines, culverts, drainage channels, flood channels, and bridges;
- t. Proposed sewage lines--location and size.
- u. Proposed disposal place of sewage;
- v. Proposed garbage collection points;
- w. Intended source of water;
- x. Proposed water lines--location and size;

- y. Location of proposed fire hydrants;
- z. Proposed street lights and flood lights;
- aa. Drainage system plan for both surface and flood water;
- bb. Landscape plan (showing general areas only);
- cc. Irrigation system plan showing how the water will be delivered and distributed to the project and where it will be disposed of;
- dd. Sketches or descriptions of all primary buildings in sufficient detail to permit an understanding of the style of the development;
- ee. Tabulations showing:
 - (1) Total number of acres in the proposed development,
 - (2) Total number of building sites,
 - (3) Number of off-street parking places,
 - (4) Percentage of development area to be used for off-street parking,
 - (5) Percentage of development area to be devoted to roadways,
 - (6) Percentage of development area to be devoted to open space (25 percent minimum);
- ff. Any additional information which the Plan Coordinating Committee may require.

Where a developer owns or controls more land than he wishes to develop immediately, the Planning Commission may require that a preliminary plan of the whole area be submitted, in which case the developer shall indicate the portion to be developed immediately and the portion to be held for future development.

3. Preliminary Documentation

The preliminary plans shall be accompanied by the following documents which have been prepared in accordance with Utah County standards and forms:

- a. Draft copy of the articles of incorporation and bylaws of the association;
- b. Draft copy of the declaration of covenants, conditions, and restrictions;

- c. Proposed open space preservation and maintenance agreements among developer, property owners' association, and Utah County;
- d. Whenever the proposed water supply is to come from a previously unapproved source, a statement from the State Engineer indicating the quantity and permanency of domestic water rights available to the development; (Otherwise, the supplying municipality or other entity shall state its ability and willingness to supply water to the development according to county standards).
- e. A statement from the appropriate agency accepting responsibility for the disposal of all surface drainage water;
- f. A statement from the City-County Health Department containing recommendations pertaining to the proposed culinary water and sewage disposal systems and treatment facilities;
- g. A statement from the County Surveyor certifying that the preliminary plans conform to county standards;
- h. A statement from the County Fire Marshal certifying that the preliminary plans and documents conform to county standards and codes pertaining to fire protection;
- i. A written review of the legal documents required by Subsections 6-4-D-3-a to 6-4-D-3-e, above, by the County Attorney.

E. FINAL PLAN REQUIREMENTS

The final plat shall consist of the following elements.

1. Final Layout

The final layout shall consist of a set of engineering and/or architectural drawings and shall be drawn on a map or maps at a scale of one inch equals one hundred feet (1"=100'), or as directed by the Planning Director, and shall show the following:

- a. A detailed site plan with complete dimensions showing the following:
 - (1) The boundaries of the mountain home development,
 - (2) The location of all lots,
 - (3) The location of the minimum setbacks for all dwellings,
 - (4) The location of all open spaces, common areas, and recreational facilities,

- (5) The location of (or setback line for) all buildings, fences, walls, and all other proposed structures and facilities,
 - (6) The location of all streets, driveways, walkways, and parking areas.
 - b. Detailed landscape, grading, and planting plans, showing the treatment of all exposed slopes, the sizes and locations of all plant materials, and the location of decorative materials, statuary, recreation equipment, special effects, and sprinkler and irrigation systems;
 - c. Dimensioned parking layout showing the location of individual parking stalls and all areas of ingress or egress when applicable;
 - d. Detailed engineering plans pertaining to the location and size of proposed water and sewer lines, fire hydrants, utilities, curbs and gutters, streets, drainage systems and structures, irrigation system plans, and other improvements;
 - e. Detailed engineering plans of flood protection measures to be taken wherever all or part of the development is to be located in a designated flood plain;
 - f. All of the information requested for submission with preliminary development plans in accurate detail as required by the County Surveyor.
2. Final Documentation

The following statements and documents shall be submitted:

- a. Water rights;
- b. A statement of approval from the City-County Health Department regarding the suitability of the water for domestic purposes, and the adequacy of the proposed sewage disposal facilities;
- c. A verified document from an engineer registered to practice in the State of Utah certifying that the proposed source of water has been tested and that it can produce water in sufficient quantity to comply with Utah County standards, and further certifying that the storage and delivery system has been designed to meet said standards; (The document must be approved by the County Surveyor as to its accuracy and by the County Fire Marshal as to quantity.)
- d. An instrument or deed permanently conveying the water rights to the homeowners' association and guaranteeing that said rights will not be sold apart from the land and lots served;

- e. Official documents prepared in a manner that is consistent with forms provided by the county:
 - (1) Articles of incorporation and bylaws of the association,
 - (2) Declaration of covenants, conditions, and restrictions,
 - (3) Maintenance agreement between the property owners' association and Utah County,
 - (4) Open space preservation agreement between the developers, the property owners' association, and the county;
 - f. The proposed "public offering statement" required by the "Utah Land Sales Practices Act" in Subsection p of Section 57-11-6 of the Utah Code Annotated 1953; or when not required by said act, a substitute information brochure concerning the lot owners' rights and obligations which is prepared in accord with Utah County standards for dissemination to potential purchasers;
 - g. A statement of approval from the County Surveyor regarding the completeness and accuracy of the final plans;
 - h. Itemized estimates of the cost of constructing all required improvements to be constructed in the development; also a report to the Planning Commission pertaining to the source or sources of the construction funds;
 - i. A bond guaranteeing the installation of required improvements, along with statements of approval from the County Surveyor concerning the bond amount, and the County Attorney concerning the form of the bond instrument, terms, and release agreement;
 - j. A policy of title insurance or preliminary report of title verifying that the owners listed in the Owners' Dedication Certificate [see Subsection 6-4-E-3-f-(1)] have sufficient control over the premises to effectuate the dedication without boundary exceptions;
 - k. A statement by the County Attorney relative to whether the development meets the requirements of county ordinances and whether the documents are in proper form.
3. Final Plat

The final plat shall be drafted in black drawing ink, in a workman-like manner, on a reproducible tracing medium approved by the Planning Commission. Said plat shall be drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100') or as directed by the County Planning Director, and shall show the following:

- a. The boundaries of the development and the location of all required survey monuments;
- b. The location of all building sites and lots, the location of lot and setback lines, and the identifying number for each lot and block in the development;
- c. The name, location, and extent of all streets and the location and nature of all other parcels of land to be dedicated to the public or reserved for common use by the residents of the development;
- d. The type, location, and extent of all easements;
- e. The location and extent of all parcels within the development which are subject to the restrictions imposed by the open space preservation agreement;
- f. The following certifications:
 - (1) Owner's dedication of land for public use and owner's dedication of easements and parcels for utility use or for common use of the residents of the development,
 - (2) Certificate of survey accuracy by the surveyor or engineer preparing the plat,
 - (3) Certificate of design approval by the County Fire Marshal relative to the fire standards and codes of Utah County,
 - (4) Certificate of design approval by the City-County Health Department relative to water and sewage standards,
 - (5) A signature block for the Planning Commission's plat approval,
 - (6) County Surveyor's approval of plat accuracy (this certification may be made after approval is granted by the Planning Commission),
 - (7) Legislative Body's development approval and acceptance of dedication of streets, easements, etc. (this may be completed after final approval by the Planning Commission).

F. STANDARDS AND CONDITIONS

All mountain home developments shall conform to the following standards and conditions.

1. Design
 - a. The plans shall be prepared by a design team consisting of a licensed architect, a landscape architect, a civil engineer, a

land surveyor, and an attorney, all of whom shall be certified to practice in the State of Utah. The Planning Commission may waive the requirement for participation of one or more members of said design team where, in its opinion, the nature of the development does not require the services of said member(s).

- b. There shall be architectural unity and harmony within the development and with the surrounding area.
- c. All dwellings shall be located in development clusters, and the development clusters shall be situated on land which is appropriately suited for housing development; the clustering and spacing of the dwelling units and other structures shall foster adequate fire protection and a restful and uncrowded environment.
- d. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the convenience of access, the preservation of bodies of water, the topography, and other significant features shall guide the design of the development.

2. Landscape Plan

- a. All areas not covered by buildings or off-street parking or driveways shall be maintained in indigenous vegetation, or where the native vegetation is removed, shall be landscaped and maintained according to good landscape and fire protection practices. The plan shall specify the general types of plants and architectural features to be used. One inch or more of topsoil shall be placed on all exposed slopes. Wire mesh, burlap, or other material shall be used whenever necessary, as determined by the Building Official, to stabilize the soil and allow plants to grow.
- b. The installation of permanent sprinkler or other irrigation systems may be required by the Planning Commission in order to provide irrigation for planted areas.
- c. A fuel break of one hundred (100) feet to two hundred (200) feet in width shall be maintained around development clusters. The fuel break shall be accomplished by thinning the native vegetation, removing the dead plant material, and replacing the highly flammable vegetation with irrigated areas and fire-resistant plants.

3. Open Space, Parks, Playgrounds, and Facilities

- a. Construction of all common areas and facilities shall be provided by the developers and shall be maintained by the homeowner's association.

- b. All flood plain areas and floodways, if any, shall be included as part of the common open space.
- c. As assurance that the designated area will remain as open space, the owner shall execute an open space preservation agreement with the county, in which the owner agrees for himself and his successors and assigns to refrain from constructing dwellings or other structures on the designated open space areas throughout the life of the development.
- d. At least twenty-five (25) percent of the area in the development shall be designated as natural open space for the common use of the occupants of the development. The land covered by streets and off-street parking facilities, and the lot or yard area of individual dwellings sites, shall be reserved in addition to the 25 percent amount set aside as natural open space.

4. Size

The minimum acreage required to qualify for a mountain home development shall be twenty (20) acres.

5. Density

a. Number of Units Permitted.

The maximum number of dwellings units permitted within a mountain home development shall be determined by the slope of the land within the development according to the following schedule:

- (1) One dwelling per acre having a slope of ten (10) percent or less;
- (2) One dwelling per ten (10) acres having a slope of more than ten (10) percent but less than thirty (30) percent;
- (3) One dwelling per twenty (20) acres having a slope of more than thirty (30) percent.

The determination of slope within a development shall be based upon a detailed slope analysis. The slope analysis shall be conducted using the contour maps prepared by the U.S. Geological Survey; however, other more detailed contour maps may be used when approved by the Planning Commission.

b. Development Credits Increased.

The number of dwelling units permitted within a mountain home development may be increased by the transfer of residential development credits from lands located within an adjacent CE-1 Critical Environmental Zone, subject to the following conditions.

