

Sanpete County Land Use Ordinance

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Title 14 - ZONING Table of Contents

Chapters	Page #'s
Chapter 14.04 General Provisions	
14.04.010 Title.....	1
14.04.020 Purpose	1
14.04.030 Declaration.....	2
14.04.040 Interpretation and Intent	2
14.04.050 Conflict	2
14.04.060 Severability	2
Chapter 14.08 Administration	
14.08.010 Amendments	3
14.08.020 Notice to nearby entities of pre-development activity.....	3
14.08.030 Public hearings required before amending - Notice	4
14.08.040 Permits, Licenses - County Official Compliance	4
14.08.050 Permits, Licenses - Citizen Compliance.....	4
14.08.060 Temporary Regulations	4
14.08.070 Effect and Duration of Temporary Regulations	4
Chapter 14.12 Definitions	
14.12.010 Generally	5
14.12.020 Definitions	(Appendix B) vi
Chapter 14.16 Planning Commission	
14.16.010 Created - Appointment - Terms.....	6
14.16.020 Vacancies - Removal.....	6
14.16.030 Chairman - Rules - Technical Advice	6
14.16.040 Powers - Duties.....	6
14.16.050 Office of zoning administrator created.....	7
14.16.060 General plan - method of Adopting.....	7
14.16.070 General plan - method of Amending and Re-Zoning	7
14.16.080 General plan - Effect on public uses.....	7
14.16.090 Land Use Ordinance preparation.....	8
Chapter 14.20 Board of Adjustment	
14.20.010 Created - Regulations - Meetings	8
14.20.020 Organization - Procedure.....	9
14.20.030 Appeals - Powers of board.....	9
14.20.040 Routine and uncontested matters	9
14.20.050 Variances	10
14.20.070 Notice of hearing	10
14.20.080 Decision	10
14.20.090 Authority limited	11
14.20.100 Failure to comply with conditions a violation	11
14.20.110 Appeal.....	11
Chapter 14.24 Zoning Districts Established	

14.24.010	Zones designated	12
14.24.020	Map	12
14.24.030	Regulations	12
14.24.040	Boundaries of zones.....	12
 Chapter 14.28 A Agricultural Zone		
14.28.010	Purpose	13
14.28.020	Table of standards.....	13
 Chapter 14.30 RA 1 Residential-Agricultural Zone		
14.30.010....	Purpose	14
14.30.020....	Table of standards.....	14
 Chapter 14.40 RA 2 Residential-Agricultural Zone		
14.40.010	Purpose	15
14.40.020	Table of standards.....	15
 Chapter 14.44 SL Sensitive Lands Zone		
14.44.010	Purpose	16
14.44.020	Table of standards.....	16
 Chapter 14.48 PF Public Facilities Zone		
14.48.010	Purpose	17
14.48.020	Table of standards.....	17
 Chapter 14.50 Business / Commercial Zone		
14.50.010	Purpose	18
14.50.020	Table of standards.....	18
 Chapter 14.51 IN Industrial Zone		
14.51.010	Purpose	19
14.51.020	Table of standards.....	19
 Chapter 14.52 PUD Planned Unit Development Overlay Zone		
14.52.010	Purpose	24
14.52.020	General requirements.....	24
14.52.030	PUD review process	24
14.52.040	Commercial and Industrial PUD requirements	26
14.52.050	Criteria for PUD approval	26
 Chapter 14.60 Nonconforming Uses		
14.60.010	Nonconforming uses	28
14.60.020	Repairs	28
14.60.030	Discontinuance	28
14.60.040	Reclassification.....	28
14.60.050	Nonconforming lots of record	28
14.60.060	Nonconforming Use Defined.....	29
 Chapter 14.64 Temporary Uses		

14.64.010	Purpose	29
14.64.020	Application	29
14.64.030	Considerations	29
14.64.040	Conditions.....	30
14.64.050	Resubmittals - Appeals.....	30
14.64.060	Termination	30
14.64.070	Expiration - Extensions	30

Chapter 14.68 Conditional Uses

14.68.010	Purpose	31
14.68.020	Required permit	31
14.68.030	Application - Required documents	31
14.68.040	Application - Review process	32
14.68.050	Approval criteria.....	32
14.68.060	Modification - Revocation.....	32
14.68.070	Building permit.....	32
14.68.080	Appeals	33
14.68.090	Expiration - Extensions	33
14.68.100	Change of Ownership on Property with a Conditional Use Permit.....	33

Chapter 14.72 Factory Built Housing Units and Modular Dwelling Units Recreation Vehicle Parks

14.72.010	Standards & Requirements for Factory Built Housing Units & Modular Dwelling Units.....	34
14.72.020	Factory Built Housing Units to be H.U.D. Approved	34
14.72.030	Mobile Dwelling Parks	34
14.72.040	Permit Required	34
14.72.050	Temporary Location and Use	35
14.72.060	Recreation Vehicle Parks/ Campgrounds - Standards and Requirements	35
14.72.070	License Required	35
14.72.080	Enforcement.....	35

Chapter 14.76 General Minimum Development Standards

14.76.010	Effect of chapter	37
14.76.020	Subdivision development plan.....	37
14.76.025	RA Zones Development	37
14.76.030	Cluster Subdivisions	37
14.76.040	Unit/Density calculation	43
14.76.050	Percent built area	43
14.76.060	Open space.....	43
14.76.070	Required Utilities.....	44
14.76.080	Parking.....	44
14.76.090	Commercial Truck Parking	45
14.76.100	Dwelling Size Requirements	45
14.76.110	Manufactured Homes	45
14.76.120	Accessory Dwelling Units	45
14.76.125	Accessory Buildings	46
14.76.126	Stand Alone Structure (storage only).....	46
14.76.130	Farm Labor Dwellings.....	46
14.76.140	Right-of-ways	47

14.76.145	Road and Street Requirements/ Standard	47
14.76.150	Access to public lands	47
14.76.160	Structures over easements	47
14.76.170	Contiguous property	47
14.76.180	Yard space for one building only	47
14.76.190	Sale or lease of required culinary water	47
14.76.200	Sale or lease of required space	48
14.76.210	Sale of lots below minimum space requirements	48
14.76.220	Yards to unobstructed - Exceptions.....	48
14.76.230	Clear view of intersecting streets.....	48
14.76.240	Dwelling sites shall abut upon approved street	48
14.76.250	Concessions in public parks and playgrounds	48
14.76.260	Setbacks from state and federal highways.....	48
14.76.270	Railroad setbacks	48
14.76.280	All excavations	49
14.76.290	Adult uses	49
14.76.300	Modification of regulations	49
14.76.310	Prohibited uses.....	49
14.76.320	Fences	49
14.76.330	Limitations on the Keeping and Maintenance of Animals and Fowls	50
14.76.340	Animals Kennels, Boarding, Breeding, Training, and Grooming	50
14.76.350	Review by Utah State Divisions of Water Rights and Water Quality	50
14.76.360	Required Fire Protection.....	50
14.76.365	Wildland Urban Interface Code (WUI) and Amendments	51
14.76.370	Disclaimer for Emergency Services	52

Chapter 14.77 Special Provisions

14.77.010	Central Utah Public Health Department Review and Approval	53
14.77.020	Geotechnical Analysis and Recommendation(s)	53
14.77.030	Excavation(s), Mining, Mineral Exploration, Timbering Conditional Use Permit Required.....	53
14.77.040	Planned Unit Developments; Timeshare Developments; Cooperative Ownership Projects	54
14.77.050	Purchase or Transfer of Development Rights.....	54
14.77.060	Sign Regulations.....	54

Chapter 14.78 Utah and International Codes to Govern

14.78.010	International Building Code	55
14.78.020	National Electrical Code.....	55
14.78.030	International Mechanical Code.....	56
14.78.040	International Plumbing Code.....	56
14.78.050	International Fire Code.....	56
14.78.060	Uniform Code for Abatement of Dangerous Buildings.....	57
14.78.070	Uniform Code for Building Conservation (Historic Structures)	57
14.78.080	Utah Uniform Building Standards Act (U.U.B.S.A.).....	57
14.78.090	International Residential Code	57

Chapter 14.80 Youth Homes

14.80.010	Definitions	58
14.80.020	Authorization	58
14.80.030	Application - Contents	58
14.80.040	Application - Fee	59
14.80.050	Application - Planning Commission Review	59
14.80.060	Public Hearing	59
14.80.070	Use Permit	60
14.80.080	Facility Requirements	60
14.80.090	Continuation of Use	61
14.80.100	Violations - Penalty	62

Chapter 14.84 Residential Facilities for Persons with a Disability

14.84.010	Definitions	62
14.84.020	Residential Facilities for Persons With a Disability	66
14.84.030	Residential Facilities for Elderly Persons	68
14.84.040	Design Standards for Protective Housing, Rehabilitation/Treatment Facilities (Both Residential and Non-Residential), Transitional Housing, and Assisted Living Facilities, When Allowed as a Permitted or Conditional Use Within the Unincorporated Area of Sanpete County	69
14.84.050	Non-Residential Treatment Facilities	70
14.84.060	Limitations	71

Chapter 14.90 Enforcement

14.90.010	Permits required	72
14.90.020	Power and duties of enforcing officer	72
14.90.030	Civil Enforcement	73
14.90.040	Stay Order	73
14.90.050	Building permits required	73
14.90.060	Permit to comply with title	73
14.90.070	Reconsideration/Revocation of Approvals, Permits and Licenses	73
14.90.080	Violation - Penalty	74
14.90.090	Violation - Notice to correct	74
14.90.100	Appeals	74
14.90.110	Certificate of Occupancy	75
14.90.115	Closure / Expiration of a Building Permit	75
14.90.120	Bonding or Guarantees for Delayed Performance	75
14.90.130	Additional Fees	76
14.90.140	Penalties and Penalty Fee	76
14.90.150	Nuisance Abatement	76

Additional Attachments and Appendices

Sanpete County Conditional Use Permit Application	i
Appendix A - Land Use Matrix	ii
Appendix B - Definitions	vi
Addendum on Water Requirements	xviii
Ordinance on Dry Subdivisions	xix
Utah Wildland-Urban Interface Code	xxi

PREFACE

This document is a codicil to the Sanpete County General Plan and is based upon provisions established by Utah Code Annotated, Title 17, Chapter 27, Part 4, and Chapter 52, Part 4.

This Ordinance supersedes but shall be deemed to be a continuation, or updating, of all existing ordinances covering land use and zoning regulations within the unincorporated area of Sanpete County, including maps heretofore adopted. This Ordinance shall be interpreted as a continuation of previous provisions which relate to the tenure of officers and boards established, as well as to questions on the dates when prior uses, existing buildings, and appurtenant structures were deemed to be conforming or nonconforming.

Amendment(s) to this Ordinance, when required or suggested, shall be made in accordance with Title 17, Chapter 27 of the Utah Code Annotated, and Chapter 2, Part 3 of the Sanpete County General Plan.

Chapter 14.04 GENERAL PROVISIONS

Sections:

14.04.010	Title
14.04.020	Purpose
14.04.030	Declaration
14.04.040	Interpretation and Intent
14.04.050	Conflict
14.04.060	Severability

14.04.010 Title

This title shall be known as, and shall be entitled the "Sanpete County Land Use Ordinance".

14.04.020 Purpose

The zones, boundaries and regulations which apply within each of the zones have been made in accordance with a general plan designed:

- A. To promote the health, morals, convenience, order, prosperity and general welfare of the inhabitants of Sanpete County;
- B. To encourage and facilitate the orderly growth and development of the county;
- C. To secure safety from fire, floods, traffic hazards and other dangers;
- D. To secure economy in the cost of fire and police protection and other governmental services;
- E. To lessen congestion in the streets and roads and reduce the waste of excessive amounts of roads;
- F. To protect the tax base;
- G. To foster agriculture and industry, together with uses related thereto;
- H. To stabilize and improve property values;
- I. To promote beauty along the highways and in the landscape; and
- J. To protect both urban and non-urban development.

14.04.030 Declaration

In establishing the zones, the boundaries thereof, and the regulations applying within each of the zones, due and careful consideration was given, among other things, to the suitability of land for particular uses and to the character of the zone with a view to conserving the most appropriate use of land throughout the county. The location and boundaries of cities, towns, reservations and other areas not subject to zoning regulation by the board of county commissioners of Sanpete County, together with the regulations, applying within each city or town, were also considered in the preparation of this ordinance.

14.04.040 Interpretation and Intent

- A. This Ordinance shall be known as the Sanpete County Land Use Ordinance and may be cited and pleaded. Those County land use definitions specified at U.C.A. 17-27-103, and adopted by reference in the Sanpete County General Plan, are hereby adopted by reference and shall apply to like terms and phrases used in this Ordinance. Those definitions specified in the Utah Uniform Building Standards Act (U.C.A. 58-56-3 and 4) are also hereby adopted by reference.
- B. In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.
- C. Words and terms shall have the meaning indicated. The word 'shall' is intended to be mandatory, and the word 'may' is intended to be permissive. Words defined in the Uniform Codes but not included herein shall be construed as defined in the specific Code referenced.

14.04.050 Conflict

This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive.

14.04.060 Severability

In adopting this Ordinance, the Sanpete County Commission has determined that the chapters, sections, paragraphs, sentences, clauses, and phrases contained herein are severable. Should any of the foregoing be declared invalid or unconstitutional by any Court of law, such ruling shall not affect any of the remaining provisions of this Ordinance.

Chapter 14.08 ADMINISTRATION

Sections:

14.08.010	Amendments
14.08.020	Notice to Nearby Entities of Pre-development Activity
14.08.030	Public Hearings Required Before Amending - Notice
14.08.040	Permits, Licenses - County Official Compliance
14.08.050	Permits, Licenses - Citizens Compliance
14.08.060	Temporary Regulations
14.08.070	Effect and Duration of Temporary Regulations

14.08.010 Amendments

This title, including the map, may be amended, but all proposed amendments shall be submitted first to the planning commission for its recommendations, which recommendations shall be submitted to the board of county commissioners for the consideration of the commission within forty-five (45) days. For the purpose of establishing and maintaining sound, stable and desirable development within the county, it is declared to be public policy that amendments shall not be made to this title and map except to promote more fully the objectives and purposes of this title or correct manifest errors. Any person seeking an amendment to this title or map shall submit to the zoning administrator a written petition designating the change desired, the reasons therefore, and wherein the proposed amendment would further serve the interest of the public and promote the objectives and purposes of the title, together with appropriate fee outlined in fee schedule. The zoning administrator shall, in turn, transmit the petition to the planning commission. Upon the receipt of the petition, the planning commission may call a public hearing before submitting recommendations to the board of county commissioners. Before recommending an amendment to the title, it must be shown that such amendment is reasonably necessary, is in the interest of the public, and is in harmony with the objectives and purposes of this title. The fee provided in this section shall not be returnable.

14.08.020 Notice to Nearby Entities of Pre-development Activity

- A. As used in this section, "pre-development activity" means a public hearing concerning or consideration by the county planning commission or the board of county commissioners of:
 - 1. a proposed change in zoning designation;
 - 2. a preliminary or final plat describing a multiple-unit residential development or a commercial or industrial development; or
 - 3. a proposed modification of the county's general plan whereby the vehicular capacity of a county road is proposed to be increased.
- B. The planning commission or legislative body, as the case may be, shall provide notice of pre-development activity occurring in the unincorporated county to the legislative body of:
 - 1. each municipality whose boundaries are within ½ mile of the property that is the subject of the pre-development activity; and
 - 2. that has unincorporated territory within one mile of the property that is the subject of the pre-development activity.
- C. The notice required by **Subsection 14.08.020 (B)** shall be provided at least seven days before the pre-development activity occurs.
- D. The county planning commission or board of county commissioners meets the notice requirements of **Subsection 14.08.020 (B)** by mailing to each appropriate legislative body, at

least seven days before the pre-development activity occurs, a copy of the planning commission or board of county commissioners meeting agenda that contains information sufficient to enable a reasonable reader to understand that pre-development activity is expected to occur in the county and the location of the property that is the subject of the pre-development activity.

E. If notice given under this section is not challenged under **Section 14.90.100** within 30 days after the action for which notice is given, the notice is considered adequate and proper.