- (1) The land from which the development credits are transferred:
 - i. Is situated entirely within the CE-1 Critical Environmental Zone;
 - ii. Is located contiguous to the mountain home development or within two miles of land included within the boundary of the development;
 - iii. Is in the same ownership as the development; and
 - iv. Will be shown on the plans and documents as part of the open space area of the development and subject to the open space preservation agreement.
- (2) The number of residential development credits received shall be at the rate of one dwelling unit per each full fifty (50) acres of the CE-1 zone covered by the transfer of development credits agreement.
- (3) There is sufficient developable area within the development to accommodate the increased number of dwelling units.
- (4) Whenever the terms of this ordinance shall permit or authorize a property owner to transfer development credits, such transfer shall be accompanied by agreement made on the part of the owner indicating the extent of the credit transfer and agreeing to refrain from construction of dwellings or other buildings or from exercising any of the entitlements so transferred. Said agreement shall be made between the owner (and his heirs and assigns) and the Legislative Body, shall be recorded in the office of the County Recorder, and shall remain in effect until it has been revoked by action of the Legislative Body following a public hearing thereon.

c. Development Clusters.

All dwelling units shall be located within a designated development cluster. Each cluster shall contain not less than five (5) separate building lots or sites (except for mountain home developments having fewer than five (5) building sites or lots for the entire development), and each cluster shall be so designed to provide that each building site within the cluster shall contain a location for a one-family dwelling which meets the standards of this ordinance.

No dwelling unit shall be constructed on an area which exceeds thirty (30) percent slope as shown on the detailed slope analysis if sewage or sepsis waste is disposed of in the soil.

d. Density and Building Lot Size within Clusters.

Individual building lots within the cluster shall not be less than ten thousand (10,000) square feet nor more than one (1) acre in size.

e. Spacing of Clusters.

No one-family dwelling within a cluster shall be located closer than one thousand (1,000) feet to a dwelling within another cluster, except that where, because of unique topographic or other natural condition, such a separation would not be possible, the Planning Commission may approve a closer spacing.

Individual clusters shall be surrounded by a fuel break which shall be part of the designated open space.

6. Street System

a. No vehicular road shall have a maximum sustained grade of more than eight (8) percent;

exception: a grade of ten (10) percent may be approved if the Planning Commission finds:

- (1) the grade is necessary to eliminate extra cuts, fills, or circuitous routes;
- (2) no section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length;
- (3) the total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development;
- (4) police, fire, ambulance, snow removal, and other essential services can be provided at an equal level of quality, (advice may be solicited from the sheriff, fire marshal, and County Surveyor);
- (5) no section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.

b. No street or roadway shall be constructed in a location or in such a manner which produces a slope face which exceeds the critical angle of repose, provided that the Planning Commission may approve a roadway producing such a slope face where in its opinion:

- (1) A roadway is necessary to the development, and the proposed road follows the most appropriate alignment;

- (2) The roadway and slope will not produce an undue hazard to the environment or adjacent properties;
 - (3) Practical measures to remove the problem are implemented, such as installing retaining walls and steel mesh screens that are engineered to prevent the soil from moving due to the force of ice, water, and gravity.
- c. The street system shall conform to the officially approved county standards for mountain home developments with respect to width, alignment, grades, length of cul-de-sacs, size of turn-arounds, and other features of design.
 - d. All public streets shall conform to the official "Utah County Development Standards" as adopted by Utah County.
 - e. All private streets and driveways shall conform to the Utah County Development Standards" as adopted by Utah County.
 - f. All mountain home developments shall abut on and shall have access to a hard-surfaced public street, unless said developments shall be an extension of a previously approved mountain home development or seasonal homes development which has a hard-surfaced road system.
 - g. In the event that land within the proposed development is traversed by a proposed street that is shown on the county master street plan, the circulation system within the mountain home development shall be designed in accordance with the county master street plan, and the right-of-way across the development shall be dedicated to the county.
 - h. All vehicular roads shall have a paved driving surface which is at least twenty (20) feet wide and which consists of a two and one-half (2 1/2) inch asphaltic surface over a six (6) inch crushed gravel base and suitable subbase; the paved driving surface shall be centered on a thirty (30) foot wide road easement.
 - i. All curves in mountain home developments shall have a centerline radius of forty-five (45) feet or more.
 - j. Each intersection shall bear permanent road signs sufficient in design for easy identification of street names by operators of emergency vehicles and other motorists.
7. Sidewalks
- Sidewalks shall not be required.
8. Drainage System Plan
- a. The drainage plan shall include an analysis of potential drainage problems which may be caused by the covering of

water absorption areas by impervious material and a proposal indicating how the surface water will be disposed of in a manner that will avoid erosion of soil and damage to buildings and improvements, both inside the development and to adjacent properties.

- b. The plan shall include necessary culverts, drain pipes, and drainage channels.
- c. The drainage system shall be designed to handle all surface drainage on site when an already existing drainage system is not available.
- d. Where excess surface drainage from the development will be directed into an irrigation canal, natural drainage channel, or onto a public street, developers shall obtain and submit to the planning staff a statement of acceptance of the drainage waters from the appropriate agencies.

9. Water Supply

- a. A perpetual supply of at least 0.89 acre feet per year of culinary water, having an accelerated delivery (flow) rate of 1600 gallons per day, shall be made available to each lot in the development, except the quantity of 0.89 acre feet per year may be reduced to 0.55 acre feet per year when no outside plumbing (for landscaping, etc.) is allowed and water for the irrigation of landscaping is derived from alternate (eg. not culinary) sources. Said culinary water supply shall have a minimum static pressure of forty (40) pounds per square inch.
- b. Wherever the water to be used in the Mountain home development is to be derived from sources which have not received prior approval by the City-County Health Department and by the Fire Marshal, such approvals must be obtained from these two departments based on compliance with county standards.

10. Water System

- a. All Mountain home developments shall be served by a central water system which has been approved by the City-County Health Department and by the County Fire Marshal.
- b. The system shall be designed to comply with the minimum requirements as set forth in the officially adopted county standards, and said approvals shall be based upon compliance therewith.
- c. The minimum water storage facility shall have a capacity of 60,000 gallons, or 800 gallons per dwelling unit served, whichever is greater, plus the anticipated normal domestic use in excess of water-source inflow during a one-hour fire. The storage facility shall be designed and located so as to produce

a gravity-induced minimum flow at any fire hydrant of 500 gallons per minute with a residual pressure of 20 pounds per square inch.

- d. Water mains supplying fire hydrants shall be large enough to produce the flow amounts stated in Subsection c above, but in no case shall they be less than six (6) inches in diameter (no less than eight inches in diameter if the water main supplying the hydrant is on a dead-end run longer than four hundred feet).

11. Sewage Disposal

Each Mountain home development shall be served by a central sewage disposal system or by individual wastewater disposal systems which are approved by the City-County Health Department. If sewage cannot be disposed of through an existing central sewage treatment plant or by individual wastewater disposal systems, an alternate method must be provided by the developer and approved by the City-County Health Department.

12. Fire Protection

- a. Fire hydrants shall be installed at intervals in such a manner that no lot or dwelling unit will be more than 250 feet distant from the closest hydrant, measured along the street.
- b. A fire equipment box shall be placed by each hydrant and shall contain a fire hose of at least 400 feet in length and one and one-half inches in diameter, at least two shovels, at least two fire axes, and a hydrant wrench. The homeowners' association shall maintain the hydrants and equipment in operating condition.
- c. Roofs and exteriors of buildings shall be of fire resistant materials as approved by the County Building Official.
- d. In addition to maintaining the fuel break around the development clusters, all highly flammable weeds and plant material shall be removed and shall be kept removed from within 50 feet of all buildings. The flammable weeds and plant material shall be replaced with less flammable materials as directed by the County Fire Marshal.
- e. The Planning Commission may require additional fire protection facilities or policies when recommended by the County Fire Marshal to conform to adopted fire codes or standard fire protection policies.

13. Off-street Parking

- a. At least two off-street parking spaces shall be provided for each dwelling unit.

- b. Additional off-street parking spaces shall be required for other uses as set forth in the provision of this ordinance relating to off-street parking (See Subsection 3-14).

14. Utilities

To serve each lot, utility easements of not less than ten (10) feet in width shall be required and all utilities shall be placed underground.

15. Location of Dwellings and Buildings

The location of all buildings and structures proposed to be constructed by the developer shall be shown on the detailed site plan.

Exception: the developer may elect to plat separate lots for the dwellings and sell such lots without constructing the dwellings thereon. In the latter case the setback lines shall be shown on the final plat and shall conform to the following standards.

a. Front setback.

All buildings shall be set back at least thirty (30) feet from the outside edge of any roadway of the development that serves two or more dwelling units and at least thirty (30) feet from the right-of-way line of any public street (a greater setback may be required by Section 3-16).

b. Side setback.

All dwellings shall be set back from the side property line a distance of at least ten (10) feet. The minimum side setback for accessory buildings shall be the same as for main buildings. The side setback from any street shall be not less than thirty (30) feet for both main and accessory buildings.

c. Rear setback.

All dwellings and other main buildings shall be set back from the rear property line a distance of at least ten (10) feet. Accessory buildings shall be set back not less than ten (10) feet from the rear property line, except that no rear setback shall be required for accessory buildings having fire-resistive walls of two (2) hours or more.

16. Exposed Slopes

Unless approved under Subsection 6-4-F-6-b, all cut or fill slopes made in the process of constructing street and driveways shall be less than the critical angle of repose of the soil in which the cut or fill is made.

G. REQUIRED IMPROVEMENTS

All improvements as are required under the terms of this ordinance and shown on the final plat and plans shall be constructed by the developer in accordance with county standards and as directed by the Utah County Surveyor. Said improvements shall include the following:

1. Streets and driveways;
2. Street signs;
3. Both off-site and on-site water mains;
4. Both off-site and on-site sewer mains; also sewage disposal facilities where applicable;
5. Fuel breaks, fire hydrants, and fire equipment lines;
6. Permanent survey monuments;
7. Underground electrical and telephone utility lines;
8. All facilities, systems, and structures proposed for the development as shown on the final plan, including fences, walls, and parking areas;
9. Drainage and flood control structures and facilities;
10. Landscaping and restoration of exposed surfaces;
11. Sprinkling or irrigation systems.

6-5: RECREATIONAL RESORTS

A. GENERAL PROVISIONS

1. Declaration of Legislative Intent

The intent of this section is to establish guidelines which will facilitate approval of recreational resorts.

2. Scope

The owner or owners of a tract of land containing the required amount of land as set forth in the zones in which recreational resorts are permitted may construct a recreational resort thereon by complying with the regulations and standards of this section:

a. Requirements Minimum.

The requirements of this section shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to recreational resorts.

b. All Regulations Essential.

All of the regulations relating to recreational resorts are the minimum regulations that are needed to carry out the purpose and intent of the large scale developments chapter of this ordinance.

c. Standards May Be Increased.

The Planning Commission may increase the standards where it is determined that such increased standards are necessary in order to insure that the resort will mesh harmoniously with adjoining or nearby uses of property and are necessary to carry out the intent of this chapter.

d. Exemption from Rules of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

e. Variances Are Permitted.

Variances may be approved by the Board of Adjustment when necessary to achieve the purposes of this chapter, subject to the rules and standards of Section 7-22.

B. PERMITTED USES

Uses permitted in recreational resorts shall be limited to the following:

1. One-, two-, three-, and multiple-family dwellings, including residential condominium projects and sleeping apartments;
2. Residential accessory structures;
3. Residential facilities for handicapped persons and residential facilities for elderly persons;
4. Recreational and cultural areas and facilities, including, but not limited to, ski lifts and trails; ice skating rinks; swimming pools; tennis courts; central horse stables, arenas, and corrals; golf courses; outdoor theaters; playgrounds; hunting preserves; rifle and shotgun shooting ranges; and landscape parks;
5. Cafes, restaurants, sporting goods stores, clothing stores, camera and curio shops, gasoline service stations, and similar retail stores which are cognate to the recreational resort;
6. Horse rental and trail-ride outfitter headquarters;
7. Camping and picnic facilities;
8. Recreation vehicle courts and commercial campgrounds, subject to the conditions for such uses as set forth in Section 3-33 of this ordinance;
9. Driveways, streets, parking areas, common storage areas, ponds, landscape features, and similar uses and structures;
10. Recreation camps and resorts having preliminary or final approval at the time of passage of this section of the ordinance.

C. PROCEDURE

Any person, firm, or corporation wishing to obtain approval to construct a recreational resort shall follow the procedure outlined in Subsection 6-1-E of this ordinance.

D. PRELIMINARY PLAN REQUIREMENTS

The preliminary plan shall consist of the following elements.

1. Environmental Impact Statement

An environmental impact statement shall be prepared on forms furnished by the planning staff, and shall be used as the basis for determining the layout, density, and other features of the development.

2. Preliminary Layout

A preliminary layout shall be drawn to scale not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Planning Director and shall show the following:

- a. Type of development;
- b. Name and address of developer;
- c. Name and address of designer;
- d. Date;
- e. North point, scale and vicinity map;
- f. Township, range, and section lines;
- g. Zone boundaries and designations;
- h. Boundary of the development with legal description
- i. Adjacent property owners;
- j. Contour intervals as required by the Plan Coordinating Committee;
- k. Location of all existing buildings and structures within the bounds of the development and within 1,000 feet from the boundaries thereof;
- l. Location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and areas within the bounds of the development which would be covered in the event of a 100 year flood;
- m. Existing water mains--location and size;
- n. Existing sewer mains--location and size;
- o. Proposed layout of development showing the location of all lots, building sites, open space areas, recreational or cultural facilities, common storage areas, and other proposed facilities;
- p. Number of dwellings and/or sleeping units within each building used for dwelling and sleeping purposes;
- q. Location of proposed private streets and roads and proposed public streets, if any;
- r. Plan and profile sheets of all existing and proposed roads in the development;
- s. Cross-section of proposed roads (county standards);

- t. Location of proposed pedestrian walkways, public utility lines and easements, gas or heating lines, culverts, drainage channels, flood channels, and bridges;
- u. Proposed sewage lines--location and size;
- v. Proposed garbage collection points;
- w. Intended source of water;
- x. Proposed water lines--location and size;
- y. Location of proposed fire hydrants;
- z. Proposed street lights and flood lights;
- aa. Drainage system plan for both surface and flood water;
- bb. Landscape plan (showing general areas only);
- cc. Irrigation system plan showing how water will be delivered and distributed to the project and where it will be disposed of;
- dd. Sketches or descriptions of all proposed buildings and structures, including elevation and floor plans of all proposed structures, in sufficient detail to permit an understanding of the style of the development;
- ee. Tabulations showing:
 - (1) Total number of acres in the proposed development,
 - (2) Total number of lots or building sites,
 - (3) Number of lots for one-family detached dwellings,
 - (4) Number of lots for multiple-family dwellings,
 - (5) Total number of dwelling units, including those contained in sleeping apartments, bunkhouses, hotels, and similar group housing,
 - (6) Percentages of each of the proposed dwelling types,
 - (7) The number of square feet of area to be occupied by commercial establishments,
 - (8) Number of off-street parking places,
 - (9) Number of square feet of development area to be used for off-street parking,

- (10) Number of square feet of development area to be devoted to roadways,
 - (11) Percentage of development area to be devoted to open space (25 percent minimum),
 - (12) Percentage of development area to be covered by material that prevents ready entrance of surface water into the soil, including, but not limited to, surfaced streets, driveways, buildings, etc.,
 - (13) Design capacities of each of the activities within the recreational resort and the total of all activities,
 - (14) An estimate of the average and maximum daily and monthly number of visitors according to activity and total activities;
- ff. Any additional information which the Plan Coordinating Committee may require.

Where a developer owns or controls more land than he wishes to develop immediately, the Planning Commission may require that a preliminary plan of the whole area be submitted, in which case the developer shall indicate on the preliminary plan the portion to be developed immediately and the portion to be held for future development.

3. Preliminary Documentation

The preliminary plans shall be accompanied by the following documents which have been prepared in accordance with Utah County standards and forms:

- a. Draft copy of the articles of incorporation and bylaws of the association;
- b. Draft copy of the declaration of covenants, conditions, and restrictions;
- c. Proposed open space preservation and maintenance agreements among developer, property owners' association, and Utah County;
- d. Whenever the proposed water supply is to come from a previously unapproved source, a statement from the State Engineer indicating the quantity and permanency of domestic water rights available to the development; (Otherwise, the supplying municipality or other entity shall state its ability and willingness to supply water to the development according to county standards.)

- e. A statement from the appropriate agency accepting responsibility for the disposal of all surface drainage water;
- f. A statement from the City-County Health Department containing recommendations pertaining to the proposed culinary water and sewage disposal systems and treatment facilities;
- g. A statement from the County Surveyor certifying that the preliminary plans conform to county standards;
- h. A statement from the County Fire Marshal certifying that the preliminary plans and documents conform to county standards and codes pertaining to fire protection;
- i. A written review of the legal documents required by Subsections 6-5-D-3-a to 6-5-D-3-e, above, by the County Attorney.

E. FINAL PLAN REQUIREMENTS

The final plan shall consist of the following elements.

1. Final Layout

The final layout shall consist of a set of engineering and/or architectural drawings and shall be drawn on a map or maps at a scale of one inch equals one hundred feet (1"=100'), or as directed by the Planning Director, and shall show the following:

- a. A detailed site plan with complete dimensions showing the following:
 - (1) The boundaries of the recreational resort,
 - (2) The location of all lots,
 - (3) The location of all three-family and multiple-family dwellings and all buildings containing sleeping apartments,
 - (4) The location of all recreational and cultural structures and areas, retail sales and service establishments, and all other buildings, fences, walls, and similar structures,
 - (5) The location of the minimum setbacks for all one- and two-family dwellings when such dwellings are located on separately owned lots,
 - (6) The location of all common open spaces and special use areas and facilities,
 - (7) The location of all streets, driveways, walkways, and parking areas,

- (8) Other structures, facilities, or areas required by the Planning Commission;
 - b. Typical building plans, including floor plans and exterior elevations in order to acquaint the Planning Commission with the type of housing intended to be built within the development;
 - c. Detailed landscape, grading, and planting plans, showing the treatment of all exposed slopes, the sizes and locations of all plant materials, and the location of decorative materials, statuary, recreation equipment, special effects, and sprinkler and irrigation systems;
 - d. Dimensioned parking layout showing the location of individual parking stalls and all areas of ingress or egress when applicable;
 - e. Detailed engineering plans pertaining to the location and size of proposed water and sewer lines, fire hydrants, utilities, curbs and gutters, streets, drainage systems and structures, irrigation system plans, and other improvements;
 - f. Detailed engineering plans of flood protection measures to be taken wherever all or part of the development is to be located in a designated flood plain;
 - g. All of the information requested for submission with preliminary development plans in accurate detail as required by the County Surveyor.
2. Final Documentation

The following statements and documents shall be submitted:

- a. Water rights;
- b. Statement of approval from the City-County Health Department regarding the suitability of the water for domestic purposes, and the adequacy of the proposed sewage disposal facilities;
- c. A verified document from an engineer registered to practice in the State of Utah certifying that the proposed source of water has been tested and that it can produce water in sufficient quantity to comply with Utah County standards, and further certifying that the storage and delivery system has been designed to meet said standards; (The document must be approved by the County Surveyor as to its accuracy and by the County Fire Marshal as to quantity.)
- d. An instrument or deed permanently conveying the water rights to the homeowners' association and guaranteeing that said rights will not be sold apart from the land and lots served;

- e. Official documents prepared in a manner that is consistent with forms provided by the county:
 - (1) Articles of incorporation and bylaws of the association,
 - (2) Declaration of covenants, conditions, and restrictions,
 - (3) Maintenance agreement between the property owners' association and Utah County,
 - (4) Open space preservation agreement between the developers, the property owners' association, and the county;
- f. The proposed "public offering statement" required by the "Utah Land Sales Practices Act" in Subsection p of Section 57-11-6 of the Utah Code Annotated 1953; or when not required by said act, a substitute information brochure concerning the lot owners' rights and obligations which is prepared in accord with Utah County standards for dissemination to potential purchasers;
- g. A statement of approval from the County Surveyor regarding the completeness and accuracy of the final plans;
- h. Itemized estimates of the cost of constructing all required improvements to be constructed in the development; also a report to the Planning Commission pertaining to the source or sources of the construction funds;
- i. A bond guaranteeing the installation of required improvements, along with statements of approval from the County Surveyor concerning the bond amount, and the County Attorney concerning the form of the bond instrument, terms, and release agreement;
- j. A policy of title insurance or preliminary report of title verifying that the owners listed in the Owners' Dedication Certificate [see Subsection 6-5-E-3-f-(1)] have sufficient control over the premises to effectuate the dedication without boundary exceptions;
- k. A statement by the County Attorney relative to whether the development meets the requirements of county ordinances and whether the documents are in proper form.

3. Final Plat

The final plat shall be drafted in black drawing ink, in a workman-like manner, on a reproducible tracing medium approved by the Planning Commission. Said plat shall be drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100') or as directed by the Planning Director, and shall show the following:

- a. The boundaries of the development and the location of all required survey monuments;
- b. The location of all building sites and lots, the location of lot and setback lines, and the identifying number for each lot and block in the development;
- c. The name, location, and extent of all streets and the location and nature of all other parcels of land to be dedicated to the public or reserved for common use by the residents of the development;
- d. The type, location, and extent of all easements;
- e. The location and extent of all parcels within the development which are subject to the restrictions imposed by the open space preservation agreement;
- f. The following certifications:
 - (1) Owner's dedication of land for public use and owner's dedication of easements and parcels for utility use or for common use of the residents of the development,
 - (2) Certificate of survey accuracy by the surveyor or engineer preparing the plat,
 - (3) Certificate of design approval by the County Fire Marshal relative to fire standards and codes of Utah County,
 - (4) Certificate of design approval by the City-County Health Department relative to water and sewage standards,
 - (5) A signature block for the Planning Commission's plat approval,
 - (6) County Surveyor's approval of plat accuracy (this certification may be made after approval is granted by the Planning Commission),
 - (7) Legislative Body's development approval and acceptance of dedication of streets, easements, etc. (this may be completed after final approval by the Planning Commission).

F. STANDARDS AND CONDITIONS

All recreational resorts shall conform to the following standards and conditions.

1. Design

- a. The plans shall be prepared by a design team consisting of a licensed architect, a landscape architect, a civil engineer, a

land surveyor, and an attorney, all of whom shall be certified to practice in the State of Utah. The Planning Commission may waive the requirements for participation of one or more members of said design team where, in its opinion, the nature of the development does not require the services of said member(s).