F. Challenges under this section shall follow procedures outlined in **Chapter 14.90**.

(Utah Code Annotated Section 17-27-103.5)

14.08.030 Public Hearings Required Before Amending - Notice

Amendments to this title may be adopted only after a public hearing in relation thereto before the board of county commissioners in which parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be posted at least three (3) public places within the Northern and at least three (3) public places within the Southern / Central areas of the County published in a newspaper of general circulation with the county at least fourteen (14) days before the date of the hearing.

14.08.040 Permits, Licenses - County Official Compliance

All departments, officials and employees of Sanpete County which are vested with the duty or authority to issue permits and licenses shall conform to the provisions of this title and shall issue no permit or license for use, building or purpose where the same would be in conflict with the provisions of this title. Any such permit, or license, if issued in conflict with the provisions of this title, shall be null and void.

14.08.050 Permits, Licenses - Citizen Compliance

A building permit shall be required for any and all improvements to real property, including but not limited to construction, reconstruction, repair, remodeling, alteration or addition to existing improvements. All Building Permit applications submitted to the County Building Department shall be reviewed in accordance with the most current International Building Code in effect and subsequent amendments thereto. Additionally, all building permit applications shall be reviewed for compliance with the requirements of this Land Use Ordinance. A building permit application may be approved only if the contents of that application meet the standards of the most current International Building Code in effect, and subsequent amendments thereto, and also, only if the contents of that application meet the standards of this Land Use Ordinance and related county ordinances.

14.08.060 Temporary Regulations

The Sanpete County Commission may, with or without a recommendation of the Planning Commission and without a public hearing, establish temporary zoning regulations for any part or all of the area within Sanpete County if the Commission first makes a finding of compelling, countervailing public interest.

14.08.070 Effect and Duration of Temporary Regulations

Temporary zoning regulations, may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure, or subdivision approval. The Sanpete County Commission shall establish a period of limited effect for said temporary action(s) not to exceed six months.

Chapter 14.12 DEFINITIONS

Sections:

14.12.010 Generally
14.12.020 Definitions

14.12.010 Generally

For the purpose of this title, certain words and terms are hereby defined. Words used in the present tense shall include the future and the future shall include the present; words in the singular number include the plural and the plural number include the singular; the word "lot" includes the words "plot", "tract", or "parcel"; the word "building" includes the word "structure"; the word "erected" means constructed, altered, moved or repaired; the words "shall" and "must" are always mandatory; the word "district" is synonymous with the word "zone". All words not herein defined shall be construed as defined in the statutory and common law of the State of Utah. If not defined therein, then as defined in accordance with the Webster's Unabridged Dictionary.

14.12.020 Definitions (See Appendix B)

Chapter 14.16 PLANNING COMMISSION

Sections:

14.16.010	Created - Appointment - Terms
14.16.020	Vacancies - Removal
14.16.030	Chairman - Rules - Technical Advice
14.16.040	Powers - Duties
14.16.050	Office of Zoning Administrator Created
14.16.060	General Plan - Method of Adopting
14.16.070	General Plan - Method of Amending and Re-Zoning
14.16.080	General plan - Effect on Public Uses
14.16.090	Land Use Ordinance Preparation

14.16.010 Created - Appointment - Terms

There is created an unpaid commission of seven members, to be known as the county planning commission. Each of the seven members of the commission shall be a resident of the county. The term of appointed members of the commission shall be three years and until their respective successors have been appointed; provided, that the terms of the members appointed shall be such that the terms of two members shall expire each year. The members of the commission shall serve as such without compensation, except that the board of county commissioners shall provide for reimbursement of the members of the commission for actual expenses incurred, upon presentation of proper receipts and vouchers.

14.16.020 Vacancies - Removal

If a vacancy occurs the board of county commissioners shall fill vacancies in accordance with **Section 14.16.010**. For the removal of a member for nonperformance of duty or misconduct a majority vote by the board of county commissioners shall be required.

14.16.030 Chairman - Rules - Technical Advice

The county planning commission shall elect from its members, a chairman, whose term shall be for one year and the commission may create and fill such other offices as it may determine. The commission shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable, and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times. The county planning commission is directed to make use of the expert advice and information which may be furnished by appropriate federal, state, county and municipal officials, departments and agencies.

14.16.040 Powers - Duties

The planning commission shall have the following powers and duties:

- A. prepare and recommend a general plan and amendments to the general plan to the board of county commissioners as provided in this title;
- B. recommend Land Use Ordinances and maps, and amendments to Land Use Ordinances and maps, to the board of county commissioners as provided in this title;
- C. administer provisions of this title;

- D. recommend subdivision regulations and amendments to those regulations to the board of county commissioners as provided in this title;
- E. recommend approval or denial of subdivision applications as provided in this title;
- F. advise the board of county commissioners on matters as the board of county commissioners directs;
- G. hear or decide any matters that the board of county commissioners designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits;
- H. exercise any other powers delegated to it by the board of county commissioners; and
- I. exercise any other powers that are necessary to enable it to perform its functions.

14.16.050 Office of Zoning Administrator Created.

There is created the office of zoning administrator within Sanpete County, Utah. The board of county commissioners shall fill the office of zoning administrator and shall appoint a zoning administrator and such other officers as may be deemed necessary to administer and enforce the provisions of this title.

14.16.060 General Plan - Method of Adopting.

- A. Following completion on all or part of the general plan for the county the planning commission shall hold a public hearing providing proper notice at least fourteen (14) days in advance of the hearing. The planning commission may then make changes and forward it to the board of county commissioners. The board of county commissioners shall then provide reasonable notice of at least fourteen (14) days for a public hearing on the proposed general plan.
- B. Following the public hearing the board of county commissioners may:
 - 1. Adopt the proposed general plan; or
 - 2. Amend the general plan and adopt or reject the general plan as amended; or
 - 3. Reject the proposed general plan.

14.16.070 General plan - Method of Amending and Re-Zoning

- A. The county planning commission may recommend amendment(s) to the plan. The planning commission shall then hold a public hearing providing notice at least fourteen (14) days in advance of the hearing on the proposed amendment(s) to the general plan. The amended plan will then be sent to the board of county commissioners who then shall provide notice at least fourteen (14) days in advance of the hearing on the proposed amendment(s) to the general plan.
- B. Following the public hearing the board of county commissioners may:
 - 1. Adopt the proposed amendments to the general plan; or
 - 2. Amend the proposed general plan and adopt or reject the general plan as amended; or
 - 3. Reject the proposed general plan.

14.16.080 General Plan - Effect on public uses.

No street, park, or public right of way, ground, place, or space, no publicly owned building or structure, no public utility, whether publicly or privately owned, may be constructed unless it conforms with the general plan or it has been considered by the planning commission, and after receiving the advice of the planning commission and approval by the board of county commissioners for an amendment(s) to the general plan.

14.16.090 Land Use Ordinance preparation.

- A. The planning commission shall prepare and recommend a Land Use Ordinance and maps to the county commission for zoning all or part of the county.
- B. The county commission shall then hold a public hearing on the proposed Land Use Ordinance and maps after reasonable notice of at least fourteen (14) days.
- C. Following the public hearing the board of county commissioners may:
 - 1. Adopt the proposed Land Use Ordinance; or
 - 2. Amend the Land Use Ordinance and adopt or reject the Land Use Ordinance as amended; or
 - 3. Reject the proposed Land Use Ordinance.

Chapter 14.20 BOARD OF ADJUSTMENT

Sections:

14.20.010	Created - Regulations - Meetings
14.20.020	Organization - Procedure
14.20.030	Appeals - Powers of Board
14.20.040	Routine and Uncontested Matters
14.20.050	Variances
14.20.060	Appeal Form
14.20.070	Notice of Hearing
14.20.080	Decision
14.20.090	Authority Limited
14.20.100	Failure to Comply with Conditions a Violation
14.20.110	Appeal

14.20.010 Created - Regulations - Meetings

- A. There is created a board of adjustment of five members, to be known as the county board of adjustment. Each of the five members of the board shall be a resident of the county. Not more than half of the members of such board of adjustment shall at any time be members of the planning commission. The members of the board of adjustment shall serve as such without compensation, except that the board of county commissioners shall provide for reimbursement of the members of the board of adjustment for actual expenses incurred, upon presentation of proper receipts and vouchers. Terms for the members of such board of adjustment, which terms shall be of such length and so arranged that the term of at least one member will expire each year. Any member of the board of adjustment may be removed for cause by the board of county commissioners upon written charges and after a public hearing.
- B. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments. The board of county commissioners may appoint alternate members of such board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the board or any other cause, there place may be taken during such temporary disability by an alternate member designated for the purpose.
- C. Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of

the board of adjustment 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 actions, all of which shall be immediately filed in the office of the board of adjustment and shall be a public record.

14.20.020 Organization - Procedure

The board of adjustment shall organize and elect a chairman and adopt rules in accordance with the provisions of this title. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public, and 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 official actions, all of which shall be filed immediately in the office of the board and shall be a public record. In each appeal, the board shall qualify itself as to authority to act upon the matter and shall cite in the record the particular section or subsection of the zoning resolution from which such authority is derived. The board shall not act upon matters not specifically delegated to it.

14.20.030 Appeals - Powers of Board

- A. Appeals to the board of adjustment may be taken by:
 - 1. an applicant or any other person or entity adversely affected by a decision administering or interpreting the Land Use Ordinance may appeal that decision applying the Land Use Ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the Land Use Ordinance.
 - 2. Any officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning resolution.
- Such appeal shall be made within forty-five (45) days from the decision being appealed.
- B. Upon appeals the board of adjustment shall have the following powers to hear and decide:
 - 1. Allegations by the appellant that there is error in any order, requirement, decision or refusal made by administrative official or agency based on or made in the enforcement of the Land Use Ordinance.
 - 2. Variances from the terms of the Land Use Ordinance;
 - 3. An interpretation of the Zoning map.

14.20.040 Routine and Uncontested Matters

Routine and uncontested matters may be decided by the zoning administrator. The zoning administrator's decision may be appealed before the board of adjustment by the process outlined in **Section 14.20.030**. The board shall not hear and decide any special exceptions or Conditional Use Permits, and may not consider any amendments to the Sanpete County Land Use Ordinance.

14.20.050 Variances

- A. Any person or entity desiring a waiver or modification of the requirements of the Land Use Ordinance as applied to a parcel of property that they own, lease, or in which they hold some

other beneficial interest may apply to the board of adjustment for a variance from the terms of the Land Use Ordinance.

- B. The board of adjustment may grant a variance only if:
 - 1. literal enforcement of the Land Use Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Ordinance;
 - 2. there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - 3. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - 4. the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - 5. the spirit of the Land Use Ordinance is observed and substantial justice done.
- C. In determining whether or not enforcement of the Land Use Ordinance would cause unreasonable hardship under **Subsection 14.20.050 (B)(1)**, the board of adjustment may not find an unreasonable hardship unless the alleged hardship:
 - 1. is located on or associated with the property for which the variance is sought;
 - 2. comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and
- D. In determining whether or not enforcement of the Land Use Ordinance would cause unreasonable hardship under **Subsection 14.20.050 (B)(1)**, the board of adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
- E. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- F. Variances run with the land, not with the land owner.
- G. The board of adjustment and any other body may not grant use variances.
- H. In granting a variance, the board of adjustment may impose additional requirements on the applicant that will:
 - 1. mitigate any harmful affects of the variance; or
 - 2. serve the purpose of the standard or requirement that is waived or modified.

14.20.070 Notice of Hearing

The board of adjustment shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof to the adjoining property owners by mail at least fourteen (14) days prior to the date of hearing.

14.20.080 Decision

The concurring vote of four members of the five-member board, shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant. In the exercise of its duties and powers as herein set forth, the board of adjustment may reverse or affirm wholly or partly, or may modify the requirements or decisions of the zoning administrator and may make such determination or requirement as ought to be made.

The board may attach reasonable conditions or requirements which the petitioner must comply with as a condition of the grant or approval and may attach a time limit on the exercise or lack of exercise of a grant.

14.20.090 Authority Limited

It shall not be the function of the board of adjustment to correct what it may consider to be an unwise requirement in the Land Use Ordinance or to substitute its judgment in place of that of the board of county commissioners as to what is good or poor zoning. The board of adjustment may grant only those variances mentioned in this title. Nevertheless, it shall be the duty of the board to recommend appropriate modification or amendments to the zoning resolution to the planning commission when in its opinion such modification or amendment would more fully promote the objectives and purposes of this title.

14.20.100 Failure to Comply with Conditions a Violation

Failure to comply with the conditions and regulations as herein established, shall be cause for termination of the approval thereof and shall be deemed to be a violation of this title.

14.20.110 Appeal

Any person aggrieved by any decision of the board of adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, that petition for such relief is presented to the court within forty-five (45) days after the filing of such decision in the office of the board of adjustment

Chapter 14.24
ZONING DISTRICTS ESTABLISHED

Sections:

14.24.010	Zones Designated
14.24.020	Map
14.24.030	Regulations
14.24.040	Boundaries of Zones

14.24.010 Zones Designated

In order to accomplish more fully the objectives and purposes of this title, Sanpete County is divided into zones as follows:

A	Agricultural Zone	PF	Public Facilities Zone
RA-1	Residential-Agricultural Zone	BC	Business / Commercial Zone
RA-2	Residential-Agricultural Zone	SL	Sensitive Lands Zone
IN	Industrial Zone	PUD	Planned Unit Development Overlay Zone

14.24.020 Map

The location and boundaries of each of the zones are shown on the official zone map of Sanpete County, Utah, and said map with all boundaries, notations and other data shown thereon is declared to be an official record and is as much a part of this title as if fully described herein.

14.24.030 Regulations

Within each of the zones, the use, location, height and size of buildings and structures, the percentage of the lot which may be occupied, the use of the land, maintenance of premises, and size of lots, yards, courts and other open spaces are regulated as set forth in this title. The Sanpete County Commission shall defer proposed land uses located within 1 mile of an incorporated municipality to that municipality. This policy applies to all Zones within the county and to all land use proposals. It shall be the responsibility of any developer to have the appropriate municipality fill out the "Municipal Annexation / Service Request Form" in order to proceed in the development process. All expenses incurred to develop any land within Sanpete County shall be paid by the developer. Any expense incurred to fully understand, study, examine, or to receive technical information required by any impacts of any development within Sanpete County shall be paid by the developer.

14.24.040 Boundaries of Zones

Where uncertainty exists with respect to the boundaries of zones the following rules shall apply:

1. Where the indicated boundaries of the zone map are approximately street or land survey lines, said street or land survey lines shall be construed to be the zone boundaries.
2. Where the indicated boundaries are approximately canal, natural streams or watercourses, the center of said canal, natural streams or watercourses shall be construed to be the zone boundaries.
3. In the absence of any street, land survey, natural stream or watercourse as forming the boundaries of any zone, the scale of measurement shown of the map shall be used to determine the zone boundary line.
4. Where uncertainty exists, the board of adjustment shall interpret the map.

Chapter 14.28

A Agricultural Zone

Sections:

- 14.28.010 Purpose**
14.28.020 Table of Standards

14.28.010 Purpose

The A Agricultural Zone has been established as a district in which the primary use of land is for agricultural and livestock-raising purposes. In the A Zone Agricultural, lands should be left fundamentally intact, remain in agricultural production and continue to provide the open space which is vital to the human environment. This zone is characterized by farms and ranches devoted to the production of food, fiber and animal products.

14.28.020 Table of Standards

A Standards	Requirements	Reference
Density (See example below)	5 Acre (1 unit per/ 5 acre)	Section 14.76.040
Percent Built Area (PBA)	25 %	Section 14.76.050
Minimum Lot Size	1 Acre	
Setbacks Front Side Rear	66' from center of the road or 30' from the property line; whichever is greater. 10' 10'	Also Section 14.76.240 & Section 14.76.250
Frontage	200'	
Maximum Height** (Non-Ag related structures)	Basement covered on 2 sides & 2 Stories	Appendix B
Animal Units	No restrictions	Appendix B
Height of solid fences or other solid structures within front setback*	3' maximum height	Appendix B
Permitted/Conditional Uses	(See Land Use Matrix)	Appendix A

* **Note:** This applies to areas associated with the platted lot of a residential unit that has been approved and does not apply to areas where a greenbelt application and other agricultural related activities.