- b. There shall be architectural unity and harmony within the development and with the surrounding area.
- c. The plan shall provide for the clustering of housing facilities, retail commercial centers, and parking areas; and all clusters shall be situated on land which is appropriately suited for such development.
- d. Clustering and spacing of dwelling units and other structures shall foster adequate fire protection and a restful and uncrowded environment.
- e. A significant proportion of the dwellings in the development shall be other than detached one-family dwellings.
- f. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the convenience of access, the preservation of bodies of water, the topography, and other significant features shall guide the design of the development.

2. Landscape Plan

- a. All areas not covered by buildings, structures, automobile parking spaces, driveways, or by designated standing space for people shall be landscaped with a combination of ground cover, shrubs, and trees which shall be maintained in accordance with good landscape practice. The plan shall include both existing and proposed landscape areas and shall specify the general types of plants and architectural features to be used. One inch or more of topsoil shall be placed on all exposed slopes. Wire mesh, burlap, or other material shall be used whenever necessary, as determined by the Building Official, to stabilize the soil and allow plants to grow.
- b. The installation of permanent sprinkler systems may be required by the Planning Commission in order to provide irrigation for planted areas within the clusters.
- c. A fuel break of one hundred (100) feet to two hundred (200) feet in width shall be maintained around the clusters. The fuel break shall be accomplished by thinning the native vegetation, removing the dead plant material, and replacing the highly flammable vegetation with irrigated areas and fire-resistant plants.

3. Open Space, Parks, Playgrounds, and Facilities

- a. At least twenty-five (25) percent of the area in a recreational resort shall be designated as natural open space for the common use of the occupants and patrons of the development. The land covered by streets and off-street parking facilities, and the lot or yard area of individual dwelling sites, shall be reserved in addition to the 25 percent amount set aside as natural open space.
- b. As assurance that the designated area will remain as open space, the owner shall execute an open space preservation agreement with the county in which the owner agrees for himself, his successors and assigns to refrain from constructing dwellings or other structures on the designated open space areas throughout the life of the development.
- c. All flood plain areas and floodways, if any, shall be included as part of the common open space.
- d. Construction and maintenance of all common areas and facilities shall be provided by the resort owner except costs may be proportionately shared by the resort owner and the homeowners' association where lots or condominium units which are part of the approved resort are to be sold.

4. Size

The minimum acreage required to qualify for a recreational resort shall be twenty (20) acres in the CE-2 zone.

5. Density of Housing Facilities Within the Resort

a. Number of Units Permitted.

The maximum number of dwelling units and sleeping apartments permitted within a recreational resort shall be determined by the slope of the land within the development according to the following schedule:

- (1) 1 dwelling unit or sleeping apartment per 1 acre having a slope of 10 percent or less;
- (2) 1 dwelling unit or sleeping apartment per 10 acres having a slope of more than 10 percent but less than 30 percent;
- (3) 1 dwelling unit or sleeping apartment per 20 acres having more than 30 percent slope.

The determination of slope within a development shall be based upon a detailed slope analysis. The slope analysis shall be conducted using the contour maps prepared by the U. S. Geological Survey; however, other more detailed maps may be used when approved by the Planning Commission.

b. Development Credits Increased.

The number of dwelling units or sleeping apartments permitted within a recreational resort may be increased by the transfer of residential development credits from lands located within an adjacent CE-1 Critical Environmental Zone, subject to the following conditions.

- (1) The land from which the development credits are transferred:
 - i. Is situated entirely within the CE-1 Critical Environmental Zone;
 - ii. Is located contiguous to the recreational resort or within two miles of land included within the boundary of the development;
 - iii. Is in the same ownership as the development; and
 - iv. Will be shown on the plans and documents as part of the open space area of the development and subject to the open space preservation agreement.
 - (2) The number of residential development credits received shall be at the rate of one dwelling unit (or sleeping apartment) per each full fifty (50) acres of the CE-1 zone covered by the transfer of development credits agreement.
 - (3) There is sufficient developable area within the development to accommodate the increased number of dwelling units or sleeping apartment units.
 - (4) Whenever the terms of this ordinance shall permit or authorize a property owner to transfer development credits, such transfer shall be accompanied by agreement made on the part of the owner indicating the extent of the credit transfer and agreeing to refrain from construction of dwellings or other buildings or from exercising any of the entitlements so transferred. Said agreement shall be made between the owner (and his heirs and assigns) and the Legislative Body, shall be recorded in the office of the County Recorder, and shall remain in effect until it has been revoked by action of the Legislative Body following a public hearing thereon.
- c. Development Clusters.

All dwellings and sleeping apartment structures shall be located within development clusters. Said dwellings and sleeping apartments may be situated in one or more buildings provided, however, that clusters which contain building lots for detached one- and two-family dwellings shall contain not less than five (5) separate lots or sites (except for recreational resorts having fewer than five building sites for the entire development), and

each lot within a cluster shall contain a location for a dwelling which meets the standards of this ordinance.

No dwelling shall be constructed on an area which exceeds thirty (30) percent slope as shown on the detailed slope analysis if sewage or sepsis waste is disposed of in the soil.

d. Density and Building Lot Size within Clusters.

Within a cluster, individual building lots for detached one- and two-family dwellings shall be not less than ten thousand (10,000) square feet nor more than one (1) acre in size.

e. Spacing of Clusters.

No dwelling within a cluster shall be located closer than one thousand (1,000) feet to a dwelling within another cluster, except that where, because of unique topographic or other natural condition such a separation would not be possible, the Planning Commission may approve a closer spacing. Individual clusters shall be surrounded by a fuel break which shall be part of the designated open space.

6. Non-housing Facilities Within Resorts

Neither the design capacity nor the actual use of facilities within a recreational resort which are classified as being other than dwellings shall degrade or be permitted to degrade the natural environment or cause the natural environment to be degraded; such determination shall be made by the Legislative Body upon receiving the recommendations by the Planning Commission and after the Legislative Body has held a public hearing thereon.

7. Street System

a. No vehicular road shall have a maximum sustained grade of more than eight (8) percent;

exception: a grade of twelve (12) percent may be approved by the Planning Commission if it finds:

- (1) the grade is necessary to eliminate extra cuts, fills, or circuitous routes;
- (2) no section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length;
- (3) the total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development;
- (4) police, fire, ambulance, snow removal, and other essential services can be provided at an equal level of quality, (advice may be solicited from the sheriff, fire marshal, and County Surveyor);

- (5) no section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.
- b. No street or roadway shall be constructed in a location or in such a manner which produces a slope face which exceeds the critical angle of repose, provided that the Planning Commission may approve a roadway producing such a slope face where in its opinion:
 - (1) A roadway is necessary to the development, and the proposed road follows the most appropriate alignment;
 - (2) The roadway and slope will not produce an undue hazard to the environment or adjacent properties;
 - (3) Practical measures to remove the problem are implemented, such as installing retaining walls and steel mesh screens that are engineered to prevent the soil from moving due to the force of ice, water, and gravity.
- c. The street system shall conform to officially approved county standards for recreational resorts with respect to width, alignment, grades, length of cul-de-sacs, size of turnarounds, and other features of design.
- d. All public streets shall conform to the official "Utah County Development Standards" as adopted by Utah County.
- e. All private streets and driveways shall conform to the Utah County Development Standards" as adopted by Utah County.
- f. All recreational resorts shall abut on and shall have access to a hard-surfaced public street, unless said developments shall be an extension of a previously approved recreational resort.
- g. In the event that land within the proposed development is traversed by a proposed street that is shown on the county master street plan, the circulation system within the recreational resort shall be designed in accordance with the county master street plan, and the right-of-way across the development shall be dedicated to the county.
- h. All vehicular roads shall have a paved driving surface which is at least twenty feet wide and which consists of a two and one-half (2 1/2) inch asphaltic surface over a six (6) inch crushed gravel base and suitable subbase; the paved driving surface shall be centered on a thirty (30) foot wide road easement.
- i. All curves in recreational resorts shall have a centerline radius of forty-five (45) feet or more.

- j. Each intersection shall bear permanent road signs sufficient in design for easy identification of street names by operators of emergency vehicles and other motorists.

8. Sidewalks, Paths, and Trails

- a. Sidewalks shall not be required; except in high pedestrian traffic areas, they may be required by the Planning Commission.
- b. As a means of protecting the vegetation, all paths and trails for both pedestrian and equestrian travel shall be clearly marked upon the ground and shall be either graveled or hard-surfaced as required by the Planning Commission.

9. Drainage System Plan

- a. The drainage plan shall include an analysis of potential drainage problems which may be caused by the covering of water absorption areas by impervious material and a proposal indicating how the surface water will be disposed of in a manner that will avoid erosion of soil and damage to buildings and improvements, both inside the development and adjacent properties.
- b. The plan shall include necessary culverts, drain pipes, and drainage channels.
- c. The drainage system shall be designed to handle all surface drainage on site when an already existing drainage system is not available.
- d. Where excess surface drainage from the development will be directed into a public street or onto adjacent land, developers shall obtain and submit to the planning staff a statement of acceptance of the drainage waters from the appropriate agencies.

10. Water Supply

- a. A perpetual supply of at least 0.89 acre feet per year of culinary water, having an accelerated delivery (flow) rate of 1600 gallons per day, shall be made available to each lot in the development, except the quantity of 0.89 acre feet per year may be reduced to 0.55 acre feet per year when no outside plumbing (for landscaping, etc.) is allowed and water for the irrigation of landscaping is derived from alternate (eg. not culinary) sources. Said culinary water supply shall have a minimum static pressure of forty (40) pounds per square inch.
- b. Wherever the water to be used in a recreational resort is to be derived from a source which has not received prior approval by the City-County Health Department and by the County Fire Marshal, such approvals must be obtained from these two departments based on compliance with county standards.

11. Water System

- a. All recreational resorts shall be served by a central water system which has been approved by the City-County Health Department and by the County Fire Marshal.
- b. The system shall be designed to comply with the minimum requirements as set forth in the officially adopted county standards, and said approvals shall be based upon compliance therewith.
- c. The minimum water storage facility shall have a capacity of 60,000 gallons, or 800 gallons per dwelling unit served, whichever is greater, plus the anticipated normal domestic use in excess of water-source inflow during a one-hour fire. The storage facility shall be designed and located so as to produce a gravity-induced minimum flow at any fire hydrant of 500 gallons per minute with a residual pressure of 20 pounds per square inch.
- d. Water mains supplying fire hydrants shall be large enough to produce the flow amounts stated in Subsection c above, but in no case shall they be less than six (6) inches in diameter (no less than eight inches in diameter if the water main supplying the hydrant is on a dead-end run longer than four hundred feet).

12. Sewage Disposal

Each recreational resort shall be served by a central sewage disposal system or by individual wastewater disposal systems which are approved by the City-County Health Department. If sewage cannot be disposed of through an approved existing central sewage treatment plant or by individual wastewater disposal systems, an alternate method must be provided by the developer and approved by the City-County Health Department.

13. Fire Protection

- a. Fire hydrants shall be installed at intervals in such a manner that no lot or dwelling unit or building for human occupancy will be more than 250 feet distant from the closest hydrant, measured along the street.
- b. A fire equipment box shall be placed by each hydrant and shall contain a fire hose of at least 400 feet in length and one and one-half inches in diameter, at least two shovels, at least two fire axes, and a hydrant wrench. The homeowners' association shall maintain the hydrants and equipment in operating condition.
- c. Roofs and exteriors of buildings shall be of fire resistant materials as approved by the Building Official.

- d. In addition to maintaining the fuel break around the development clusters, all highly flammable weeds and plant material shall be removed and shall be kept removed from within 50 feet of all buildings. The flammable weeds and plant material shall be replaced with less flammable materials as directed by the County Fire Marshal.
- e. The Planning Commission may require additional fire protection facilities or policies when recommended by the County Fire Marshal to conform to adopted fire codes or standard fire protection policies.

14. Off-street Parking

- a. At least two off-street parking spaces shall be provided for each dwelling unit, unless the Planning Commission deems less off-street parking to be appropriate under the circumstances; however, under no conditions shall less than one off-street parking space be provided for each dwelling unit.
- b. Additional off-street parking spaces shall be required for other uses, as set forth in Section 3-14, or as may be determined specifically by the Planning Commission.

15. Utilities

To serve each lot, utility easements of not less than ten (10) feet in width shall be required and all utilities shall be placed underground.

16. Location of One- and Two-family Dwellings

The location of all buildings and structures proposed to be constructed by the developer shall be shown on the detailed site plan.

Exception: the developer may elect to plat separate lots for one- and two-family dwellings without constructing the dwellings thereon, in which case the setback lines shall be shown on the final plat and shall conform to the following standards.

a. Front setback.

All buildings shall be set back at least thirty (30) feet from the outside edge of any roadway of the development that serves two or more dwelling units and at least thirty (30) feet from the right-of-way line of any public street (a greater setback may be required by Section 3-16).

b. Side setback.

All dwellings shall be set back from the side property line a distance of at least ten (10) feet. The minimum side setback for accessory buildings shall be the same as for main buildings.

The side setback from any street shall be not less than thirty (30) feet for both main and accessory buildings.

c. Rear setback.

All dwellings and other main buildings shall be set back from the rear property line a distance of at least ten (10) feet. Accessory buildings shall be set back not less than ten (10) feet from the rear property line, except that no rear setback shall be required for accessory buildings having fire-resistive walls of two (2) hours or more.

17. Exposed Slopes

All cut or fill slopes made in the process of constructing streets and driveways shall be less than the critical angle of repose of the soil in which the cut or fill is made.

G. REQUIRED IMPROVEMENTS

All improvements as are required under the terms of this ordinance and shown on the final plat and plans shall be constructed by the developer in accordance with county standards and as directed by the County Surveyor. Said improvements shall include the following:

1. Streets and driveways;
2. Street signs;
3. Both off-site and on-site water mains;
4. Both off-site and on-site sewer mains; also sewage disposal facilities where applicable;
5. Fuel breaks, fire hydrants, and fire equipment lines;
6. Permanent survey monuments;
7. Underground electrical and telephone utility lines;
8. All facilities, systems, and structures proposed for the development as shown on the final plan, including fences, walls, and parking areas;
9. Drainage and flood control structures and facilities;
10. Landscaping and restoration of exposed surfaces;
11. Sprinkling or irrigation systems.

A. GENERAL PROVISIONS

1. Declaration of Legislative Intent

The intent of this section is to establish guidelines which will facilitate approval of mobile home parks.

2. Scope

The owner or owners of a tract of land containing the required amount of land as set forth in the zones in which mobile homes are permitted may construct a mobile home park thereon by complying with the regulations and standards of this section.

a. Requirements Minimum.

The requirements of this section shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to mobile home parks.

b. All Regulations Essential.

All of the regulations relating to mobile home parks are the minimum regulations that are needed to carry out the purpose and intent of the large scale developments chapter of this ordinance.

c. Standards May Be Increased.

The Planning Commission may increase the standards where it is determined that such increased standards are necessary in order to insure that the mobile home park will mesh harmoniously with adjoining or nearby uses of property and are necessary to carry out the intent of this chapter.

d. Exemption from Rules of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other documents executed in accordance with this ordinance.

e. Variances Are Permitted.

Variances may be approved by the Board of Adjustment when necessary to achieve the purposes of this chapter, subject to the rules and standards of Section 7-22.

B. PERMITTED USES

A mobile home park shall consist of a single tract or parcel of land on which three or more mobile home dwellings sites or pads are located according to the procedure outlined in this ordinance, and may include:

1. Motor vehicular roads and rights-of-way;
2. Automobile parking spaces;
3. Utility distribution lines and facilities and utility rights-of-way;
4. Service buildings for the exclusive use of the occupants of the park, but limited to: restrooms, bathing and laundry facilities, common storage areas, and facilities for the display and sale of convenience goods and services, subject to the requirements of Subsection 6-6-F-3-f;
5. Common areas and non-profit recreational facilities for the exclusive use of the occupants of the park, but limited to golf courses, swimming pools, tennis courts, clubhouses, recreational buildings, stables and corrals for the care and keeping of horses, mini bike trails, footpaths, picnic and barbecue sites, landscape parks and arboretums, and similar recreational facilities;
6. Fences, walls, hedges, ponds, and other landscape features;
7. Mobile homes which comply with the current HUD Federal construction and safety standards for such and which bear a Federal seal certifying to that effect.

C. PROCEDURE

Any person, partnership, firm, or corporation wishing to obtain approval to construct or operate a mobile home park shall follow the procedure outlined in Subsection 6-1-E. of the zoning ordinance.

D. PRELIMINARY PLAN REQUIREMENTS

The preliminary plan shall consist of the following elements.

1. Environmental Impact Statement

An environmental impact statement shall be prepared on forms furnished by the planning staff and shall be used as the basis for determining the layout, density, drainage pattern, landscaping, method of sewage treatment, and other features of the development.

2. Preliminary Layout

A preliminary layout shall be drawn to a scale not smaller than one inch equals one hundred feet (1"=100') or greater, as determined by the Planning Director, and shall show the following:

- a. Type of development;

- b. Name and address of park operator;
- c. Name and address of park owner;
- d. Name and address of park designer;
- e. Date the most recent revision was drafted;
- f. Boundary of the development with legal description;
- g. North point, scale, and vicinity map;
- h. Township, range, and section lines;
- i. Zone boundary lines;
- j. Vicinity map showing the relationship of the park to adjacent properties, roads, schools, etc. in a one (1) mile radius;
- k. Name and address of adjacent property owners;
- l. One (1) foot contour intervals, or the intervals required by the Plan Coordinating Committee;
- m. Location of any existing buildings;
- n. Location and size of existing easements, utilities (water pipes and canals, electric power lines, gas lines, telephone lines, sewer lines, etc.), railroads, culverts, and drain pipes; also drainage, flood, and stream channels;
- o. Areas where water seasonally rises within five feet of the surface and areas inundated by a 100 year flood;
- p. Proposed layout of the park, including the size and location of mobile home pads, utilities, roads, parking spaces, common area facilities, service buildings, and fences;
- q. Numbered mobile home parking spaces;
- r. Plan and profile sheets for all roads and common driveways in the development, including cross sections;
- s. Proposed locations and dimensions of pedestrian walkways;
- t. Proposed drainage plan for on- and off-site storm water which is certified with an engineer's Utah State seal;
- u. Proposed place of sewage disposal;
- v. Proposed garbage collection points and disposal plan;
- w. Proposed fire hydrants and fire equipment boxes;

- x. Proposed source of culinary and irrigation water;
- y. Proposed lighting system;
- z. Proposed landscape plan;
- aa. Proposed irrigation system plan;
- bb. Proposed culinary water lines and their locations and sizes;
- cc. Proposed sewage system showing line or tank locations and sizes;
- dd. Proposed utility easements and dimensions;
- ee. Proposed layout and cross-section of a typical mobile home space;
- ff. Proposed location and layout of the common storage and recreational areas;
- gg. Tabulations showing:
 - (1) Total number of acres in the proposed development,
 - (2) Total number of mobile homes,
 - (3) Number of mobile homes per acre,
 - (4) Number of off-street parking spaces,
 - (5) Percentage of area to be used for off-street automobile parking,
 - (6) Percentage of area to be used for roadways,
 - (7) Percentage of area to be used for parks, golf courses, and other open space,
 - (8) Percentage of area to be covered by mobile home pads,
 - (9) Percentage of area to be covered by buildings,
 - (10) Number of square feet in common storage facilities;
- hh. Any additional information which the Plan Coordinating Committee may require;

Where a developer owns or controls more land than he wishes to develop immediately, the Planning Commission may require that a preliminary plan of the whole area be submitted, in which case the developer shall indicate on the preliminary plan the portion to be developed immediately and the portion to be held for future development.

3. Preliminary Documentation

The preliminary plans shall be accompanied by the following documents which have been prepared in accordance with Utah County standards and forms:

- a. Draft copy of the declaration of covenants, conditions, and restrictions;
- b. Draft copies of the proposed open space preservation and maintenance agreements between the owner and Utah County, which are recorded as part of the covenants;
- c. Whenever the proposed water supply is to come from a previously unapproved source, a statement from the State Engineer indicating the quantity and permanency of domestic water rights available to the development; (Otherwise, the supplying municipality or other entity shall state its ability and willingness to supply water to the development according to county standards.)
- d. A statement from the appropriate agency accepting responsibility for disposal of all surface drainage water wherever such drainage water is directed into canals, drainage channels, streets, etc;
- e. A statement from the City-County Health Department containing recommendations pertaining to the proposed culinary water and sewage disposal systems and treatment facilities;
- f. A statement from the County Surveyor certifying that the preliminary plans conform to county standards;
- g. A statement from the County Fire Marshal certifying that the preliminary plans and documents conform to county standards and codes pertaining to fire protection;
- h. A written review of the legal documents required by Subsections 6-6-D-3-a to 6-6-D-3-d, above, by the County Attorney.

E. FINAL PLAN REQUIREMENTS

The final plan shall consist of the following elements.

1. Final Plat

The final plat shall be drafted in black drawing ink in a workmanlike manner on a reproducible tracing medium approved by the Planning Commission. Said plat shall be drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100'), or as directed by the Planning Director, and shall show the following:

- a. The boundaries of the mobile home park and the location of all required survey monuments;
- b. The location of all home sites where mobile homes are permitted within the park including the boundaries of the parking pads for each mobile home; also the identifying number for each such site in the park;
- c. The layout of a typical mobile home space;
- d. The location of common open spaces and recreational facilities;
- e. The location of other buildings, fences, walls, and structures;
- f. The name, location, and extent of all streets, walkways, and automobile parking areas;
- g. The location and extent of all easements;
- h. The clear identification of common open spaces and other areas referred to in the covenants, easements, and maintenance agreements;
- i. The location, using symbols or lines, of garbage pickup facilities, and any surface facilities for water and sewage;
- j. Tabulations as follows:
 - (1) Maximum number of mobile homes allowed in park,
 - (2) Number of off-street parking spaces,
 - (3) Total acreage in the mobile home park,
 - (4) Total acreage to be retained in common open area, exclusive of mobile homes and affixed structures;
- k. The following certifications:
 - (1) An owner's dedication of land for public use and an owner's conveyance of easements and parcels for utilities or for common use by the residents of the development,
 - (2) Certification of plat accuracy by the surveyor or engineer preparing the plat,
 - (3) Certificate of design approval by the County Fire Marshal relative to the fire standards and codes of Utah County,
 - (4) Statement of design approval by the City-County Health Department relative to water and sewage standards

- (5) A signature block for the Planning Commission's plat approval,
- (6) County Surveyor's approval of plat accuracy (this certification may be made after approval is granted by the Planning Commission),
- (7) Legislative Body's development approval and acceptance of dedication of streets, easements, etc. (this may be completed after final approval by the Planning Commission).