** **Note:** Roofs above the square of the building, chimneys, flagpoles, and church towers are excluded in determining height.

*** **Note:** Any parcel recorded before October 6, 1981 and, for development purposes, meets each of the development conditions specified within this code, may be used for residential purposes.

**** Additional Standards (See **Chapter 14.76**)

Example: 40 Acres {Density - (40/5 = 8) 8 building lots}{PBA - (40 X 25% = 10) or 10 Acres}

This means you may develop a maximum of 8 building lots on no more than 25% of 40 Acres (10 Acres).

Chapter 14.30
RA 1 Residential-Agricultural Zone

Sections:

- 14.30.010 Purpose**
14.30.020 Table of Standards

14.30.010 Purpose

The objective in establishing the RA Residential-Agricultural Zone is to insure the orderly and timely conversion of certain open land areas within the county into residential districts as the need for such land occurs. The RA Residential-Agricultural Zone has, therefore, been established as a district in which the primary use of land is for dwelling purposes.

14.30.020 Table of Standards

RA Standards	Requirements	Reference
Density (See example below)	½ Acre (1 unit per/ ½ acre)	Section 14.76.040
Percent Built Area (PBA)	100%	Section 14.76.050
Minimum Lot Size	½ acre	
Setbacks Front Side Rear	66' from center of the road or 30' from property line; whichever is greater. 10' 10'	Also Section 14.76.240 & Section 14.76.250
Frontage	100'	
Maximum Height** (Non-Ag related structures)	Basement covered on 2 sides & 2 Stories	Appendix B
Animal Units*	4/Acre	Appendix B
Off-street Parking	Two vehicles per lot (See parking standards)	Appendix B
Height of solid fences or other solid structures within front setback*	3' maximum height	
Permitted/Conditional Uses	(See Land Use Matrix)	Appendix A

* **Note:** This applies to areas associated with the platted lot of a residential unit that has been approved and does not apply to areas where a greenbelt application and other agricultural related activities.

** **Note:** Roofs above the square of the building, chimneys, flagpoles, and church towers are excluded in determining height.

*** **Note:** Any parcel recorded before October 6, 1981 and, for development purposes, meets each of the development conditions specified within this code, may be used for residential purposes.

***Additional Standards (See **Chapter 14.76**)

Chapter 14.40
RA 2 Residential-Agricultural Zone

Sections:

14.40.010 Purpose
14.40.020 Table of Standards

14.40.010 Purpose

The objective in establishing the RA Residential-Agricultural Zone is to insure the orderly and timely conversion of certain open land areas within the county into residential districts as the need for such land occurs. The RA Residential-Agricultural Zone has, therefore, been established as a district in which the primary use of land is for dwelling purposes.

14.40.020 Table of Standards

RA Standards	Requirements	Reference
Density (See example below)	1 Acre (1 unit per/ 1 acre)	Section 14.76.040
Percent Built Area (PBA)	100%	Section 14.76.050
Minimum Lot Size	1 acre	
Setbacks Front Side Rear	66' from center of the road or 30' from the property line, whichever is greater. 10' 10'	Also Section 14.76.240 & Section 14.76.250
Frontage	100'	
Maximum Height** (Non-Ag related structures)	Basement covered on 2 sides & 2 Stories	Appendix B
Animal Units*	4/Acre	Appendix B
Off-street Parking	Two vehicles per lot (See parking standards)	Appendix B
Height of solid fences or other solid structures within front setback*	3' maximum height	
Permitted/Conditional Uses	(See Land Use Matrix)	Appendix A

* **Note:** This applies to areas associated with the platted lot of a residential unit that has been approved and does not apply to areas where a greenbelt application and other agricultural related activities.

** **Note:** Roofs above the square of the building, chimneys, flagpoles, and church towers are excluded in determining height.

*** **Note:** Any parcel recorded before October 6, 1981 and, for development purposes, meets each of the development conditions specified within this code, may be used for residential purposes.

***Additional Standards (See **Chapter 14.76**)

Chapter 14.44 SL Sensitive Lands Zone

Sections:

14.44.010	Purpose
14.44.020	Table of Standards

14.44.010 Purpose

The sensitive lands zone has been established to protect and to regulate existing or proposed uses of environmentally sensitive lands within Sanpete County. In general this zone covers the open portion of the county which is occupied largely by grazing land, mountains, and canyons.

14.44.020 Table of standards.

SL Standards	Requirements	Reference
Density (See example below)	40 Acre (1 unit per/40 acres)	Section 14.76.040
Percent Built Area (PBA)	25%	Section 14.76.050
Lot Minimum	5 Acre	
Setbacks Front Side Rear	66' from center of the road or 30' from the property line; whichever is greater. 30' 30'	Also Section 14.76.240 & Section 14.76.250
Frontage	200'	
Maximum Height	None	
Animal Units	No restrictions	Appendix B
Height of solid fences or other solid structures within front setback*	3' maximum height	Appendix B
Permitted/Conditional Uses	(See Land Use Matrix)	Appendix A

* **Note:** This applies to areas associated with the platted lot of a residential unit that has been approved and does not apply to areas where a greenbelt application and other agricultural related activities.

****Note: Any parcel recorded before October 6, 1981 and, for development purposes, meets each of the development conditions specified within this code, may be used for residential purposes.**

Additional Standards (See **Chapter 14.76**)

Example: 50 Acres {Density - $(50/40 = 1)$ 1 building lot}{PBA - $(50 \times 25\% = 12.5)$ or 12.5 Acres}

This means you may develop a maximum of 1 building lot on no more than 25% of 50 Acres (12.5 Acres)

Chapter 14.48 PF Public Facilities Zone

Sections:

14.48.010	Purpose
14.48.020	Table of Standards

14.48.010 Purpose

This zone provides recognition of and provision for the location and establishment of land uses and structures that are maintained in either public or quasi-public ownership, that are used for public, religious, social, or fraternal purposes; and which may utilize relatively large areas of land.

14.48.020 Table of Standards

PF Standards	Requirements	Reference
Density (See example below)	5 Acre (1 unit per/5 acres)	Section 14.76.040
Percent Built Area (PBA)	25%	Section 14.76.050
Lot Minimum	1 Acre	
Setbacks Front Side Rear	66' from center of the road or 30' from the property line; whichever is greater. 10' 10'	Also Section 14.76.240 & Section 14.76.250
Frontage	200'	
Maximum Height	None	
Animal Units	As approved by the Planning Commission	Appendix B
Height of solid fences or other solid structures within front setback*	3' maximum height	Appendix B
Permitted/Conditional Uses	(See Land Use Matrix)	Appendix A

* **Note:** This applies to areas associated with the platted lot of a residential unit that has been approved and does not apply to areas where a greenbelt application and other agricultural related activities.

** **Note:** Any parcel recorded before October 6, 1981 and, for development purposes, meets each of the development conditions specified within this code, may be used for residential purposes.

Additional Standards (See **Chapter 14.76**)

Example: 50 Acres {Density - (50/20 = 2) 2 building lots}{PBA - (50 X 25% = 12.5) or 12.5 Acres}

This means you may develop a maximum of 2 building lots on no more than 25% of 50 Acres (12.5 Acres).

Chapter 14.50 BC Business / Commercial Zone

Sections:

14.50.010	Purpose
14.50.020	Table of Standards

14.50.010 Purpose

The BC business / commercial zone has been established to provide land within Sanpete County that may be uniquely located to accommodate business and commercial uses. Generally, Sanpete County prefers that such uses are located within established municipalities where infrastructure and required services are available.

14.50.020 Table of Standards

BC Standards	Requirements	Reference
Density (See example below)	1 Acre (or as approved by Planning Commission)	Section 14.76.040
Percent Built Area (PBA)	50%	Section 14.76.050
Lot Minimum	½ Acre	
Setbacks Front Rear Side	75' 30' As per IBC Fire Code	Also Section 14.76.240 & Section 14.76.250
Frontage	200'	
Maximum Height	As per IBC Fire Code	
Animal Units	Personal food production or as approved by Planning Commission	Appendix B
Height of solid fences or other solid structures within front setback*	3' maximum height	Appendix B
Permitted/Conditional Uses	(See Land Use Matrix)	Appendix A

* **Note:** This applies to areas associated with the platted lot of a residential unit that has been approved and does not apply to areas where a greenbelt application and other agricultural related activities.

** **Note:** Any parcel recorded before October 6, 1981 and, for development purposes, meets each of the development conditions specified within this code, may be used for residential purposes.

Additional Standards (See **Chapter 14.76**)

Example: 50 Acres {Density - (50/5 = 10) 10 building lots}{PBA - (50 X 25% = 12.5) or 12.5 Acres}

This means you may develop a maximum of 10 building lots on no more than 25% of 50 Acres (12.5 Acres).

Chapter 14.51 IN - Industrial Zone

Sections:

14.51.010 Purpose

14.51.020 Table of Standards

14.51.010 Purpose

The IN - Industrial zone has been established to provide land within Sanpete County that may be uniquely located to accommodate industrial uses. Generally Sanpete County prefers that such uses are located within close proximity of established municipalities where infrastructure and required services are available.

14.51.020 Table of Standards

<u>IN - Standards</u>	<u>Requirements</u>
Area	10 Acres Minimum and/or meeting the requirements of this section; Special Provisions: K. standards, the minimum acreage is reduced to 3 acres when the property is located within a municipalities RA Zones (Buffer Zone).
Density *	1 acre minimum lots
Public access Frontage and Road Width	<p>No access to the public road from a drive way. Two entrances with a 50' minimum setback, a required 60' wide frontage and/or connecting road through proposed development, with allocated space in the set back to allow for future expansion of the public road.</p> <p>An exception may be allowed to have only a single entrance if the frontage on the public road is less than 1000 feet. In this case the road must have a loop allowing large trucks and emergency vehicles to enter and leave the development without having to back up to turn around.</p> <p>The road width within a single lot development may be reduced to 30' with a 50' or greater width entrance. The egress in and out from the public road and to and from the business shall be evaluated and designed as per the type of proposed business use by a licensed professional engineer qualified by education, training and experience to practice highway engineering.</p>
State Highway setbacks	50' from highway right of way for all structures. Containment fences or walls for materials, solid waste for storage, salvage, junk or unsightly business operations shall be set back far enough to provide a landscape buffer zone between the highway right of way and the fence or wall. The sight obscuring fence or wall shall be high enough so that the unsightly view can't be seen from six (6) feet above the

	roadway along the frontage of the development and a distance of 1000 feet beyond.
Setbacks Front & Rear Side	30' perimeter on all sides, and as per International Building Code and the International Fire Code separation for all set backs.
Maximum Height of structures	As per International Building Code and International Fire Code
Height of solid fences or other solid structures within front setback	As per all UDOT and Sanpete County safety codes and regulations.
Permitted/Conditional Uses	(See Land Use Matrix) <i>Appendix A</i>

***All divisions of property require a subdivision process meeting the Sanpete County Subdivision Ordinance requirements.**

PERMITTED USES:

Uses solely permitted in the Industrial Zone are as follows:

All uses listed in the Land Use Ordinance; Land Use Matrix as permitted or requiring conditional use permit in the IN – Industrial Zone.

Sexually oriented businesses as defined in section 14.76.290 as Adult Uses.

- A.** Sexually oriented businesses, which are classified as follows: Adult Arcades; Adult Bookstores, Adult Novelty Stores, Adult Video Stores; Adult Cabarets; Adult Motels; Adult Motion Picture Theaters; Adult Theaters; Escort Agencies; Semi-nude Model Studios; and all Sexual Encounter Establishments, as such uses are defined subject to the definitions, requirements and provisions, including location requirements and subject to the following location and distance requirements:
- B.** No sexually oriented business shall operate or be established within 1000 feet of any of the following:
 - 1 churches, synagogues, mosques, temples, or other buildings used primarily for religious worship and activities;
 - 2. public or private educational facilities including child day-care facilities, pre-schools, elementary schools, intermediate schools, and high schools, including school grounds and athletic facilities which are used primarily in connection with school-related activities;
 - 3. public recreation areas or facilities including but not limited to parks, playgrounds, picnic areas, athletic fields or courts, libraries, public trail systems, community centers, and other analogous facilities;
 - 4. privately owned amusement parks or recreation facilities.
- C.** No sexually oriented business shall operate or be established within 1000 feet of a boundary of a zoning district which allows residential use as a permitted use.
- D.** No sexually oriented business shall be located within 1000 feet of any other sexually oriented business.

Site Plan Review and Approval:

A. Scope:

An applicant for a building permit in the IN- Industrial Zone shall submit a site plan to the Zoning Administrator and/or the Planning Commission with the contents listed below. The Zoning Administrator shall review the plan and shall approve a building permit thereto only if the standards of this and the other sections of the ordinance are met. Plans must meet the requirements of **14.76: General Minimum Developments Standards** and the following;

Exception: The Zoning Administrator may reduce certain requirements of the site plan review for existing industrial facilities and sites that are amending existing approved site plans.

B. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show:

1. Building locations and use of all existing and proposed structures on the subject lot or parcel.
2. The location of existing and proposed utilities including, but not limited to, culinary water and fire hydrants; irrigation canals, pipelines and service connections; natural gas pipelines and service connections; electric power lines and service connections; site lighting; telephone, fiber optic, broadband, cable TV and other communication lines; sanitary sewer lines, septic tanks, drain fields and connections, site drainage details including storm drain pipelines, catch basins and detention/retention basins; any other existing or proposed utilities or services.
3. The boundaries of all recorded easements located on the subject lot or parcel, or required off the lot or parcel to service the lot or parcel. The recording data for the easement shall be shown on the plan and copies of the recorded easement submitted with the site plan.
4. The location, names and boundaries of all public and private streets and required street improvements, access points, loading areas, yard setbacks, ingress and egress drives, and parking areas. The location and boundaries of easements required to implement the plan.
5. The location and cross sectional drawing of proposed walls and fences. For sight obscuring walls and fences the plan shall describe the type of fence and give sufficient details to determine the aesthetic look of the wall or fence.
6. A landscape plan or details of existing or proposed landscaping for the site.
7. The names, mailing addresses, email addresses, and phone numbers of the owner of the lot or parcel to be built on (subject lot), the developer of the project, and the architect/engineer or other designers.
8. An identification of any areas where the subject lot has been graded by past cuts of fills; also contour lines, if the land has more than a five percent (5%) slope, and a grading plan if cuts or fills will be undertaken to prepare the site, and such other improvements as may be required relating to the specific use proposed.
9. An identification of any contaminated and unstable soils, fill material types, fault lines or other natural hazards affecting the subject property. Designation of major drainage ways and flood prone areas including but not limited to 100 year flood plain mapping.
10. The location and identification of each use of land and each building adjacent to the boundaries of the subject lot or parcel.
11. The property boundary lines, legal description and dimensions of the subject lot or parcel; the property lines of all adjoining lots or parcels (but only extending for a distance of three hundred feet away from the boundaries of the subject lot or parcel; and an identification on each lot or parcel of the name and address of the property owner. This requirement may be met if the required data is shown on a copy of a Record of Survey map if such map is on file with the county surveyors office or a subdivision plat has been recorded since the counties land use ordinances have been in effect. If the lot or parcel is not a lot of a recorded subdivision nor has a Record of Survey been filed then a land survey depicting the required data

is required and a Record of Survey must be filed with the county surveyors office. An unaltered copy obtained from the Records office of the Subdivision Plat or Record of Survey will be included with the site plan set to verify the data required to be derived from it.

12. Design of phased plan if applicable with time table for completion.
13. North point and scale. Multiple sheets should be used as required to keep the site plan set uncluttered and easy to read. Text shouldn't be so small that it is hard to read. The use of legends and tables is recommended for organization and clarity.
14. Both paper and digital (PDF) copies of the site plans shall be submitted. The approved plan with signatures shall be scanned in color and a digital (PDF) file delivered to the Zoning Administrator.

C. Pre site inspection and approval:

A pre development site inspection and approval is required (with applicable fee, as per standards of building department inspection fees) before final approval and any permits are issued; as pertaining to the lots removal of all junk, garbage, and waste.

D. Limitation:

Review and approval of final site plan from Zoning Administrator and/or Planning Commission shall precede the issuance of any building permit for structures, site improvements or utility system installations. Upon approval of the final site plan by the Zoning Administrator and/or Planning Commission no buildings or uses of land other than those depicted and approved on such plan shall be permitted.

E. Supplementary Regulations:

Uses within this zone shall also comply with the applicable requirements set forth in the requirements and procedures applicable within all zones and all other provisions of this Land Use Ordinance and the Sanpete County Subdivision Ordinance.

F. Acquire State & Federal Permits:

Addressing drainage design, Wetlands mitigation, Floodwater control and All Enviromental impacts.

Special Provisions:

- A. Sexually Oriented Businesses:** "Sexually oriented businesses", as defined in section 14.76.290 of this code, shall comply with all site, building and lighting requirements set forth in this code. In the case of conflict, the most stringent requirements shall prevail.
- B. Areas of Operation and Storage of Materials and Merchandise:** Areas of operation and all storage of materials and merchandise shall be in an enclosed building or within an enclosure surrounded by a safety fence or wall of not less than six feet (6') in height.
- C. Junk:** Storage of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall.
- D. Sight Obscuring Fences or Walls:** Sight obscuring fences or walls shall be of a type that is acceptable to the Planning Commission. The purpose of the fence or wall is safety and to keep things out of sight. Landscaping in front of the wall to improve the look should be considered and is recommended. Maintenance of a pleasing look is required.

- E. Solid Waste Storage Facilities:** Solid waste storage facilities shall be located at the rear of the main building or behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
- F. Parking:** Parking shall be as required by applicable requirements of this title or business occupancy use or an addendum thereto.
- G. Lighting:** Lighting shall be as required by this chapter or other applicable requirements of this title or the businesses use.
- H. Utilities:** All developments shall be served by a source of culinary water and quantity as per State Water Rights requirements for the occupancy. Sewer or septic tank as may be approved by the Sanpete County Public Health Department and Electrical power from a power company whose area of service covers the proposed business site location and a letter from each such company along with the site plan required in this chapter.
- I. Fire Protection:** Adequate water for fire protection as required by the International Building Code and the International Fire Code for the occupancy type and the Sanpete County subdivision ordinance. Where Municipalities are involved in providing these services, a letter shall be submitted from each such company along with the site plan required in this chapter.
- J. Hours of Operation:** The planning commission may establish hours of operation in order to eliminate excess noise, lighting or other nuisances.
- K. When the IN - Industrial Zone is to be located within a municipalities RA Zones (Buffer Zone):** the standards, setbacks and other site plan modifications of this chapter may be modified and implemented according the municipalities zoning regulations and standards only if the municipality WILL extend required Utilities and Services provided by the municipality inside its boundary to the proposed Industrial Zone.
- Each municipality wanting to implement this provision shall provide to Sanpete County the modifications desired to meet the county's ordinances. The Sanpete County Planning Commission shall then consider the modifications. After the Sanpete County Planning Commission and the municipality have come to a mutual understanding to the modifications and the Utilities and Services to be extended to the Industrial Zone developments in the municipalities RA Zones (Buffer Zone), the Planning Commission may then approve the modifications and recommend to the Sanpete County Commission that the modifications be included in this chapter (Ordinances Amended).

As each municipality's modifications are approved they shall be placed in the section below:

Industrial Zone modifications for each Sanpete County Municipality:

Centerfield: No modifications approved.	Ephraim: No modifications approved.
Fairview: No modifications approved.	Fayette: No modifications approved.
Fountain Green: No modifications approved.	Gunnison: No modifications approved.
Manti: No modifications approved.	Mayfield: No modifications approved.
Moroni: No modifications approved.	Mount Pleasant: RA Zones (Buffer Zone)
Spring City: No modifications approved.	Sterling: No modifications approved.
Wales: No RA Zones (Buffer Zone)	

Chapter 14.52

PUD Planned Unit Development Overlay Zone

Sections:

14.52.010	Purpose
14.52.020	General Requirements
14.52.030	PUD Review Process
14.52.040	Commercial and Industrial PUD Requirements
14.52.050	Criteria for PUD Approval

14.52.010 Purpose

The PUD Planned Unit Development Overlay zone is available for one or more land uses development. This overlay zone is to provide for flexible residential, commercial, and industrial uses of land in the county consistent with the Sanpete County General Plan.

14.52.020 General Requirements

All development opting for the PUD Overlay zone shall be at least ten (10) acres in size and required to go through the PUD review process outlined in Section 14.52.030. All minimum requirements shall remain as stated in underlying zone except for specific exceptions set forth by the PUD review process and all land uses are conditional upon approval in the PUD review process.

14.52.030 PUD Review Process

All of the following steps must be completed before final approval is given by the Board of County Commissioners.

A. Concept Review.

1. Three (3) copies of all documents required for concept review shall be submitted to the Zoning Administrator at least fourteen (14) days prior to placement on the agenda of the county planning commission. Documents required for concept review shall be:
 - a. Signed documentation of closest municipality showing the municipalities' rejection of an annexation request, and upon recommendation of the planning commission other municipalities may be required to reject annexation request before acceptance of the application. **(Appendix E)** Each city should give a letter regarding annexation, whether there is a denial or a refusal; and also a form approving that the home can be built on the proposed annexation in RA1 and RA2 zones, and the location of the home fits their grid system. Compliance with the cities general plan must be addressed. Is the city willing to provide any services? Does this comply with the cities transportation plan?
 - b. Sketch plan of the proposed development showing the entire area to be developed and entire area to be left in open space.
 - c. Geographic locational references such as but not limited to: section corners, surveyor markers, etc.
 - d. Name and address of subdivider, designer, engineer, and surveyor.
 - e. Statement of existing underlying zoning.

- f. Notation on the plan of proposed site uses including but not limited to; dwelling units, open space, recreation area, commercial area, industrial area, parking, etc.
 - g. The plan shall show general lot, street, park, and open space layouts.
 - h. h) Location and source of required utilities including but not limited to: power, water, and wastewater disposal as required by **Section 14.76.070**.
 - i. A thorough statement documenting and identifying the specific policies and policy recommendations in the General Plan (**Sanpete County General Plan**) that the proposed plan encompasses and to what degree the proposed plan will accomplish those specific policies and policy recommendations.
 - j. Any other criteria the planning commission deems necessary to fulfill the objectives of the General Plan and this title.
- 2. Approval shall be based on criteria outlined in **Section 14.52.050**.
 - 3. If denied concept review approval the applicant must reapply within 6 months of the date of denial without additional fees or your PUD application fee must be repaid.
- B. Preliminary Review.
- 1. If concept review approval is granted, the applicant shall then submit a PUD Overlay application prior to preliminary review. Ten (10) copies of the PUD application shall be submitted to the Zoning Administrator and all fees paid outlined in the fee schedule at least twenty-one (21) days prior to placement on the agenda of the next scheduled county planning commission. A public hearing shall then scheduled and noticed of the time and place of such hearing, and shall be posted at least three (3) public places and published in a newspaper of general circulation with the county at least fourteen (14) days before the date of the hearing. Included in this application shall be:
 - a. Engineered drawings including scaled dimensions of lot(s), street(s), park(s), storm water drainage, required utility easement(s), and open space layouts.
 - b. Approved location and source of required utilities including but not limited to: power, water, and wastewater disposal as required by **Section 14.76.070**.
 - c. Designation of major drainage ways and flood prone areas including but not limited to 100 year flood plain mapping.
 - d. Statement of maintenance proposals for common facilities.
 - e. Statement of approved access on all designated right of ways.
 - f. Time schedule for development.
 - g. Location and type of use designated for all areas in the PUD.
 - h. Proposed plan for ownership and maintenance of open areas.
 - i. A certified letter of notification sent by the applicant to all adjoining property owners stating what is proposed.
 - j. The applicant shall furnish the county with a performance bond or other acceptable surety approved by the County Attorney in order to cover any costs that may become necessary to complete necessary improvements in the PUD.
 - k. Any additional information required as a result of planning commission concept review.
 - l. Impact on emergency services, such as Police Protection and Fire Protection, should be evaluated and Impact fees assessed through contractual agreement with such services.
 - 2. Approval shall be based on criteria outlined in **Section 14.52.050** and compliance with requested changes in the concept review.

3. If preliminary approval is granted or granted with conditions the applicant shall then submit ten (10) copies of your application in final form twenty-one (21) days in advance of the county planning commission meeting.
 4. If denied preliminary approval the applicant shall have sixty (60) days from date of denial to resubmit without paying any further fees. If you do not resubmit within (60) days you will be required to reapply for concept review.
- C. Final Approval - Planning Commission.
1. Following preliminary approval or approval with conditions the applicant must submit all documents required in the preliminary review in final form for consideration fourteen (14) days prior to the next planning commission meeting.
 2. If the county planning commission recommends final approval, all documents shall be forwarded to the Board of County Commissioners for consideration.
 3. If recommendation for final approval is denied the applicant shall have 90 days to resubmit to the county planning commission without paying additional fees.
- D. Final Approval - Board of County Commissioners.
1. A public hearing following appropriate notice requirements shall be scheduled within forty-five (45) days of receipt of the recommendation by the county planning commission.
 2. If approval is granted, or granted with conditions the developer must begin construction of the development as soon as practicable. If reasonable progress is not being made at the expiration of two years after final approval of the Board of County Commissioners. The Board of County Commissioners may vacate the PUD development plan. Decision of the Board of County Commissioners is final.

14.52.040 Commercial and Industrial PUD Requirements

If all or part of the PUD is for commercial or industrial land uses the PUD shall comply with the following:

- A. Parking requirements for specific commercial or industrial development shall conform to the parking standards outlined in **Section 14.76.080**, and shall require lighting if the use deems necessary. All outside storage of materials, merchandise or equipment (except for vehicles in running order) shall be enclosed within a building or on a lot enclosed by a wall or fence of at least six (6) feet in height. Merchandise for immediate sale may be placed on display and need not be enclosed, but such merchandise must not be located within the required front yard.
- B. Vehicle entrances and exits onto any right of way shall be marked.
- C. Vehicle entrances and exits must comply with access management standards for the proposed use.
- D. Mixed use developments shall be required to buffer uses in a manner that is consistent with surrounding land use.
- E. All front, side, and rear setbacks are set at thirty (30) feet.

14.52.050 Criteria for PUD Approval

- A. All required documents submitted properly.
- B. Documentation of denial of the request by applicant for annexation to the municipality which is in the closest proximity to the development, and other municipalities the county planning commission may request prior to county consideration.

- C. Design of all buildings, land uses, street lighting, and outdoor equipment.
- D. Proposed signs in the development pursuant to Sanpete County Sign Code..
- E. All Streets shall conform to standards set in the Sanpete County Subdivision Ordinance and Sanpete County Code.
- F. All on-street and off-street parking shall conform with the parking standards required for each land use.
- G. Fiscal impact identifying costs of development versus revenue generated for all county services including but not limited:
 - 1. police protection;
 - 2. fire protection;
 - 3. roads;
 - 4. schools; and
 - 5. other services deemed necessary to fulfill the objectives of the General Plan and this title.
- H. Exceptions from density standards/percent built area/open space of the underlying districts are warranted by the design.
- I. Open space location shall be in areas adjacent or in connection with other areas identified for current use, future use, or developments.
- J. Compatibility with the County's General Plan as stated in the statement required in **Subsection 14.52.030 (A)(1)(I)**.
- K. No on-site improvements may be made prior to final approval.
- L. Developer shall provide for and establish an organization, or option approved by the planning commission which ensures the ownership and maintenance of open space, parks, utility system or other common facilities (hereafter "common facilities) contained within the PUD. Such organization shall not dissolve nor shall it dispose of any common facility by sale or otherwise unless to another such organization, without first offering to dedicate the same to the County. If the developer wishes to dedicate all or part of the common facilities consideration must be made in the fiscal impact requirement.
- M. Demand for and type of uses at the site.
- N. Effect upon, and from, surrounding land use.

Chapter 14.60 NONCONFORMING USES

Sections:

14.60.010	Nonconforming Uses
14.60.020	Repairs
14.60.030	Discontinuance
14.60.040	Reclassification
14.60.050	Nonconforming Lots of Record
14.60.060	Nonconforming Use Defined

14.60.010 Nonconforming Uses

A nonconforming use or structure may be continued within Sanpete County provided no structural alterations, additions, or enlargements are made thereto, no change in use occurs, and no structural alterations are made therein, except as may be allowed by **Section 14.20.050**.

14.60.020 Repairs

This Chapter provides for the restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions established by the Planning Commission and approved by the Sanpete County Commission.

14.60.030 Discontinuance

The nonconforming status of any building, structure, or land, whether publicly or privately owned, shall be terminated if said nonconforming use is discontinued for a continuous period of more than one year; or whenever the structure or property ceases to be used for permitted purposes; or if said use is determined to be unsafe or hazardous to the health and general welfare of residents, or the public in general, or to adjoining property owners; or if said structure is proposed to be changed to an alternative use that is not consistent with the Sanpete County General Plan.

14.60.040 Reclassification

The provisions pertaining to nonconforming uses of land and buildings shall also apply to buildings, structures, land or uses which shall hereafter become nonconforming due to any change in regulations or reclassification of land.

14.60.050 Nonconforming Lots of Record

In any zone any lot of record at the effective in this title or amendment of this title, even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. However, yard dimensions and other requirements not involving area width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action of the board of adjustment.

14.60.060 Nonconforming Use Defined

A nonconforming use is (a) the use of any building, structure, or land which is prohibited by this ordinance but which lawfully existed prior to the effective date of this Ordinance (October 6, 1981); or (b) a use for which a valid permit has been granted and is in the process of completion.

Chapter 14.64 TEMPORARY USES

Sections:

14.64.010	Purpose
14.64.020	Application
14.64.030	Considerations
14.64.040	Conditions
14.64.050	Resubmittals - Appeals
14.64.060	Termination
14.64.070	Expiration - Extensions

14.64.010 Purpose

The purpose of this Section is to provide standards and a permitting process for non-permanent uses in order to protect public safety and general welfare and to avoid uses which will be detrimental to adjacent properties.

14.64.020 Application

Temporary activities shall be allowed upon the issuance of a temporary use permit by the Zoning Administrator and Building Inspections Department. The applicant for a temporary use permit shall provide the following information:

- A. A description of the proposed use, the proposed beginning and ending dates, and the proposed hours of operation.
- B. A description of the property to be used for the temporary use, including the location of the use in relation to other buildings, and the location of streets to be used for access.
- C. Sufficient information to determine that adequate provisions for trash disposal and sanitary facilities shall be provided.
- D. Additional information as may be required in order to ensure surrounding land uses are not negatively impacted by the temporary use.

14.64.030 Considerations

The applicant shall demonstrate that the considerations listed below have been addressed. If an application is denied, the denial shall specify which of these considerations if any, were not addressed to the satisfaction of the planning commission:

- A. Circulation: Location of access points to the property.
- B. Effect on Adjacent Property: Effects of the proposed use on nearby property, including but not limited to the effects of noise, glare, odor, and traffic.

- C. Refuse and service areas: Location of refuse and service areas.
- D. Utilities: Location and availability of utilities, if any are deemed necessary.
- E. Screening and Landscaping: Installation of screening and fencing where necessary to protect adjacent property.
- F. Compatibility: The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties.
- G. Any other review factors which the planning commission considers to be appropriate to the property in question.

14.64.040 Conditions

The planning commission may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the temporary use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this title.

14.64.050 Resubmittals-Appeals

An application for a temporary use which has been denied may be resubmitted only if there has been a substantial change in circumstances as determined by the Zoning Administrator. Appeals to all final Zoning Administrator and planning commission decisions may be made to the Board of County Commissioners after exhaustion of all other administrative processes.

14.64.060 Termination

- A. A use permit shall become null and void in the following cases:
 - 1. The use for which the permit was approved is terminated.
 - 2. The time granted for the use in the approved permit has expired.
 - 3. The Building Inspections Department or other county agent as assigned finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.
- B. The site shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within 5 days after the use is terminated.
- C. Temporary use permits granted for onsite construction must remove the mobile home or recreational vehicle from the premises and the utilities disconnected within thirty (30) days after the property owner receives a certificate of occupancy for the permanent dwelling. Recreational vehicles may be properly stored on the property.