2. Detailed Final Landscape

A landscape plan shall be submitted showing grading and planting plans, the locations of plant and decorative materials, the method of treating exposed slopes, and an irrigation system.

3. Dimensioned Final Parking

A layout showing individual parking stalls and areas of entrance and egress shall be submitted.

4. Final Engineering Plans

Engineered plans shall be submitted for the water system, fire hydrants, fire fighting facilities boxes, streets, sidewalks, curbs and gutters, drainage water facilities, and, if located in a flood hazard area, flood ameliorating measures;

5. Documents

The following documents and statements shall be submitted:

- a. Water rights;
- b. A statement from the City-County Health Department approving the sewage disposal facilities and the quality and quantity of water;
- c. A verified document from an engineer registered to practice in the State of Utah certifying that the proposed source of water has been tested and that it can produce water in sufficient quantity to comply with Utah County standards, and further certifying that the storage and delivery system has been designed to meet said standards; (The document must be approved by the County Surveyor as to its accuracy and by the County Fire Marshal as to quantity.)
- d. Official documents prepared in a manner that is consistent with forms provided by the county:
 - (1) Declaration of covenants, conditions, and restrictions which, once effectual, may be amended only with county approval,

- (2) Maintenance agreement between Utah County and the property owner and/or the property owners' association,
- (3) Open space preservation agreement between the property owners and the county;
- e. Itemized estimates of the cost of constructing all roads, utilities, landscaping, fences and other improvements required to be constructed in the development; also a report to the Planning Commission pertaining to the source or sources of the construction funds;
- f. A bond guaranteeing the installation of the required improvements, along with statements of approval from the County Surveyor concerning bond amount and the County Attorney concerning the form of the bond instrument, terms, and release agreement;
- g. County Surveyor's statement regarding the completeness and accuracy of the final plans;
- h. A statement by the County Attorney relative to whether the development meets the requirements of county ordinances and whether the documents are in proper form
- i. A policy of title insurance or preliminary report of title verifying that the owners listed in the Owner's Dedication Certificate have sufficient control over the premises to effectuate the dedication without boundary exceptions.

6. Covenants

The covenants and agreements required in Subsection 5 above, besides including the items listed on the forms provided by the county, shall include:

- a. Tying the water rights to the mobile home park for the life of the project;
- b. Guaranteeing that the mobile home park shall remain in one ownership parcel for assessment and all other purposes for the life of the project;
- c. Assuring that no mobile home space shall be rented or leased for a period of less than forty-five (45) days (see recreation vehicle courts, Section 3-33);
- d. Guaranteeing maintenance of common area, water system, lighting, sewage system, garbage disposal, fire fighting, street, walkway, irrigation system, landscaping, and other facilities;
- e. Providing enforcement of construction agreements and maintenance standards by the withholding of the annual business license, forfeiture of the improvement bond,

abatement, mandamus, injunction or other appropriate civil or criminal proceeding;

- f. Providing supervision to properly operate and maintain the park.

F. STANDARDS AND CONDITIONS

All mobile home parks shall conform to the following standards and conditions.

1. Design

- a. The plans shall be prepared by a design team consisting of a landscape architect, civil engineer, and an attorney, all of whom shall be certified to practice in the State of Utah.
- b. There shall be unity and harmony within the development and with the surrounding area.
- c. The spacing of structures and mobile home spaces will provide for a restful and uncrowded environment.
- d. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the convenience of access, the preservation of bodies of water, and other significant features shall guide the design of the development.

2. Landscape Plan

- a. All areas not covered by buildings or off-street parking or driveways shall be landscaped and shall be maintained in accordance with good landscape practice. The plan shall include both existing and proposed landscape areas and shall specify the general types of plants and architectural features to be used.
- b. Sprinkler or irrigation systems shall be installed in order to provide irrigation for planted areas.

3. Open Space, Parks, Playgrounds, and Facilities

- a. At least ten (10) percent or more of the area in the mobile home park shall be designated for common open space, parks, similar common facilities. The land covered by vehicular roads, off-street parking, yard areas around the dwellings, the common storage facility, and common facility structures shall not be included in computing the required area for open space.
- b. As assurance that the designated area will remain in open space, the owners shall execute an open space agreement with the county in which the owner agrees for himself and his successors and assigns to refrain from placing mobile homes, structures, or roads on the designated open space areas

throughout the life of the development, and will maintain these open areas in good order.

- c. The open space shall be as centrally located as is feasible, and the area shall be suitable for either active or passive recreational use.
- d. All flood plain areas and floodways, if any, shall be identified and preserved as open space.
- e. Construction of all common areas and facilities shall be provided by the developers and shall be maintained by the mobile home park owner as provided in the agreement.
- f. In a mobile home park constructed for fifty or more units, a commercial convenience establishment containing not more than fifteen square feet per dwelling unit may be permitted if approved by the Planning Commission.

4. Size

The minimum acreage required to qualify for a mobile home park shall be five (5) acres.

5. Density

The total number of mobile homes within the development shall not exceed four (4) times the number of acres within the development. The ratio of mobile homes per acre may be increased up to seventy-five percent (75%) by the Planning Commission where the plan is of exceptional quality, has additional open space, and where the clustering design warrants the greater density.

6. Street System

- a. Any public street passing through the mobile home park shall be paved and shall conform to the official "Utah County Development Standards" as adopted by Utah County.
- b. All private streets shall be paved with a 24 foot asphalt surface and a curbing or storm water infiltration system which conforms to the "Utah County Development Standards" as adopted by Utah County; the paved driving surface shall be centered on a thirty (30) foot wide road easement.
- c. All mobile home parks shall abut on and shall have access to a hard-surfaced public street.
- d. In the event that land within the proposed development is traversed by a proposed street that is shown on the county master street plan, the circulation system within the development shall be designed in accordance with the county master street plan, and the right-of-way across the development shall be dedicated to the county.

- e. The street system shall be designed in such a way as to avoid, where possible, the fronting of mobile home sites onto county roads.
- f. No vehicular roads shall have a grade of more than eight (8) percent.
- g. Each intersection shall bear permanent road signs sufficient in design for easy identification of street names by operators of emergency vehicles and other motorists.

7. Walkways, Curbs, Gutters, and Street Lights

- a. Adequate parking, walkways, and curbs and gutters, or other storm water treatment facilities, shall be provided.
- b. A minimum of two-tenths (0.2) foot candle of light shall be provided along all streets, drives, and central walkways.

8. Drainage System Plan

The drainage system plan shall show the following.

- a. The drainage plan shall include an analysis of potential drainage problems and a proposal indicating how the surface water will be disposed of.
- b. The plan shall include the necessary culverts, drain pipes, and drainage channels. In order to insure the safety of the occupants of the mobile home parks, the Planning Commission shall require the developer to cover or fence dangerous ditches, culverts, and canals.
- c. The drainage system shall be designed to handle all surface drainage on-site.

9. Water Supply

- a. A perpetual supply of at least 0.89 acre feet per year of culinary water, having an accelerated delivery (flow) rate of 1600 gallons per day, shall be made available to each mobile home site and dwelling unit in the development, except the quantity of 0.89 acre feet per year may be reduced to 0.55 acre feet per year when no outside plumbing (for landscaping, etc.) is allowed and water for the irrigation of landscaping is derived from alternate (eg. not culinary) sources. Said culinary water supply shall have a minimum static pressure of forty (40) pounds per square inch.
- b. Wherever the water to be used in a mobile home park is to be derived from a source which has not received prior approval by the City-County Health Department and by the County Fire Marshal, such approvals must be obtained from these two departments based on compliance with county standards.

10. Water System

- a. All mobile home parks shall be served by a central water system which has been approved by the City-County Health Department and by the County Fire Marshal.
- b. The system shall be designed to comply with the minimum requirements as set forth in the officially adopted county standards, and said approvals shall be based upon compliance therewith.
- c. The minimum water storage facility shall have a capacity of 60,000 gallons, or 800 gallons per dwelling unit served, whichever is greater, plus the anticipated normal domestic use in excess of water-source inflow during a one-hour fire. The storage facility shall be designed and located as to produce a gravity-induced minimum flow at any fire hydrant of 500 gallons per minute with a residual pressure of 20 pounds per square inch.
- d. Water mains supplying fire hydrants shall be large enough to produce the flow amounts stated in Subsection c above, but in no case shall they be less than six (6) inches in diameter (no less than eight (8) inches in diameter if the water main supplying the hydrant is on a dead-end run longer than four hundred feet).

11. Sewage Disposal

Each mobile home park shall be served by a central sewage disposal system or by individual wastewater disposal systems which are approved by the City-County Health Department. If sewage cannot be disposed of through an existing central sewage treatment plant or by individual wastewater disposal systems, an alternate method must be provided by the developer and approved by the City-County Health Department.

12. Fire Protection

- a. Fire hydrants and fire-fighting-facilities boxes shall be installed at such intervals and in such a manner that no mobile home shall be more than 150 feet distant from the closest hydrant and fire fighting facilities box; each such box shall contain a one (1) inch hose of adequate length to reach the mobile homes it is intended to serve.
- b. Two (2) ABC type fire extinguishers shall be maintained in operable condition and accessible locations within each mobile home.
- c. The Planning Commission may require additional fire protection or policies when recommended by the County Fire Marshal.

13. Off-street Parking

- a. The proposed development shall have two side-by-side off-street parking spaces for each unit.
- b. Additional off-street parking spaces for visitors shall be provided at a ratio of one-half parking space per dwelling unit, which spaces shall be located within 200 feet of the dwelling units they are intended to serve.
- c. Additional off-street parking spaces for recreational facilities, storage facilities, or other uses may be required by the Planning Commission using Section 3-14 as a guide.

14. Utilities

- a. All new electric power lines shall be installed underground.
- b. Easements of not less than ten (10) feet in width, or meeting utility company standards, shall be required for all utility lines, the location of which may vary depending upon the design of the development.
- c. No structure shall be placed within the designated easements except utility structures.

15. Location Requirements

- a. Unless a greater setback is required by Section 3-16, all mobile homes shall be set back at least eight (8) feet from all mobile home park roadways, and 30 feet from the center of any public street
- b. No mobile home (or add-on) shall be located closer than twenty feet to the nearest portion of any other mobile home (including add-ons).
- c. The mobile home units may be clustered and individual lot sites reduced in area to provide additional common area beyond the 10 percent minimum, provided the minimum width of a mobile home space shall be forty (40) feet.
- d. The location and lot boundaries shall be plainly marked by corner monuments.
- e. A mobile home shall not occupy more than one third (1/3) of its lot or space.