14.64.070 Expiration - Extensions

Temporary use permits shall expire one year from the date of approval or when the use for which the permit was issued has terminated, whichever is sooner, unless otherwise stated in the conditions of the permit. A maximum of (3) three years shall be permitted for any temporary use, at the end of such time the permittee must reapply for a new temporary use permit.

Chapter 14.68

CONDITIONAL USES

Sections:

14.68.010	Purpose
14.68.020	Required Permit
14.68.030	Application - Required Documents
14.68.040	Application - Review Process
14.68.050	Approval Criteria
14.68.060	Modification - Revocation
14.68.070	Building Permit
14.68.080	Appeals
14.68.090	Expiration - Extensions

14.68.010 Purpose

Uses designated in the land use matrix as conditional uses require special consideration by the planning commission. These uses designated may or may not be appropriate on a specific piece of property. The purpose of this chapter is to allow the planning commission to evaluate the appropriateness of the use on a case by case situation. The conditional use permit process allows the planning commission to approve, conditionally approve, or deny requests for a conditional use permit.

14.68.020 Required Permit

No person, or entity shall conduct a use designated as a conditional use within the applicable zone without first obtaining a permit from the County and paying the conditional use permit fee. (**Appendix C**)

14.68.030 Application - Required Documents

- A. The conditional use permit application, shall include a site plan and written narrative including but not limited to:
 - 1. Type of use proposed;
 - 2. Days and times of operation;
 - 3. Square footage of the building(s) proposed;
 - 4. Square footage used by the conditional use;
 - 5. Expected hardship on surrounding uses;
 - 6. Number of users or employees;
 - 7. Other information the planning commission deems necessary to fulfill the purpose of this title may be requested prior to approval.
- B. The applicant shall also pay the appropriate fee outlined in the fee schedule before the planning commission may review the application.

14.68.040 Application - Review Process

- A. Submit completed application and all required documents to the zoning administrator.
- B. The zoning administrator shall then review the documents to ensure compliance with the county general plan, ordinances, resolutions, and policies.
- C. If the application complies then the zoning administrator shall forward all documents to the planning commission for their review based on the criteria outlined in Section 14.68.050.
- D. The planning commission may then approve, approve with conditions, or deny the application.

14.68.050 Approval Criteria

Approval, approval with conditions, or denial of the conditional use permit application is based on the following criteria:

- A. Compatibility with the county general plan, Land Use Ordinance, and conforming to the designated zone in which the use is located;
- B. Compatibility with the surrounding land uses or potential uses;
- C. Development or lack of development adjacent to the proposed use;
- D. Present and future requirements for all utilities, transportation and other services provided by the county;
- E. Similar conditional uses in the area and the public need for the conditional use;
- F. Economic impact to surrounding uses or potential uses;
- G. Aesthetic impact to surrounding uses or potential uses;
- H. Safeguards or attempts made by the applicant to minimize offensive odors, noise, dust, glare, and pollutants;
- I. Attempts made to minimize the adverse effects of the conditional use on surrounding uses or potential uses;
- J. Impact on the health, safety, and welfare of the area, surrounding municipalities, and the county.

14.68.060 Modification - Revocation

The planning commission may at any time with cause hold a public hearing regarding modification or revocation of the conditional use permit. The public hearing shall be noticed at least fourteen (14) days in advance of the hearing and may be modified or revoked if any of the following conditions apply:

- A. The use is determined to no longer comply with the criteria set in Section 14.68.050 or other provisions in this title;
- B. The permit was obtained in by an inaccurate representation or in a fraudulent manner;
- C. Any of the conditions set in the permit are not being complied with;
- D. The conditional use granted has ceased or is no longer necessary.

14.68.070 Building Permit

Following receipt of the conditional use permit, the applicant shall take such permit to the County Building Inspector to review the permit and conditions attached. Based on this review and compliance with any other items that might develop in performance of the Building Inspectors duties, the Building Inspector may approve a building permit and ensure compliance with the conditional use permit.

14.68.080 Appeals

The decision of the planning commission may be appealed to the county commission by filing such appeal within fifteen (15) days after the date of the decision by the planning commission. The appeal must be filed with the Sanpete County Clerk's Office. An appeal may be filed by the applicant, a board or officer of the county, or any person adversely affected by the decision of the planning commission in the administration or interpretation of the land use ordinance. The adversely affected party shall present to the appeal board every theory of relief it can raise in district court. The county commission may uphold or reverse the decision of the planning commission and impose any additional conditions that it may deem necessary. The decision of the county commission shall take effect and is final on the date a written decision is issued or if no written decision is to be made upon the date the decision is announced.

14.68.090 Expiration - Extensions

The planning commission may set the expiration or date of renewal if necessary for enforcement on all conditional use permits. If no substantial action on a conditional use permit is taken within a period of one year of the date it was issued, the conditional use permit shall expire. The planning commission and county commission may grant further extensions for a period of no longer than six (6) months after proof of extraordinary circumstances.

14.68.100 Change of Ownership on Property With a Conditional Use Permit.

If the property with a conditional use permit changes ownership, the county must be notified of the following changes:

1. New owners names.
2. Change of business name.
3. Change of use on the property.
4. Copies of any licenses required from the state or county.

Chapter 14.72 FACTORY BUILT HOUSING UNITS and MODULAR DWELLING UNITS - RECREATION VEHICLE PARKS

Sections:

14.72.010	Standards and Requirements for Factory Built Housing Units and Modular Dwelling Units
14.72.020	Factory Built Housing Units to be H.U.D. Approved
14.72.030	Mobile Dwelling Parks
14.72.040	Permit Required
14.72.050	Temporary Location and Use
14.72.060	Recreation Vehicle Parks - Standards and Requirements
14.72.070	License Required
14.72.080	Enforcement

14.72.010 Standards and Requirements for Factory Built Housing Units and Modular Dwelling Units

- A. This Chapter establishes standards and requirements which govern the placement and occupancy of Factory Built Housing Units, which term shall refer to and include all manufactured and mobile homes. Modular homes meeting structural standards of the International Building Code (I.B.C.) may be placed upon approved lots within Sanpete County. However, modular homes located in an approved mobile home park shall meet the requirements of **Section 14.72.030**.
- B. All Factory Built Housing Units shall be located on an approved, permanent, foundation and certified as meeting I.B.C. structural standards. All residential units in Sanpete County shall meet the requirements at **Chapter 14.76** of this Ordinance.

14.72.020 Factory Built Housing Units to be H.U.D. Approved

Only those Factory Built Homes that are H.U.D. (Federal Housing & Urban Development) approved shall be permitted in Sanpete County. No damaged or altered units will be allowed in Sanpete County. Through this provision County officials intend to promote healthful and safe dwellings within Sanpete County.

14.72.030 Mobile Dwelling Parks

- A. A mobile dwelling park shall be:
 - a. Located only in the Business - Commercial (BC) Zone;
 - b. Located on a minimum of 5 acres;
 - c. Approved only through the granting of a Conditional Use Permit;
 - d. Subject to State Board of Health requirements (density no greater than 6 units per acre);and
 - e. Subject to the site plan and development standards required in the BC Zone.
- B. Each Factory Built Housing unit shall meet HUD standards for electrical, plumbing, structural and appearance standards before being located within an approved mobile dwelling park. Factory Built Housing units, new or used, that are damaged; are altered or modified at the discretion of an owner; that contain aluminum branch circuit wiring; or that fail to meet minimum code requirements, shall not be located in an existing or new mobile dwelling park in Sanpete County.
- C. Mobile dwelling parks shall conform to the standards and requirements of this Ordinance.

14.72.040 Permit Required

A building permit shall first be obtained, and compliance with U.U.B.S.A. (Utah Uniform Building Standards Act) foundation, electrical, mechanical and plumbing standards shall be certified before any Factory Built Housing unit may be located on any parcel of land within Sanpete County.

14.72.050 Temporary Location and Use

Consistent with **Section 14.72.030**, a Factory Built Housing Unit shall not be placed nor permitted on a parcel of land in Sanpete County on a temporary basis.

14.72.060 Recreation Vehicle Parks/ Campground - Standards and Requirements

- A. A Recreational Vehicle Park (RVP) shall be allowed as a Conditional Use in all zones in Sanpete County;
- B. The property upon which a RVP is approved shall be owned by one owner or legal entity. No individual lots may be sold;
- C. A RVP shall be located on a minimum of 5 acres and a maximum of 10 acres. The RVP shall contain not more than an average of eighteen (18) recreational vehicles per acre. Only one recreational vehicle shall be placed on each designated space;
- D. A RVP shall comply with:
 - a. all plat plans, and site development requirements of the BC zone (**See Chapter 14.76**); and
 - b. the Code of Camp, Trailer Court, Hotel, and Resort Sanitation Regulations of the Utah State Division of Health;
- E. An individual space in a RVP shall not be used by any one vehicle for a period greater than is permitted by the covenants and restrictions of the RVP in which it is located;
- F. RVP or tenant(s) may not violate the health and sanitation regulations specified herein.

14.72.070 License Required

- A. A RVP shall not be occupied or operated without first obtaining an annual business license.
- B. Said annual license shall be issued only after inspection and certification by the Central Utah Public Health Department, Department of Building Inspection, and approval of the Sanpete County Commission.
- C. Said license shall be refused or revoked upon failure of the owner or operator to maintain the RVP in accordance with the standards and requirements of the Central Utah Public Health Department and the Sanpete County General Plan.

14.72.080 Enforcement

The Sanpete County Attorney, County Commission, Building Official, or Utah Health or Water Official may institute injunctions, mandamus, or any other appropriate actions, or invoke Utah State Division of Health sanitation and waste disposal standards or Utah Construction Code or H.U.D. structural standards in enforcing the provisions of this Ordinance. Any of the above officials may assist or initiate proceedings, as may be required, in approving, regulating or abating, any existing, modified, or new manufactured home or mobile dwelling unit located in an unincorporated area when a unit is determined to be improperly located or is unfit, unhealthy and not safe for occupancy.

Chapter 14.76
GENERAL MINIMUM DEVELOPMENT STANDARDS

Sections:

14.76.010	Effect of Chapter
14.76.020	Subdivision Development Plan
14.76.025	RA Zones Development
14.76.030	Cluster Subdivisions
14.76.040	Unit/Density Calculation
14.76.050	Percent Built Area
14.76.060	Open Space
14.76.070	Required Utilities
14.76.080	Parking
14.76.090	Commercial Truck Parking
14.76.100	Dwelling Size Requirements
14.76.110	Manufactured Homes
14.76.120	Accessory Dwelling Units
14.76.125	Accessory Buildings
14.76.126	Stand Alone Structure (storage only)
14.76.130	Farm Labor Dwellings
14.76.140	Right-of-Ways
14.76.145	Road and Street Requirement/ Standard
14.76.150	Access to Public Lands
14.76.160	Structures Over Easements
14.76.170	Contiguous Property
14.76.180	Yard Space for One Building Only
14.76.190	Sale or Lease of Required Culinary Water
14.76.200	Sale or Lease of Required Space
14.76.210	Sale of Lots Below Minimum Space Requirements
14.76.220	Yards to be Unobstructed - Exceptions
14.76.230	Clear View of Intersecting Streets
14.76.240	Dwelling Sites Shall Abut Upon Public Street
14.76.250	Concessions in Public Parks and Playgrounds
14.76.260	Setbacks from State and Federal Highways
14.76.270	Railroad Setbacks
14.76.280	All Excavations
14.76.290	Adult Uses
14.76.300	Modification of Regulations
14.76.310	Prohibited Uses
14.76.320	Fences
14.76.330	Limitations on the Keeping and Maintenance of Animals and Fowls
14.76.340	Animals Kennels, Boarding, Breeding, Training and Grooming
14.76.350	Review by Utah State Divisions of Water Rights and Water Quality
14.76.360	Required Fire Protection
14.76.365	Wildland Urban Interface Code (WUI) and Amendments
14.76.370	Disclaimer for Emergency Services

14.76.010 Effect of Chapter

The regulations set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title.

14.76.020 Subdivision Development Plan

The owner or owners of any land desiring to subdivide such land, shall submit to the planning commission a complete development plan in accordance with the subdivision regulations of Sanpete County.

14.76.025 RA Zones Development

All proposed development plans within the RA Zones of Sanpete County shall include a completed City Buffer Zone Application form before approval of such development, in accordance with all other regulations of this ordinance and the subdivision ordinance.

14.76.030 Cluster Subdivisions

14.76.031 – Purpose

The purpose of this chapter is to encourage the creation and permanent protection of open space, to preserve the rural character and natural beauty of Unincorporated Sanpete County, as called for by the County's General Plans. It is not the intent of this ordinance to create subdivisions with lots sprawled over large areas or strung out along roadways.

14.76.032 – General Regulations

A cluster subdivision shall meet the requirements of the Sanpete County Zoning Ordinance, and shall assure proper use and maintenance of open space and open space facilities and shall result in a development superior to a conventional development in terms of its benefits to future owners of the subdivision, surrounding residents and the general public.

14.76.033 – Minimum Open Space

- A. To encourage quality open space that promotes the intent of this ordinance, the minimum percent of a cluster subdivision left in open space shall be as follows:
 - 1. In the Sensitive Lands Zone, a minimum of ninety (90) percent of any cluster subdivision shall be preserved as permanent open space.
 - 2. In the Agricultural Zone, a minimum of sixty (60) percent of any cluster subdivision shall be preserved as permanent open space.
 - 3. In the RA2 Zone, a minimum of twenty (40) percent of any cluster subdivision shall be preserved as permanent open space.
 - 4. In the RA1 Zone, a minimum of twenty (20) percent of any cluster subdivision shall be preserved as permanent open space.

14.76.034 – Lot Area, Width, Yard, and Height Requirements

- A. The Board may approve a reduction in the minimum lot area required for a lot in a subdivision provided the provisions of this chapter and the Sanpete County Subdivision Ordinance are met.
- B. The minimum lot area in a cluster subdivision shall be 14,000 square feet unless approved as part of a master planned community or approved by the Board of County Commissioners.
- C. The minimum lot width in a Cluster Subdivision shall be 100 feet.
- D. Setback and height regulations shall be the same as the underlying zoning district.
- E. The lot width and yard reductions listed in this section are the maximum reduction allowed. Creating greater lot width reductions calculated by combining the reductions in this section with others permitted in the Zoning Ordinance is not permitted.

14.76.035 – Additional Design Standards and Requirements

- A. Cluster subdivisions shall be designed and platted in conformance to the goals and objectives of the County's general plans.
- B. Lots in cluster subdivisions shall be clustered into contiguous groups of not less than two (2) lots and no more than three (3) clusters per subdivision.
- C. Areas designated as floodplain by the Federal Emergency Management Agency and within required river and stream corridor setbacks shall be left as open space.
- D. Land that is deemed undevelopable by this or any other County, State, or Federal law, ordinance or regulation or existing and proposed public and private road right-of-ways shall not be included as open space and/or recreation .
- E. Contiguous Land. Open space within a development shall be contiguous to provide for large and integrated open space areas within the Subdivision, and to connect open spaces on adjacent properties. Non-contiguous parcels of conservation lands may be approved by the County during the preliminary plat approval process upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the conservation parcels, the types of features and resources included within the conservation lands, and other relevant considerations. Open space used in density calculations shall be contiguous.
- F. Open Space Network Connection. Open space shall be designed to connect to adjacent open space areas to ensure that an interconnected network of open space will be provided.
- G. Recreational Uses. A portion of the required open space may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc., exclusive of parking lots as approved by the Planning Commission.

- H. Road Access. All open space areas shall have access to a public or private road(s) as determined by the County.
- I. Pedestrian Access. The developer shall provide adequate pedestrian access to open space which is open to public or resident use.
- J. Maintenance Access. The developer shall provide sufficient maintenance access to all open space within the subdivision.

14.76.036 – Bonus Density

- A. In the Sensitive Lands Zone, a maximum bonus density of one hundred (100) percent may be approved and shall be based on an accumulation of the following:
 - 1. Developing a Cluster Subdivision that the Planning Commission determines meets the intent of this Ordinance, a ten (10) percent bonus may be granted. (see 14.76.031 – Purpose)
 - 2. Providing road stubs to adjacent property where the Planning Commission determines that streets are needed to provide for current or future traffic circulation up to a ten (10) percent bonus density maybe granted.
 - 3. Provides access to Public Lands - up to a ten (10) percent bonus density may be granted.
 - 4. The common area is open to the public and provides amenities to the general public such as trails - up to a ten (10) percent bonus density may be granted.
 - 5. Protection of areas that are identified by the State Division of Wildlife Resources as critical wildlife habit - up to a twenty (20) percent bonus density may be granted.
 - 6. Preservation of historical sites and buildings (barns, homes, trails, or other structures) – up to ten (10) percent bonus density may be granted.
 - 7. Protection of sensitive lands including but not limited to slopes greater than fifteen (15) percent, waterways, floodplains, agricultural land, historic sites or structures, etc, - up to thirty (30) percent bonus density may be granted.
 - 8. Implementation of Wildfire Interface design techniques and Firewise Landscaping to limit the risk of wildfires – up to twenty (20) percent bonus density may be granted.
 - 9. Providing a community well and or septic system – up to twenty (20) percent bonus density may be granted.
- B. In the Agricultural Zone, a maximum bonus density of fifty (50) percent may be approved and shall be based on an accumulation of the following:
 - 1. Developing a Cluster Subdivision that the Planning Commission determines meets the intent of this Ordinance, a fifteen (15) percent bonus may be granted. (see 14.76.031 – Purpose)

2. For each five (5) percent of open space preserved in the subdivision in excess of the minimum required by this ordinance up to a five (5) percent bonus density may be granted
 3. Providing road stubs to adjacent property where the Planning Commission determines that streets are needed to provide for current or future traffic circulation a five (5) percent bonus density maybe granted per stub up to a maximum of ten (10) percent.
 4. Provides access to Public Lands - up to a ten (10) percent bonus density may be granted.
 5. The common area is open to the public and provides amenities to the general public such as a trail - up to a fifteen (15) percent bonus density may be granted.
 6. Preservation in open space of areas that are identified by the State Division of Wildlife Resources as providing valuable wildlife habit - up to a ten (10) percent bonus density may be granted.
 7. Preservation in open space of areas that are identified by the State Division of Wildlife Resources as critical wildlife habit - up to a fifteen (15) percent bonus density may be granted.
 8. Open space is contiguous to permanently preserved open space on an adjoining property up to a twenty (20) percent bonus density may be granted.
 9. Protection of sensitive lands including but not limited to slopes greater than fifteen (15) percent, waterways, floodplains, agricultural land, historic sites or structures, etc, - up to fifteen (15) percent bonus density may be granted.
 10. Providing a community well and or septic system – up to fifteen (15) percent bonus density may be granted.
- C. In the RA2 Zone, a maximum bonus density of forty (40) percent may be approved and shall be based on an accumulation of the following:
1. Developing a Cluster Subdivision that the Planning Commission determines meets the intent of this Ordinance, a ten (10) percent bonus may be granted. (see 14.76.031 – Purpose)
 2. For each five (5) percent of open space preserved in the subdivision in excess of the minimum required by this ordinance up to a five (5) percent bonus density may be granted.
 3. Providing road stubs to adjacent property where the Planning Commission determines that streets are needed to provide for current or future traffic circulation a five (5) percent bonus density maybe granted per stub up to a maximum of ten (10) percent.
 4. Provides access to Public Lands - up to a five (5) percent bonus density may be granted.
 5. The common area is open to the public and provides amenities to the general public such as a trail - up to a ten (10) percent bonus density may be granted.

6. Development of excess sewage treatment capacity - up to a five (5) percent bonus density may be granted.
7. Preservation in open space of areas that are identified by the State Division of Wildlife Resources as providing valuable wildlife habit - up to a ten (10) percent bonus density may be granted.
8. Preservation in open space of areas that are identified by the State Division of Wildlife Resources as critical wildlife habit - up to a fifteen (15) percent bonus density may be granted.
9. Open space is contiguous to permanently preserved open space on an adjoining property up to a five (5) percent bonus density may be granted.
10. Protection of sensitive lands including but not limited to slopes greater than fifteen (15) percent, waterways, floodplains, prime agricultural land, historical sites and structures, etc, - up to fifteen (15) percent bonus density may be granted.
11. Connection to a municipal sanitary sewer or water system or providing a community well and or septic system – up to fifteen (15) percent bonus density may be granted.

D. In the RA1 Zone, no bonus density may be approved.

14.76.037 – Open Space Preservation

- A. Protection of Open Space. All open space shall be permanently restricted from future development by an easement, deed restriction, or other method of protection and preservation acceptable to the County. Under no circumstances shall any development be permitted in the open space areas at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the subdivision. All easements, deed restrictions, or other acceptable method of protection and preservation shall be approved by the County and recorded prior to or concurrent with the recording of the final plat.
- B. If a bonus density is granted for the preservation of critical or valuable wildlife habitat, a wildlife habitat easement shall be offered to the Utah State Division of Wildlife Resources. Bonus densities for critical or valuable wildlife habitat shall be based on a review of the subdivision by the Utah State Division of Wildlife Resources and there finding that the subdivision preserves critical or valuable wildlife habitat.
- C. Ownership. Unless otherwise approved by the County and subject to the provisions set forth herein, the underlying fee ownership of the open space shall remain in single ownership and may be owned and maintained by one of the following entities: a homeowners' association, land trust, conservation organization, governmental entity, or private individual.
- D. Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided unless under the following circumstances:

1. Zoning Classification Change; or
 2. Annexation by a Municipality; or
 3. Other Jurisdictional Transfer.
- E. Property subject to a conservation easement, or other acceptable method of protection and preservation, shall only be used for the following:
1. Agriculture, forestry, and fisheries;
 2. Game preserves, wildlife sanctuaries, and other similar uses approved by the County;
 3. Non-commercial recreational structures and uses.
 4. Accessory buildings providing that all buildings meet the required setbacks of the applicable zoning district and are only used for agricultural purposes.

14.76.038 – Maintenance of Open Space

- A. Costs. Unless otherwise agreed to by the County, the cost and responsibility of maintaining conservation land shall be borne by the owner of the underlying fee of the conservation land.
- B. Plan. The developer shall submit a Maintenance Plan providing for and addressing the means for permanent maintenance of the open space land with the Preliminary Plat application for the Subdivision. The Maintenance Plan shall provide the following:
1. The Plan shall define ownership.
 2. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.).
 3. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
 4. At the County's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.
- C. Approval. The Maintenance Plan must be approved by the County prior to or concurrent with Final Plat approval for the Subdivision. The Maintenance Plan shall be recorded against the property and shall include provisions for the County's corrective action rights as set forth herein. Any changes or amendments to the Maintenance Plan shall be approved by the County.
- D. Failure to Maintain. In the event that the organization established to maintain the conservation land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the County may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited

and any permits may be revoked or suspended.

- E. Corrective Action. The County may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the County in the County Recorder's office. The Maintenance Plan and all other documents creating or establishing any association or conservation organization for the property shall reference the County's corrective action authority set forth herein and shall be recorded against the property.
- F. Guarantee of Common Open Space Improvements. As assurance of completion of common open space improvements, the subdivider shall be required to file with the County Commissioners an approved financial guarantee, guaranteeing completion in a manner satisfactory to the County Commissioners, prior to recordation of the final plat.
- G. The Planning Commission may place additional conditions or restrictions it deems necessary to ensure development and maintenance of the desired character, including plans for deposition or re-use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.

14.76.040 Unit/Density Calculation

- A. The maximum number units developed shall be determined by the amount of land proposed for development divided by the average density required in the zone(s) of the entire site.
- B. If there is an amount of land left over it shall be considered in the overall percent built area calculation.
- C. Existing homes owned by the same property owner as the land being developed are to be considered a unit in the unit calculation method.

14.76.050 Percent built area

- A. The build able area shall be determined by the amount of land in the entire site multiplied by the allowable percentage.
- B. Lot size shall be determined by the developer not to exceed percent built area or be smaller than the minimum lot size.
- C. If there is multiple zoning classifications in the site the minimum lot size shall be the minimum allowable by any one of the zones.

14.76.060 Open Space

- A. A deed restriction must be filed on the property remaining in open space stating use of the land will be limited to the uses permitted in **Subsection 14.76.060 (B)**, until such time as any of the following occur:
 - 1. Zoning classification change; or
 - 2. Annexation by a municipality; or
 - 3. Other jurisdictional transfer
- B. Areas or spaces designated as open space by **Section 14.76.030** shall not be developed or used

except as follows, subject to the regulations of the zoning district in which the development is located:

1. Agriculture, forestry, and fisheries;
2. Game preserves, wildlife sanctuaries, and the like; and
3. Non-commercial recreational structures and uses.
4. Accessory buildings that maintain proper setbacks and are used for Agricultural purposes.

14.76.070 Required Utilities

The following are required in all zones:

A. Power

1. All development for human habitation requires a commercial or alternative source of power. An alternative source of power requires an approval of a conditional use permit. (Refer to Appendix B Definitions: Alternative Power.)

B. Water

1. All development for human habitation requires documentation certifying available culinary water.
2. Shall obtain approval on public water systems from the Utah Department of Environmental Quality, Central Utah District represented by a letter.
3. All development within 300 feet measured from the property line of existing public culinary water lines shall be required to request for hookup. If approval is granted from any conservation district, special service district, or municipal culinary water systems within 300 feet, all development of lines and all appropriate fees determined by the culinary water system shall be paid. If denied hookup, appropriate documentation of the request and denial is required before a building permit shall be issued.

C. Wastewater

1. All development for human habitation requires an approval from the board of health before any permit shall be issued.
2. Shall obtain approval from the Central Utah Public Health Department represented by a letter.
3. All development within 300 feet measured from the property line of existing public wastewater lines shall be required to request for hookup. If approval is granted from any wastewater systems within 300 feet, all development of lines and all appropriate fees determined by the wastewater system shall be paid. If denied hookup, appropriate documentation of the request and denial is required before a building permit shall be issued.

14.76.080 Parking

A. Off-street parking where required shall meet the following criteria:

1. A garage, carport or parking area for the Off-street parking of a least two cars per dwelling unit.
2. Churches and auditoriums shall have one space for each three seats in the primary meeting room.
3. Schools
 - a. All schools serving ages 15 and below require two (2) spaces per classroom.
 - b. All schools serving ages 16 and above require ten (10) spaces per classroom.
 - c. Auditoriums require one space per three seats.

4. Hospitals, nursing homes, sanitariums or convalescent homes require one space per every two beds, plus five (5) additional spaces for each 25 beds or fraction thereof over minimum of 25 beds.
 5. Hotels, motels, boarding and rooming houses require one space per unit.
 6. Restaurants require one space per 100 square feet of building.
 7. Offices require one space per 200 square feet of building.
 8. Retail sales require one space per 200 square feet of building.
 9. Warehouses and wholesale use require one space per 200 square feet of building office space plus one space per 1,000 square feet of additional gross floor area.
 10. Recreational and amusement uses require one space for every five (5) people up to the maximum number of people to be accommodated by the facility.
 11. Manufacturing, assembly, packing, preparation, research facilities or similar uses require one space for every 350 feet of gross floor area.
 12. All other land uses require probable estimates of need determined by the Board of County Commissioners or by their designated representative.
- B. All off-street parking shall be graded and drained so as not to negatively affect surrounding uses.
- C. Surfacing of the parking areas shall be as required for the adjacent street.

14.76.090 Commercial Truck Parking

Commercial trucks (any combination of vehicles over 26,000 lbs. GVWR) shall not be allowed to park or idle in any public road or right-of-way. Idling time shall be limited for commercial trucks and subsequent trailers to no longer than thirty (30) minutes.

14.76.100 Dwelling Size Requirements

1. Manufactured Home - Permanent - (min. footprint dimensions 24' x 24').
2. Manufactured Home - Mobile Dwelling Park - (no min., H.U.D. required)
3. Site Constructed Dwelling - (min. footprint dimensions 24' x 24').
4. Site Constructed Dwelling - Recreational - (min. footprint dimensions 20' x 20').

* See Appendix B for definitions.

14.76.110 Manufactured Homes

- A. All manufactured homes must be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the International Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the International Building Code.
- B. A manufactured home may be located in all areas in which a single-family residence is permitted by the title provided the manufactured home complies with all zoning, building code, and subdivision requirements, including restrictive covenants, applicable to single-family residence within that zone.

14.76.120 Accessory Dwelling Units

Accessory Dwelling Units shall be allowed as a conditional use following procedures outlined in **Chapter 14.68** and under the following additional conditions:

- A. Only one accessory dwelling unit is allowed per primary single detached dwelling unit;
- B. All required setbacks are maintained;

- C. The accessory dwelling unit shall be within 100 feet of the primary dwelling;
- D. Site plan for the accessory unit must be submitted with the application;
- E. The primary and accessory unit must be owner occupied; no roomers or boarders shall be permitted in either the primary unit or the accessory unit;
- F. The accessory dwelling unit may not exceed 500 square feet and shall be similar architectural style as the primary dwelling unit;
- G. Use of such accessory dwelling shall be limited at all times to immediate family members, guests and appropriate caretakers;
- H. Shall be compatible with surrounding uses and the legal building lot shall conform to the designated zone in which the accessory dwelling unit is located;
- I. Access to accessory dwelling unit is restricted to the existing driveway;
- J. Permitted source of water and permitted wastewater disposal following requirements of **Section 14.76.070**;
- K. Sale or rental of the accessory unit separate from the primary dwelling is prohibited;
- L. Prior to the occupancy permit for the accessory unit being issued, owner of the property shall file an affidavit with the Zoning Administrator certifying that the property complies with conditions set in the conditional use permit;
- M. On an annual basis the conditional use permit must be renewed by the applicant through the Zoning Administrator;
- N. Renewal shall not require an additional fee, but shall be based on compliance with conditions set in the conditional use permit and are subject to procedures in **Chapter 14.68**.

14.76.125 Accessory Buildings

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

14.76.126 Stand Alone Structure (storage only):

1. All parcels/lots must be legal and conforming in the applicable zone for the structure.
2. A single structure up to 120 sq. ft. storage shed is allowed in all zones without a building permit.
3. A single structure exceeding 120 sq. ft. is allowed in the A, RA-1 and RA-2 zones with a building permit, but shall not be allowed in the WUI zone or on recreational subdivision lots. The applicable structure must meet current IRC and IBC structural requirements.

14.76.130 Farm Labor Dwellings

- A. One (1) Farm labor dwelling unit for use only of an owner or manager or a person employed on said farm land meeting the International Building Code Standards shall be permitted in the A zone. Any additional farm labor dwellings shall require a conditional use permit as required by **Chapter 14.68**.
- B. Farm labor dwelling units shall be located on a parcel being farmed and occupied by the owner, operator or employee of the farming operation provided that:
 1. The dwellings are not rented to other person(s) than an operator, manager, or employee of the farming operation or held out for lease or sale.
 2. The dwellings are located within the required setback of the applicable zone.
 3. The arrangement of the dwellings, sanitary facilities, and utilities conforms with all of the requirements of **Section 14.76.070**, the Building Inspection Department, and this title.
 4. The dwelling size requirements shall be as per **Section 14.76.100**.

14.76.140 Right-of-Ways

Minimum right-of-way widths for public roads shall be determined by resolution of the board of county commissioners, but shall in no case be less than the following:

1. Major Street: sixty-six (66) feet;
2. Collector Street: forty (40) feet;
3. Minor Street: forty (40) feet.

14.76.145 Road and Street Requirements/ Standard

All Roads and Streets shall conform to the standards set in the Sanpete County Subdivision Ordinance and this code:

A. The Road/Street Width and Design

1. The road/ street shall have a minimum of a 40' easement to the lot.
2. The project engineer shall determine, design and verify the road construction requirements based on the terrain, slope, drainage, sub soils and/or the municipality's recommendations as per the location of the road and the following minimum standards and requirements.