16. Outdoor Storage Facility

The outdoor storage area shall be designed in accordance with the following standards.

- a. The storage facility shall contain an area of at least one hundred (100) square feet per dwelling unit for campers, boats, etc.

- b. The facility shall be enclosed by a sight-obscuring fence or wall.
- c. The facility shall be readily accessible from the street system of the mobile home park.

G. REQUIRED IMPROVEMENTS

All improvements shall be constructed as shown on the approved final plat and detailed construction plans and in accordance with Utah County standards as directed by the County Surveyor. When approved for the development, the following improvements shall be guaranteed by bond:

- 1. On-site streets, driveways, and parking areas and off-site access streets;
- 2. Curbs, gutters, walkways, and street signs;
- 3. Drainage and flood control structures and facilities;
- 4. On-site water lines and off-site lines needed to deliver water at county standards;
- 5. On-site sewer mains and off-site lines, lagoons, or other facilities necessary to a functional system;
- 6. Fire hydrants;
- 7. Street lighting;
- 8. Permanent survey monuments;
- 9. Utility installation costs, such as underground installation charges, which are not ordinarily borne by the utility company;
- 10. Sod and essential landscaping costs;
- 11. Sprinkling and other suitable irrigation systems;
- 12. Common storage facilities and essential fences, walls, or other common facilities.

CHAPTER 7

ADMINISTRATION AND ENFORCEMENT

7-1: ZONING ADMINISTRATOR APPOINTED

The Building Official appointed under the Building Code of Utah County, Utah, is hereby designated as the Zoning Administrator who shall be charged with the administration and enforcement of this ordinance. The Board of County Commissioners may also appoint other employees to assist in the administration and enforcement of this ordinance.

7-2: POWERS AND DUTIES OF THE ZONING ADMINISTRATOR

It shall be the duty of the Zoning Administrator to:

- A. Issue all building and excavation permits;
- B. Issue all zoning compliance permits;
- C. Issue and renew, where applicable, all temporary use permits;
- D. Enforce all the provisions of this ordinance and enter actions in court when necessary;
- E. Conduct surveillance and inspection which are necessary to insure compliance with the various provisions of this ordinance;
- F. Keep a careful record of all such applications, permits, inspections, and legal actions taken in the office of the Zoning Administrator for a period of at least five (5) years from the date of receipt thereof;
- G. Maintain a copy of the current Utah County zoning ordinances, map, and records of amendments thereto;
- H. Refer matters to the Planning Commission, Legislative Body, or other agency as required by the terms of this ordinance;
- I. Perform such other duties as are assigned by this ordinance.

7-3: SCOPE

From the time of the effective date of this ordinance, permits shall not be granted for the construction or alteration of any building or structure, or for the moving of a building or structure onto a lot, or for the commencement, continuation, or change in use of any land, building, or structure, if such construction, alteration, moving, or use would be in violation of any of the provisions of this ordinance.

7-4: APPLICATION FOR BUILDING PERMITS AND EXCAVATION PERMITS

Any person, partnership, firm, or corporation desiring to construct, alter, remodel, or move a building or structure within the territory shown on the Official Utah

County Zone Map, doing construction or work to the extent of \$100 or more in replaceable value, or to excavate or remove earth materials within the territory shown on said Map, in excess of 5,000 square feet of exposed surface, shall make application therefor to the Zoning Administrator before commencing construction thereon.

7-5: PERMITS REQUIRED

Within the unincorporated area of Utah County, no building or structure shall be constructed, altered, remodeled, or moved to the extent of \$100 or more of replaceable value; nor shall there be any excavation, removal, or placement of earth material for a street, roadway, building, structure, driveway, trench, landscaping, etc.; nor shall the use of any land be changed without the approval and issuance of a permit for the same by the Zoning Administrator.

7-6: PLANS REQUIRED

- A. All applications for permits as required in Sections 7-4 and 7-5 above shall be accompanied by the appurtenant permit fee in the current amount as set by the Legislative Body and by two sets of plans which have been drawn to scale and show the:
 - 1. Actual dimensions of the lot to be built on, and the location and name of any public street which such lot abuts;
 - 2. Size, use, and location of existing buildings on said lot;
 - 3. Size, use (by area in building if structure is to have a mixed use), and location of buildings to be authorized for construction by permit;
 - 4. Location and layout of proposed water lines, sewage facilities, landscaping (but only where landscaping is a prerequisite to a permit), off-street parking areas, driveways, and public street access points;
 - 5. Location and extent of proposed fill or excavated areas.
- B. All plans for buildings and structures shall be prepared by an engineer or architect licensed to practice in Utah, except:
 - 1. One, two, three, or four-family dwellings not exceeding two stories above grade;
 - 2. Agricultural buildings and structures not for human occupancy;
 - 3. Mining and manufacturing structures not for human occupancy;
 - 4. A building for any use wherein the total floor area does not exceed 2000 square feet.
- C. The Building Official may require engineered plans for buildings and structures normally exempted by Items 1 to 4 in Paragraph B above when, because of an unusual building design or site condition, safety is in question.

7-7: PERMIT TO COMPLY WITH ORDINANCE

No permit shall be issued by the Zoning Administrator, or any other person or agency, which is not in conformance with the provisions of this ordinance. Any permit so issued shall be null and void. An action to declare such permit void may be commenced with the Board of Adjustment under the authority granted by Subsection 7-13-A and by filing an appeal for an alleged error (See Section 7-19) according to the procedure contained in this ordinance.

7-8: UTILITY INSTALLATION UNLAWFUL WITHOUT PERMIT

It shall be unlawful for any property owner, person, corporation, or other entity to install or allow to be installed any electrical, natural gas, sewer, or water utility lines or facilities before a permit therefor has been approved and issued by the Zoning Administrator. Any such unpermitted installation shall be a violation of this ordinance.

7-9: CONSTRUCTION AND USE TO COMPLY WITH PERMIT

Permits for uses, buildings, excavation, occupancy, and zoning compliance authorize only the use, arrangement, and extent of construction set forth in the approved application and plans. Any use, arrangement, remodeling, or construction in addition to or at variance with the permit is a violation of this ordinance. To be lawful, a permit must first be issued for such changes as in Section 7-5.

7-10: ZONING COMPLIANCE PERMIT REQUIRED BEFORE OCCUPANCY

- A. It shall be unlawful to use or occupy, or permit the use or occupancy, of any building or premise until a zoning compliance permit has been issued by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this ordinance. No nonconforming structure or use shall be changed or extended until an occupancy permit is issued which complies with the regulations of Section 1-6 and which states specifically how the authorized use differs with the provisions of this ordinance.
- B. The Zoning Administrator may permit the occupancy of a building prior to the completion of all required work provided a bond or other assurance has been posted with the Building Inspection Office in an amount equal to the cost of completing said required work as determined by the Board of County Commissioners on recommendations of the Building Official.

7-11: BOARD OF ADJUSTMENT CREATED, MEMBERS, TERMS

There is hereby created a Board of Adjustment which shall consist of five members and one or more associate members, each regular member of which is to be appointed by the County Commission for a term of five years and each associate member for a period of one year, provided that the terms of the members of the first board so appointed shall be such that the term of one member shall expire each year. One member of the Planning Commission may be a regular member of the Board of Adjustment. Any member may be removed for cause by the Board of County Commissioners upon written charges and after a public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any

member whose term has not been completed. Associate members shall have full power to act for any regular member in his absence.

7-12: ORGANIZATION, MEETINGS, RECORDS

The Board of Adjustment shall organize and elect a chairman and adopt rules in accordance with the provisions of this ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman or, in his absence, the acting chairman shall conduct all meetings and may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official acts, all of which shall be filed immediately in the office of the board and shall be public record. Roberts Rules of Order Newly Revised shall be followed in the conduct of meetings wherever applicable.

7-13: POWERS AND DUTIES OF THE BOARD

The powers and duties of the Board of Adjustment shall be limited to the following:

- A. To hear and decide appeals concerning an order, requirement, decision, or refusal allegedly made in error by an administrative officer or agency based on or made in the enforcement of the zoning ordinance;
- B. To hear and decide appeals concerning the interpretation of the zone map;
- C. To hear and decide appeals for special exceptions specifically authorized in this ordinance;
- D. To hear and decide appeals for variances from the setback or area requirements of this ordinance where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of the terms of this ordinance would result in an undue hardship upon the owner of said property.

7-14: POWER OF BOARD LIMITED

The powers and duties of the Board of Adjustment are limited to the judicial and administrative guidelines set forth in this ordinance. The board shall not have the authority to amend this ordinance, nor to act outside of the authorized rules on hearing and deciding appeals and requests as set forth in Sections 7-13 through 7-24 of this ordinance; and all decisions shall be made in such a way so as not to destroy the intent and purpose of the zoning ordinance.

7-15: APPEALS TO THE BOARD OF ADJUSTMENT

Any person, organization, corporation, or unit or department of government which has been aggrieved by a decision allegedly made in error by an administrative officer or agency; or requesting an interpretation of the zoning map; or wishing to

make an appeal for a special exception or variance; may do so by filing a formal request in writing with the Zoning Administrator. The application shall be accepted by the Zoning Administrator only if accompanied by a non-refundable fee of the current amount as set by the Legislative Body, and if the application form has been properly filed within forty-five (45) days after the contested action of the administrative officer or agency. The application requesting to appear before the Board of Adjustment shall be made on forms furnished by the Zoning Administrator at least fifteen (15) days prior to the date of the hearing of the appeal.

7-16: PROCEDURE

Upon receipt of the application, the Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall review the application at a public hearing and shall return the same to the Zoning Administrator with its decision pertaining thereto within thirty (30) days.

7-17: HEARING

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publication of notice at least five days prior to the date of the hearing, and decide the same within a reasonable time not to exceed 30 days.

The intent in requiring a hearing is to enable the Board of Adjustment to obtain facts surrounding the case which may not be evident, or which may not be shown in the record as submitted to the board. The decision of the board shall be based upon the facts and not upon expressions of support or protest, or lack of support or protest, which may be made at the hearing. Any party may appear at the hearing in person or by agent or by attorney.

7-18: ACTION TAKEN BY THE BOARD OF ADJUSTMENT, APPROVAL, DENIAL

The Board of Adjustment shall cause to be entered into the official minutes of the board the specific nature of the appeal, the written statements, and other facts bearing on the appeal and decision of the board.

A. APPROVAL

An appeal can be approved only when all the forms, procedures, and rules have been complied with to the satisfaction of the board. The concurring vote of four members of the board shall be necessary to grant an appeal. If an appeal is granted, the board shall enter into the official minutes the reasons for approval and those voting for and against.

B. DENIAL

If the board decides to deny the appeal, the board shall enter into the official minutes a detailed description outlining the reasons for denial and those voting for and against.

7-19: RULES FOR HEARING AND DECIDING APPEALS ON ALLEGED ERRORS

When the Board of Adjustment acts under its power to hear and decide appeals where the appellant has been aggrieved by a decision allegedly made in error by an administrative officer or agency, the board shall not grant approval on the appeal unless all the following requirements are judged to be satisfactory by the board. They are as follows.