B. Roadbed construction requirements and Design Standards

1. Shoulders shall be provided on each side of the road, with adequate drainage along all portions of the road way.
2. Culverts installed and drainage ditches away from road where required.
3. The Road's/Street's drivable finished surface shall be a minimum of 20 ft. wide.
4. The top soil shall be removed for a minimum depth of 4" to remove all loose soil and vegetation.
5. The bottom base (roadbed) shall be constructed with a minimum depth of 6 inches of granular barrow/pit run material and any additional material sufficient to withstand all loads placed upon the road
6. The Road Base (1" minus) shall be a minimum depth of 6 inches added on top of the bottom base material.
7. The road shall have a crowned and graveled finished surface, not reject sand.
8. All road fill material must be compacted.
9. The finished surface of the road must be 8 inches above existing grade.
10. All road excavations must be re compacted when filled.
11. Other design requirements and Slope's / Street Grades shall meet the requirements of the Sanpete County Subdivision Ordinance 13.28.080 and 13.28.090.

14.76.150 Access to Public Lands

Traditional accesses through the property to public lands shall be maintained in accordance with the General Plan.

14.76.160 Structures Over Easements

There shall be no permanent structures located on or over easements without written approval of the Zoning Administrator and the utility for which the easement is provided.

14.76.170 Contiguous Property

All contiguous property held in common ownership shall, regardless of the use of separate legal descriptions or parcel designations, be considered to be one undivided parcel for zoning and subdivision purposes and no portion of such property shall be sold or developed unless in conformity with the zoning and subdivision statutes and ordinances.

14.76.180 Yard Space for One Building Only

No required yard or other open space around existing building, or which is hereafter provided around any building, for the purpose of complying with the provisions of this title 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 whereon a building is to be erected or established.

14.76.190 Sale or Lease of Required Culinary Water

No culinary water needed to meet the minimum requirements of this title shall be sold or leased unless other culinary water so complying is provided.

14.76.200 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

14.76.210 Sale of Lots Below Minimum Space Requirements

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be put off from a larger parcel of land for the purpose of building and developing, whether immediate or future.

14.76.220 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky and unobstructed, except for permitted accessory buildings, eaves, cornices and open porches.

14.76.230 Clear View of Intersecting Streets

In all zones which require a front yard, no obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property line and a line connecting them at points forty-five (45) feet from the intersection of the street lines. All billboards shall be located at least one hundred (100) feet from the point of intersection of any two intersecting streets or highways.

14.76.240 Dwelling Sites Shall Abut Upon Approved Street

At least one side of each lot used as a dwelling site shall abut upon an approved street, and the length of such abutting side shall be at least as great as the width required for dwelling sites in the zone in which

such building site is located, except as may be approved by the board of adjustment.

14.76.250 Concessions in Public Parks and Playgrounds

Concessions, including but not limited to amusement devices, recreational buildings, caretakers' dwellings, and refreshment stands shall be permitted to be situated on a public park or playground when approved by the board of county commissioners, provided it can be shown that the concession is in the interest of the public and is in harmony with the objectives and purposes of this title and the characteristics of the zone in which it is located.

14.76.260 Setbacks From State and Federal Highways

Notwithstanding any other provision of this title, all buildings abutting upon highways having a state or federal designation (except non-access highways), shall be set back at least fifty (50) feet from the highway right-of-way line, except for small temporary fruit and vegetable stands.

14.76.270 Railroad Setbacks

Rear yard or side yard setbacks abutting railroad tracks shall be a minimum of 40 feet, unless an earthen berm or other sound barrier is provided along the property line adjacent to railroad tracks.

14.76.280 All Excavations

The banks of all gravel, sand, clay and topsoil pits and similar excavations located within five hundred (500) feet from any street or dwelling shall be smoothed and reconditioned so as not to be hazardous or unsightly at the termination of operation or use. Before a permit for a gravel, sand, clay or topsoil pit or similar excavation shall be issued, a bond or other assurance shall be furnished to the county in the amount set in fee schedule for each acre from which such material is taken as a guarantee that the reconditioning will be done in a manner and to such extent that the pit will not depreciate the surrounding property for its primary use or impair the beauty of the landscape. Upon the completion of the reconditioning, as approved by the board of county commissioners, the bond or other assurance shall be returned to the owner; provided, that in the event the reconditioning has not been completed within one year from the date of abandonment of said pit, the board of county commissioners may declare the bond or other assurance forfeited and may do the required reconditioning with proceeds from the sale of said bonds or assurances.

14.76.290 Adult Uses

All adult entertainment must be located at least 1,000 feet from the property line of established residences, schools, churches, parks, recreational or instructional facility or business where children congregate, and from any other adult business or use.

14.76.300 Modification of Regulations

- A. Whenever a subdivision shall be approved by the planning commission and by the board of county commissioners, the regulations and restrictions of the zone in which the subdivision is located as applied to the land covered by said subdivision shall be construed to be modified in accordance with the approved plan.
- B. The planning commission shall not approve a subdivision unless:

- a. In the opinion of the planning commission, existing and future needs and requirements for traffic circulation, health, sanitation, drainage, utilities, water supply, fire prevention and other public requirements shall be met; and
- b. Requirements of the subdivision regulations for Sanpete County shall be complied with.
- C. The planning commission may require that changes be made in the plans. It may also require that other conditions shall be complied with which are reasonable and necessary in order to carry out the purposes of this title.

14.76.310 Prohibited Uses

Uses which are not specifically permitted within a zone are specifically prohibited therefrom.

14.76.320 Fences

Opaque fences for residential dwellings within Sanpete County shall be a maximum of four (4) feet in height for a minimum of thirty (30) feet from any County roadway corner and a minimum of thirty (30) feet from a driveway entrance. Fences constructed for agricultural or wildlife control purposes shall be exempt from the height requirement, provided the fence does not block the vision of a driver at a driveway, roadway corner, curve or intersection.

14.76.330 Limitations On The Keeping and Maintenance of Animals and Fowls

The number of domestic animals or poultry shall be limited to the size and capacity of the land upon which said animals or poultry are proposed to be located and to a duration consistent with established animal husbandry or poultry practices. Improper, imprudent, or unreasonable use of land, or activities that constitute misuse, damage, health hazard to the animals, poultry, residents, or adjacent residents, resulting in neglect, nuisance, or complaint, shall be subject to abatement or to prosecution under **Chapter 14.90**. The keeping of exotic animals or exotic poultry not resident in the State of Utah as of the effective date of this Ordinance shall not be permitted in Sanpete County except by the issuance of a Conditional Use Permit. A Conditional Use Permit to house, keep or maintain an exotic animal or exotic poultry shall require the following:

1. Examination and health certification of an exotic animal or exotic poultry by a Veterinarian;
2. Approval of the health certificate by the Central Utah Department of Health;
3. Approval of the certificate by the Utah Department of Agriculture and Division of Wildlife Services;
4. Diseased animals, poultry or non-certificated exotic creatures shall not be permitted within Sanpete County.

Animals and poultry shall, at all times, be properly cleaned, restrained, and sheltered upon an approved lot or parcel of land in the RA Zone. Commercial raising of poultry will comply with the Land Use Matrix (**Appendix A**).

14.76.340 Animals Kennels, Boarding, Breeding, Training, and Grooming

A limited and reasonable number of dogs, with their offspring, up to 6 months of age, may be permitted for the keeping and herding of animals used in husbandry practices. Any number of dogs above 3 and up to a maximum number of 15, mature dogs, with their offspring up to 6 months, shall require the issuance of a Conditional Use Permit and Business License as a Commercial Occupation.

14.76.350 Review by Utah State Divisions of Water Rights and Water Quality

A building permit shall not be issued and no dwelling unit may be erected in Sanpete County until the applicant / owner(s) have obtained and presented to the Sanpete County Zoning Administrator, a letter of authorization from the Utah Division of Water Rights. This requirement shall include providing to the Sanpete County Zoning Administrator legal documentation of water right, ownership, and intended use. **Sanpete County's policy requires culinary water to be present on the site prior to the issuance of a building permit.** No subdivision shall be approved until Water Rights Change Applications are filed with the State Engineer and are **APPROVED** for the said development. All water applications / change applications, shall comply with all state regulations for year around (full-time) usage for both inside & outside use.

14.76.360 Required Fire Protection

In order to conform to the intent and purposes of the Sanpete County General Plan, to promote the purposes of the Fire District, to protect the health, safety and general welfare of Sanpete residents, to keep insurance premiums for properties in the County at a minimum and to prevent property and casualty losses, Sanpete County has adopted and shall enforce the Uniform Building Codes described in Chapter 14.78 of this Ordinance. Supervisory or staff personnel in the Sanpete County Building Department shall review all plans for agricultural, commercial, industrial and residential structures in Sanpete County, including as appropriate, structures within incorporated municipalities, to determine compliance with provisions of the Fire District. In keeping with this review of individual plans, the Sanpete County Building Official shall issue recommendations and fire prevention requirements for structures within the County and municipalities. These recommendations and requirements shall include, as appropriate, access, design, preventative building materials and strategies as well as mitigation equipment and measures that owners of structures shall complete and install as a condition, or conditions, to the granting of individual building permits by the Building Official. These conditions and requirements shall apply to all structures whether individually sited or located in subdivisions approved by the Department.

14.76.365 Wildland Urban Interface Code (WUI) and Amendments

- A. 2006 Utah Wildland Urban Interface code adoption (See Appendix; xxv)
- B. Application Information:
 - WUI is any lot or subdivision in the Wildland Urban Interface Zone
 - All lots and subdivisions in the WUI zone must comply with the 2006 Utah Wildland Urban Interface Code.
 - Fees: A fee of \$1000.00 will be charged for new permits issued. \$500.00 of that fee is to be refunded to the property owner with the issuance of an occupancy certification within specified time frame.
- C. Amendments to the 2006 Wildland Urban Interface code:
 - 1. Section 404 Water Supply
 - Section 404.5 Adequate Water Supply (Amended)
 - New subdivisions with 2 or more lots shall have a water supply equal to 2000 gallon per lot.

Such supply shall be located within 1000' of the structures and so located at an easily accessible, level site adjacent to the roadway.

2. Section 502 Fire Hazard Severity < Deleted>

3. Section 503 Ignition Resistant Construction

Section 503.1 General (Amended)

Buildings and structures hereafter constructed, modified or relocated into or within Wildland Urban interface area shall meet the construction requirements for Class 1 Ignition Resistant Construction per section 504.

Exceptions:

- a. Addition to dwelling built prior to January 1, 2008, less than 500 square feet when defensible space requirements are met.
- b. Properties may be exempted from the requirements after a site evaluation by the County Fire Warden.

4. Section 603 Defensible Space

Section 603.2 Fuel Modification (Amended)

- a. No structure shall be placed closer than 30' to property boundaries.
- b. Zone I extending 30' beyond exterior wall or appendage, allowable vegetation to include; short grasses, bushes and shrubs, and low combustible trees, such as Aspen, Maple, and Willow separated 10'.
- c. Zone II extending 30'-50', trees allowed with 10' separation at crowns, all ladder fuels/ branches trimmed up 6', all dead and down vegetation and woody materials removed.
- d. Structures built on descending slopes exceeding 20 degrees, Zones II must be increased at 1 foot per degree.

14.76.370 Disclaimer for Emergency Services

Consistent with the criteria for development, the Sanpete County Zoning Administrator may require the applicant(s) of any construction activity within the County to sign a Disclaimer Affidavit indicating their acceptance and knowledge of limitations and possible delays of the response of certain Emergency Services due to weather conditions, remoteness of area or other unforeseen conditions. This does not mean that all reasonable attempts will be made to respond to any and all valid emergencies within the County.

Chapter 14.77 SPECIAL PROVISIONS

Sections:

- 14.77.010 Central Utah Public Health Department Review and Approval**
- 14.77.020 Geotechnical Analysis and Recommendations**
- 14.77.030 Excavation(s), Mining, Mineral Exploration, Timbering - Conditional Use Permit Required**
- 14.77.040 Planned Unit Developments; Timeshare Developments; Cooperative Ownership Projects**
- 14.77.050 Purchase or Transfer of Development Rights**
- 14.77.060 Sign Regulations**

14.77.010 Central Utah Public Health Department Review and Approval

No structure shall be approved or other use granted, or shall a building permit be granted unless the applicant first obtains a letter from the Central Utah Public Health Department authorizing the requested use. If determined necessary by the Sanpete County Building Official, the applicant / owner(s) shall complete a soils analysis and report. The report and analysis shall be prepared under direction of a Utah Licensed Professional Engineer and shall document that soils at the proposed site(s) are suitable for the structure(s) being proposed. In applicable instances, documentation of suitable soil conditions shall be a prerequisite to obtaining a building permit.

14.77.020 Geotechnical Analysis and Recommendation(s)

In the Sensitive Lands Zone and in applicable instances in other Zones within Sanpete County, assessment and documentation of geotechnical conditions shall be required as a prerequisite to obtaining a building permit. Such documentation shall include, but may not be limited to, the mapping of known faults or fault lines, geological, geotechnical, hydrological, slope, and soils conditions, including all information pertaining thereto. This information shall be submitted to the Sanpete County Building Department under signature of a Utah Licensed Professional Engineer, preferably a geotechnical specialist. The information shall be reviewed by the Department in determining the advisability and feasibility of granting a building permit for the proposed use(s).

14.77.030 Excavation(s), Mining, Mineral Exploration, Timbering - Conditional Use Permit Required

Sanpete County shall require the filing of an application, favorable recommendation from the Planning Commission and approval by the County Commission of a Conditional Use Permit before any commercial or development-related excavation, exploration, extraction, grading work or timbering may lawfully proceed on unincorporated lands within the County. Obtaining a building permit shall constitute approval for required, site specific excavation for single family residential structures on approved parcels; agricultural uses excluded.

14.77.040 Planned Unit Developments; Timeshare Developments; Cooperative Ownership Projects

- A. For the purposes of this Section, the definition of a Planned Unit Development in Appendix B of this Ordinance shall apply. Any timeshare, cooperative ownership, or planned development may combine multiple uses into a coordinated and integrated plan; provided that any plan shall address Sanpete County land use policies and performance standards. In such developments, conditions, covenants and restrictions (CC&R's) shall be provided to and approved by Sanpete County and shall be recorded, both as a separate document **and** as part of the final plat approval process.
- B. Any of these types of development may be proposed provided that the development addresses the Sanpete County General Plan Policies and meets all of the basic conditions specified in **Chapter 14.76** of this Ordinance.

14.77.050 Purchase or Transfer of Development Rights

Proposals for the purchase or transfer of development rights may be approved by the Sanpete County Commission upon application to the Zoning Administrator and recommendation by the Sanpete County Planning Commission. Application for the purchase or transfer of development rights shall be accompanied by a detailed economic, financial, location, geotechnical and market analysis of the basis upon which the rights are created and transferred. The analysis shall include but not be limited to, an appraisal of the advantage to the owner(s) and Sanpete County of the proposed transfer, accompanying vicinity and site-specific mapping of the parcels, a legal description of the rights to be transferred and legally to all subsequent owners.

14.77.060 Sign Regulations

Commercial signs shall be allowed in Sanpete County as a Conditional Use Permit. Such sign shall be located within or adjacent to the BC Zone and shall be a maximum of 300 sq. ft. The Planning Commission and the Sanpete County Commission will consider safety, visual impact and content of the sign in granting or denying signs.

Chapter 14.78
UTAH AND INTERNATIONAL CODES TO GOVERN

Sections:

14.78.010	International Building Code
14.78.020	National Electrical Code
14.78.030	International Mechanical Code
14.78.040	International Plumbing Code
14.78.050	International Fire Code
14.78.060	Uniform Code for Abatement of Dangerous Buildings
14.78.070	Uniform Code for Building Conversation (Historic Structures)
14.78.080	Utah Uniform Building Standards Act (U.U.B.S.A.)
14.78.090	International Residential Code
14.78.010	International Building Code

14.78.010 International Building Code

- A. The International Building Code (I.B.C.) including appendices, most recent edition as adopted under the Utah Uniform Building Standards Act, is hereby adopted within this Land Use Ordinance and said Code Standards by reference, are incorporated herein.
- B. A copy of the code, most recent edition shall be filed in the office of the Sanpete County Building Inspection Department and be available for examination and reference by interested persons.
- C. Provisions of said Code establish rules and regulations for the erection, repair, construction, enlargement, alteration, equipment, use, height, area and maintenance of buildings and structures within Sanpete County.
- D. Said Code provides:
 - 1. for the issuance of building permits and collection of fees for the activities specified herein; and
 - 2. penalties for violation of the provisions thereof.
- E. Any person who violates any provision of this Chapter shall be subject to the penalties specified in **Chapter 14.90** of this Ordinance.