- A. The appellant shall have submitted a properly completed application for appeal, which states with specificity the nature of the alleged error and how the appellant has been aggrieved by said alleged error.
- B. The Zoning Administrator has had an opportunity to submit written response to the charges made by the appellant.
- C. The application for appeal shall have been filed within forty-five (45) days after the occurrence of the alleged error.
- D. The appellant shall have shown to the satisfaction of the Board of Adjustment that the appellant is an aggrieved party.
- E. The appellant's proposed land use constitutes one of the uses expressly permitted in the zone (or, where the appeal is to reverse a decision to issue a permit, then such result will be consistent with the zoning regulations).
- F. The appellant's proposed land use (or requested interpretation by the Board of Adjustment) will be consistent with the spirit and letter of the designated characteristics and purposes of the zone in which it is located.
- G. The appellant's proposed land use (or interpretation by the Board of Adjustment) will comply with all the supplemental regulations of the zoning ordinance.
- H. The appellant's proposed land use (or the land use that will result from overruling the Zoning Administrator) will be similar as to function, service, traffic demands, safety requirements, and pollution potential when compared to other uses in the zone.
- I. The Board of Adjustment feels the facts presented at the hearing clearly show that the administrative officer or agency has made an error that warrants granting the appeal.

7-20: RULES FOR HEARING AND DECIDING APPEALS FOR INTERPRETING THE ZONING MAP

When the Board of Adjustment acts under its power to make interpretations of boundaries on the zoning map, the board shall comply with all the following rules and conditions.

- A. The appellant shall have submitted a properly completed application for appeal.

- B. The Zoning Administrator, or other official charged with an error, has been given an opportunity to submit a written response to the charges.
- C. A ruling in favor of the appellant is consistent with the intent of the Legislative Body when delineating the boundaries in question.
- D. A ruling in favor of the appellant would not conflict with the expressed "characteristics and purposes" of the zones in question.
- E. The appellant's proposed location of the zone boundary line(s) is apparently consistent with the officially adopted zone map, the written description, or both.
- F. The Board of Adjustment feels the facts presented at the hearing, other than mere expressions of protest or support, warrant granting the appeal.

7-21: RULES FOR HEARING AND DECIDING APPEALS FOR SPECIAL EXCEPTIONS

When the Board of Adjustment acts under its power to hear and decide requests for special exceptions, the board shall comply with all the following rules and standards.

- A. The appellant shall have submitted a properly completed application for hearing.
- B. The zoning ordinance specifically identifies the special exception in question as one which the board is empowered to approve.
- C. The following standards shall be met as a prerequisite to approving any special exception.
 1. It shall promote the public health, safety, and welfare.
 2. It shall conform to the "characteristics and purposes" stated for the zoning district involved and the adopted county master plan.
 3. It shall be compatible with the public interest and with the characteristics of the surrounding area.
 4. It shall not adversely affect local property values.
 5. Any standards stated in Chapter 3, Supplementary Regulations, or Chapter 5, Regulations Within Zones, which apply to a specific special exception shall be met.
 6. It shall not result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of essential services, including, but not limited to: roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; healthful water, sewer, and storm water facilities; and garbage removal.

- D. The board shall attach conditions, when necessary, which work out an adjustment between the special exception and the surrounding area, including, but not limited to, the following:
1. Parking;
 2. Traffic acceleration lanes;
 3. On-site storm water retention facilities;
 4. Special security or fire protection facilities;
 5. Water, sewer, and garbage facilities;
 6. Landscape screening to protect neighboring properties;
 7. Requirements for the management and maintenance of the above facilities;
 8. Limited hours of operation;
 9. Limited use of equipment emanating offensive noise, light, dust, or traffic.
- E. The Board of Adjustment feels that the facts presented at the hearing, other than mere expressions of protest or support, warrant the granting of the appeal; the said findings of fact shall be made a part of the official record.

7-22: RULES FOR HEARING AND DECIDING APPEALS FOR VARIANCES

When the Board of Adjustment acts under its power to hear and decide appeals for variances, the board shall comply with all of the following rules and conditions.

- A. An application for appeal has been properly submitted.
- B. The substance of the variance is a request to reduce the requirements for height, bulk, width, setback, or other numerical or quantitative requirement, as distinguished from the allowance of a use not listed as permitted in a zone or any other change in zoning requirements.
- C. The strict enforcement of width, area, setback or other requirement would require needless hardships. Such hardships must be inherent in the peculiarities of the property itself, not due to some independent personal or financial problem of the applicant.
- D. The difficulties and hardships associated with the present lot width, area, and/or shape to be varied were not created by any act of the appellant subsequent to the effective date of the regulation appealed from.
- E. The difficulties and hardships associated with the present lot width, area, shape, or other properties which cause the need for the variance were not created by an act of the appellant subsequent to the effective date of the regulation appealed therefrom.

- F. The variance must include or involve the granting of a use which is specifically listed as a permitted use in the zone.
- G. The granting of the variance will not destroy the expressed characteristics and purposes for which the zones were designed.
- H. The Board of Adjustment feels that the facts presented at the hearing, other than mere expressions of protest or support, warrant granting the appeal.
- I. Approval shall promote the public health, safety, and welfare.
- J. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

7-23: NOTIFICATION AND DURATION OF APPROVAL

Within fifteen (15) days after a decision has been made, the Board of Adjustment shall notify the appellant of the action taken and, if approval be granted, the date such approval terminates if a building permit (or other permit or license if applicable) is not obtained pursuant thereto. Such termination shall automatically be one year from the date of Board of Adjustment action, unless the board makes findings and sets a different termination date as a condition of approval.

7-24: RECOURSE FROM ACTIONS TAKEN BY THE BOARD

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or agency of the county, may have and maintain a plenary action for relief therefrom in any court of record having competent jurisdiction, provided that petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the Board of Adjustment. Unless such a petition for relief is presented to the court within said thirty (30) day period, a decision of the Board of Adjustment shall be final. No decision of the Board of Adjustment shall be subject to rehearing, except when remanded from a county of competent jurisdiction.

7-25: POWERS AND DUTIES OF THE PLANNING COMMISSION

The Planning Commission shall have the powers and duties granted to planning commissions by Chapter 27, Title 17, of the Utah Code Annotated 1953.

- A. Concerning zoning amendments, the Planning Commission shall decide requests as follows. (The Planning Commission may also act on its own initiative in considering and recommending amendments to this ordinance.) Before a favorable recommendation is given, it must be shown that:
 - 1. The amendment will not be contrary to the land use plan;
 - 2. The amendment will not militate against the fulfillment of any other provisions of the comprehensive plan;

3. The amendment will not decrease nor adversely affect the health, safety, convenience, morals, or general welfare of the public;
4. The amendment will more fully carry out the intent and purposes of this ordinance;
5. In balancing the interest of the petitioner with the interest of the public, both interests will be served better by adopting such amendment.

In considering a request for an amendment to the zoning ordinance or map, the Planning Commission may submit a recommendation for or against the request, or it may recommend an alternate amendment.

- B. The Planning Commission shall approve or disapprove requests for permits to construct large scale developments and conditional uses on which the commission is specifically authorized to act subject to the standards and conditions set forth in this ordinance.
- C. The Planning Commission shall perform other duties as required under the terms of this ordinance.

7-26: POWERS AND DUTIES OF THE LEGISLATIVE BODY

The powers and duties of the Legislative Body concerning zoning and planning shall be as found in Chapter 27, Title 17, of the Utah Code Annotated 1953.

The Legislative Body may amend, change, or modify any provisions of the zoning ordinance or map provided:

- A. The proposed amendment or amendments have been submitted to the Planning Commission for its recommendations; (However, if the Planning Commission fails to submit its recommendation within thirty (30) days from the receipt of the proposed amendment, the Legislative Body may assume an affirmative recommendation.)
- B. The Legislative Body holds a public hearing on the proposed amendment and gives at least thirty (30) days notice of the time and place of the hearing by publication in a newspaper of general circulation in the county;

The master plan shall be amended to conform to the finished provisions of this ordinance.

No material change in or departure from the recommendation of the Planning Commission shall be made after such hearing unless the change or departure is submitted to the Planning Commission for its consideration and recommendation. Upon receiving the reconsidered recommendations of the Planning Commission, the Legislative Body may overrule the Planning Commission by a majority vote of its entire membership.

7-27: AMENDMENTS TO ORDINANCE AND MAP

- A. The Planning Commission and the Legislative Body may propose amendments to this Utah County Zoning Ordinance and Official County Zone Map of Utah County, Utah by following the provisions of Section 7-25 and 7-26 of this ordinance and Section 17-27-14 of the Utah Code Annotated 1953.
- B. Any other person or organization seeking an amendment of the Utah County Zoning Ordinance or zone map shall petition the Planning Commission to initiate such amendment, in writing, on the petition forms provided by the Planning Commission. The petitioner shall designate fully on the forms the change desired and the reasons therefor.
- C. Upon receipt of the petition, the Planning Commission shall consider the amendment request and may: approve the request, approve the request with changes, disapprove the request; or hold the matter for future consideration. Any action to approve, or approve with changes, shall be deemed an official proposal of the amendment by the Planning Commission and shall be thus certified to the Legislative Body.
- D. All amendments to this ordinance shall be made in accordance with the county master plan, and the standards of the aforesaid said Section 7-25. It is hereby declared to be public policy that this ordinance should not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary to promote the master plan and the stated purposes of this ordinance.
- E. Amendments to this ordinance may be adopted only after the Legislative Body has held a public hearing on the matter at which parties of interest and other persons have an opportunity to be heard. Notice of the time and place of the hearing, and a brief reference to the topics to be considered, shall be published in a newspaper of general circulation within the county at least thirty (30) days before the hearing. Changes to the proposed amendment based on facts presented at the public hearing or otherwise, which have not been presented to the Planning Commission, shall be submitted to said Commission for its recommendation prior to enactment as a part of this ordinance.

7-28: VIOLATIONS

- A. It shall be the duty of all property owners, architects, lending agencies, contractors, subcontractors, builders and other persons having to do with the establishment of any use of land, or the erection, altering, changing, remodeling, or relocation of any building or structure, or the subdivision of land, to make sure that a proper permit has been obtained before work is begun on any project for which a permit is required.
- B. Any such architect, lending agency, builder, contractor, or other person doing or performing any such work without a permit having been issued shall be deemed guilty of violating this ordinance at least to the same extent or in the same manner as the owner of the premises, or the person for whom the use is established or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for a violation.

7-29: PENALTIES

Any person, firm, corporation, or other entity violating any one of the provisions of this ordinance shall be guilty of a Class "C" misdemeanor for each such offense. The Board of County Commissioners, the County Attorney, or any owner of real estate within the county in which such a violation occurs, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

7-30: EACH DAY A SEPARATE VIOLATION

Each person, persons, firm, or corporation found guilty of violation shall be deemed guilty of a separate offense for every day during which any violation of any provision of this ordinance is committed, continued, or permitted by such person, persons, firm, or corporation and shall be punished as provided in this ordinance.