14.78.020 National Electrical Code

- A. The National Electrical Code (N.E.C.) including appendices, most recent edition, is hereby adopted within this Ordinance and said Code Standards, by reference, are incorporated herein.
- B. A copy of the Code, most recent edition, shall be filed in the Office of the Sanpete County Building Inspection Department and be available for examination and reference by interested persons.
- C. Provisions of said Code establish rules and regulations for the erection, repair, and regulations for the erection, repair, and construction of electrical equipment, facilities, and devices used in the construction, maintenance, and operation of buildings and structures in Sanpete County.
- D. Said Code provides:
 - 1. for the issuance of permits and the collection of fees therefore; and

2. penalties for the violation of the provisions thereof.
- E. Any person who violates any provision of this Chapter shall be subject to the penalties specified in **Chapter 14.90** of this Ordinance.

14.78.030 International Mechanical Code

- A. The International Mechanical Code (I.M.C.) including appendices, most recent edition, is hereby adopted within this Ordinance and said Code Standards, by reference, are incorporated herein.
- B. A copy of the Code, most recent edition, shall be filed in the office of the Sanpete County Building Inspection Department and be available for examination and reference by interested persons.
- C. Provisions of said Code establish rules and regulations for the erection, repair, and construction of mechanical equipment, facilities, and devices used in the construction, maintenance, and operation of buildings and structures in Sanpete County.
- D. Said Code provides:
 1. for the issuance of permits and the collection of fees therefore; and
 2. penalties for the violation of the provisions thereof.
- E. Any person who violates any provision of this Chapter shall be subject to the penalties specified in **Chapter 14.90** of this Ordinance.

14.78.040 International Plumbing Code

- A. The International Plumbing Code (I.P.C) including appendices, most recent edition, is hereby adopted within this Ordinance and said Code Standards, by reference, are incorporated herein.
- B. A copy of the Code, most recent edition, shall be filed in the office of the Sanpete County Building Inspection Department and be available for examination and reference by interested persons.
- C. Provisions of said Code establish rules and regulations for the construction installation, and repair of plumbing devices, equipment, and facilities used in the construction, maintenance, and operation of buildings and structures in Sanpete County.
- D. Said Code provides:
 1. for the issuance of permits and the collection of fees therefore; and
 2. penalties for the violation of the provisions thereof.
- E. Any person who violates any provision of this Chapter shall be subject to the penalties specified in **Chapter 14.90** of this Ordinance.

14.78.050 International Fire Code

Selected provisions of the International Fire Code including appendices, most recent edition, and International Fire Code Standards which are applicable to the International Building Code requirements and standards, as determined by the designated Building Official, or Health Official, for buildings and structures erected or modified in Sanpete County are hereby adopted by reference within this Chapter.

14.78.060 Uniform Code for Abatement of Dangerous Buildings

Provisions of the Uniform Code for Abatement of Dangerous Buildings (U.C.A.D.B.) including appendices, most recent edition, are hereby adopted by reference and shall be enforced in Sanpete County as determined to be applicable by the Sanpete County Building Official.

14.78.070 Uniform Code for Building Conservation (Historic Structures)

The Uniform Code for Building Conservation (U.C.B.C.) contains provisions related to the conservation of historic structures. The present Sanpete County Historic Preservation Ordinance, adopted March 3, 1992, together with operational policies governing the restoration or refurbishing of historical buildings in Sanpete County, are hereby made a part of this Chapter by reference. Applicable provisions in each of the Codes adopted in this Chapter shall apply to commercial, industrial, and residential structures in Sanpete County which are reconstructed, refurbished, remodeled, or restored for historic preservation purposes and building permits will be required. At the time a building permit is obtained, written evidence and signed certification shall be presented, which documents that a licensed architect, building contractor, building official, or registered professional engineer has examined the structure and determined that it may appropriately and safely be restored. Based upon certification which is acceptable to the Sanpete County Building Official, provisions of the Uniform Code for Building Conservation (U.C.B.C.) may be invoked in restoring or refurbishing historic buildings in a manner that is consistent with the Uniform Code requirements adopted in the Sanpete County General Plan and in this Chapter. All remodeled or restored structures shall meet contemporary health and safety standards.

14.78.080 Utah Uniform Building Standards Act (U.U.B.S.A.)

All requirements of the Utah Uniform Building Standards Act, as amended by Session Laws of Utah, issued May 1, 1995, and as amended thereafter, are hereby adopted by reference and shall be enforced in Sanpete County as determined to be applicable by the Sanpete County Building Official.

14.78.090 International Residential Code

Provisions of the International Residential Code (I.R.C.) including appendices, most recent edition, are hereby adopted by reference and shall be enforced in Sanpete County. A copy of the Code shall be available for review by interested persons at the office of the Sanpete County Building Inspection Department.

Chapter 14.80
RESIDENTIAL FACILITY FOR TROUBLED YOUTH

Sections:

14.80.010	Definitions
14.80.020	Authorization
14.80.030	Application - Contents
14.80.040	Application - Fee
14.80.050	Application - Planning Commission Review
14.80.060	Public Hearing
14.80.070	Use Permit
14.80.080	Facility Requirements
14.80.090	Continuation of Use
14.80.100	Violations - Penalty

14.80.010 Definitions.

“Residential Facility for Troubled Youth” is defined as a residential facility that is occupied on a 24-hour basis by no more than twenty (20) qualified youth in a family type arrangement that conforms with applicable standards of, and is inspected and licensed by the State Department of Human Services.

“Troubled Youth” is defined as any individual, male or female, between the ages of ten and eighteen years of age who by virtue of their arrest, detention or supervision by the Utah State Department of Human Service for offenses other than aggravated assault, arson, or sex offenses generally and who do not suffer from psychiatric problems which would render them a danger to themselves or others, qualify for placement in homes for troubled youth as determined by the Utah State Department of Human Services.

14.80.020 Authorization.

Residential Facility for Troubled Youth will be permitted only on granting of a conditional use permit after application and approval of the Planning Commission. The Planning Commission, prior to action on the application will entertain public comment at a duly noticed public hearing.

14.80.030 Application - Contents

The application must contain the following information, and no application shall be heard which does not contain this information:

- A. Name and address of applicant;
- B. Statement of ownership of the subject property executed by the owner or his agent under penalty of perjury;
- C. Description of the property, including legal description and address, and common means of identification;

- D. Map of the boundaries of the parcel and each separate lot or parcel within three hundred (300) feet of exterior boundaries thereof; together with a list of the names and addresses of the last known owners of public record of each parcel;
- E. A statement indicating the precise manner of compliance with each of the applicable provisions of this chapter together with any other information pertinent to the findings prerequisite to the granting of a permit, prescribed in this chapter;
- F. A statement from the appropriate regulatory agency concerning availability of public utilities including culinary and irrigation water, power, sewer disposal and land refuse disposal;
- G. A statement from the North or South Sanpete County School District indicating the availability of educational instruction and the impact of location of the proposed facility at the proposed location or in the alternative, that education will be handled privately and designating the number of employees to be involved in education and the mandatory credentials required of such employees; this includes any financial impact upon the District.
- H. A detailed written description of the anticipated ages and total number of occupants of the facility together with a diagram of the facility including all separate rooms and the intended use of each room.
- I. A detailed description of number of intended staff and job descriptions for such staff;
- J. A statement demonstrating the capability of the applicant, through insurance bonds, financial reserves, or immediately available line of credit to insure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by members of the staff or residents of the facility.
- K. A Financial Impact Assessment Study, describing the Fiscal Impact upon countywide services including police protection, fire protection, and road maintenance.

14.80.040 Application - Fee

The application must be accompanied by a receipt showing that the application fee stated in the fee schedule has been paid; provided, that up to two-thirds of such fee may be returned upon demonstration that compliance with Utah State Licensing has obviated the necessity of more thorough screening of the application and; provided, further, that the fee for foster care homes duly licensed by the State of Utah, and authorizing four or less clients at a time, the fee shall be in the amount determined by the Board of County Commissioners.

14.80.050 Application - Planning Commission Review

The planning commission will review the application and request comment from potentially impacted public and private agencies and parties.

14.80.060 Public Hearing

- A. The Planning Commission shall hold a public hearing within forty-five (45) days of receipt of the completed application.
- B. Notice of the time, place and purpose of such public hearing shall be given as follows: At least fourteen (14) days prior to the date set for the hearing, and not more than forty-five (45) days prior to that date, the Planning Commission shall see that a notice is mailed to each property

owner identified on the list accompanying the application as required by **Subsection 14.80.030(D)**. The notice shall give the date; time and place of the hearing, the name of the applicant, the requested use, identification of the property, and such other information as may be prescribed by the Planning Commission in any individual case. The Planning Commission shall also cause such notice to be mailed to all governmental entities providing services to the subject property and all municipalities with boundaries located within five miles of the proposed development and shall publish notice in a newspaper of general local circulation twice within the above described notice period.

14.80.070 Use Permit

The Planning Commission may grant the conditional use permit; provided, that it is established that the proposed use is in accordance with the provisions of the general plan, this chapter, and that the following qualifications have been met:

- A. The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities, and service facilities in the vicinity.
- B. The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this chapter.
- C. The site will be served by streets of sufficient capacity to carry the traffic generated by the proposed use.
- D. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general welfare of the county.

14.80.080 Facility Requirements

- A. A Residential Facility for Troubled Youth shall:
 - 1. Be owned or leased by the residents or an immediate family member of the residents, or by a charitable, or beneficial organization, or by the State of Utah or a licensee thereof;
 - 2. Be consistent with existing zoning of the desired location;
 - 3. Be occupied on a 24-hour basis by no more than twenty (20) qualified youth in a family type arrangement;
 - 4. Conform with applicable standards of the State Department of Human Services and be inspected and licensed by that department.
- B. The facility shall meet all applicable building, safety, zoning and health codes and ordinances applicable to similar dwellings.
- C. The facility shall be capable of use as a residential facility for troubled youth without structural landscaping alterations that would change the structure's residential character and the structure shall not be used as a lock-down facility for the incarceration of the youth that it houses.
- D. No residential facility for troubled youth shall be established within two miles of another residential facility for troubled youth or a Residential Facility for Persons with a Disability as defined in this ordinance.
- E. Troubled youth who qualify for placement in the facility shall:

1. All be of the same gender within any one facility
 2. Be no less than ten years of age and no more than 18 years of age.
 3. Not be convicted of or charged with any sexual offense, arson or aggravated assault;
 4. Not be individuals with such severe psychiatric problems that they present a danger to themselves or others;
 5. Attend school classes.
- F. No home for troubled youth shall house children whose respective ages span more than four years. For instance, if the home houses children ten years of age, the oldest child in the home can be no more than 14 years of age.
- G. The land use permit and any other license granted in accordance with the provisions of this ordinance, is not transferable and terminates if the structure is devoted to a use other than residential facility for troubled youth or if the structure fails to comply with the county's building, safety and health codes or the requirements of this ordinance.
- H. No residential facility for troubled youth shall occupy a lot in a recorded subdivision of four or more lots, including all subdivision phases.
- I. The facility shall be continuously occupied by Staff who will serve as house parents to the youth who reside therein. Their duties will be as follows:
1. To offer counseling and guidance to the youth under their care.
 2. To supervise the orderly functioning of the household.
 3. To provide meals to the youth who occupy the home.
 4. To assign the duties, chores and other tasks to each of the youth who occupy the home.
 5. Supervise the preparation of homework and studies each of the youth is required to complete for their education in local schools.
 6. To immediately report to the appropriate State Agency, any difficulties, problems, breaches, of the peace or violations of law engaged in by any of the youth under their care.
 7. To also report the same conduct to the organization who employs them directly.
- J. Staff within the home must meet the standards of the Department of Human Services and obtain all licenses, permits, or certificates required by the State of Utah before undertaking their duties.
- K. In the event that the staff terminate their employment without first training suitable replacements, the facility must replace them with trained staff within 30 days or the home for troubled youth must cease operating.

14.80.090 Continuation of Use

Approved conditional use permits will be reviewed on a yearly basis at which time the user, in addition to delivering a business license fee, will supply a written confirmation that all conditions required by the initial approval of the use continue to be satisfied and honored and will itemize in writing the date, time and status of persons, e.g., staff or resident, who have engaged in any criminal misconduct or in the damaging or destruction of private property during the previous year and will confirm that restitution had been made to all victims of such occurrences. In the event that a court has not made a determination as to the amount of restitution owed, the board will entertain evidence in that regard and other immediate payment of restitution as the board determines reasonable.

14.80.100 Violations - Penalty

On violation of any of the provisions of this chapter or any other applicable ordinances by a holder of a use permit, or on failure of the holder to comply with conditions of a use permit granted on conditions, the use permit shall be suspended unless the permit holder, at a hearing held within fifteen (15) days, satisfies the Board of Commissioners that either the violation has been discontinued or the conditions met; otherwise the permit will be revoked.

CHAPTER 14.84 RESIDENTIAL FACILITIES FOR ELDERLY AND DISABLED PERSONS

14.84.010 Definitions

The following definitions shall apply to all sections of the Sanpete County Land Use Ordinance and except as provided herein, shall supersede any other definition contained in the Sanpete County Land Use Ordinance.

Adult Daycare Facility: Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty-four (24) hours per day.

Assisted Living Facility: A residential facility, licensed by the state of Utah, with a home like setting that provides an array of coordinated support personnel and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under the Utah Department of Health or the Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:

- A. Specified services of intermediate nursing care;
- B. Administration of medication; and
- C. Support services promoting resident's independence and self-sufficiency. Such a facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

Boarder: A person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family who resides on the premises with the operator, shall not be considered to be a boarder.

Boarding House: A building or a portion thereof where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a non-residential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.

Building, Public: For purposes of this chapter only, a public building is a building owned and operated, or owned and intended to be operated by the county, a public agency of the United States of America, the State of Utah, or any of its political subdivisions. The use of a public building, with immunity, is non-transferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:

- A. Properties owned by the State of Utah or the United States Government which are outside of the jurisdiction of the county zoning authority as provided under title 17, chapter 27a, section 304, Utah Code Annotated, 1953, as amended; and
- B. The ownership or use of a building which is immune from the city zoning authority under the supremacy clause of the United States constitution.

Disability: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:

- A. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in section 102 of the controlled substances act, 21 USC 802, or as defined under title 58, chapter 37, Utah Code Annotated, 1953, as amended;
- B. A physical or mental impairment includes the following:
 - 1. Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - 2. Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
 - 3. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV), mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of controlled substances) and alcoholism.

Domestic Staff: Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.

Elderly Person: A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

Family: One or more persons related by blood, marriage, adoption, or guardianship or a group of not more than twenty (20) unrelated persons living together as a single housekeeping unit, together with any incidental domestic or support staff who may or may not reside on the premises. "Family" does not exclude the care of foster children.

Hospital: An institution licensed by the state of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any

inpatient or overnight care, or operates on a twenty-four (24) hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to operate the hospital.

Major Life Activities: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Non-residential Treatment Facility: A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.

Nursing Home: An intermediate care/nursing facility or a skilled nursing facility licensed by the State of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty-four (24) hour per day basis. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.

Protective Housing Facility: A facility either:

- A. operated, licensed, or contracted by a governmental entity, or
- B. operated by a charitable non-profit organization, where for no compensation, temporary, protective housing is provided to:
 - 1. abused or neglected children awaiting placement of foster care;
 - 2. pregnant or parenting teens;
 - 3. victims of sexual abuse; or
 - 4. victims of domestic abuse.

Reasonable Accommodation: A change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions:

- A. Reasonable: A requested accommodation that will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.
- B. Necessary: The applicant must show that, but for the accommodation one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
- C. Equal Opportunity: Achieving equal results as between a person with a disability and a nondisabled person.

Record of Impairment: Having a record of impairment means having a history of, or having been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

Regarded as Having an Impairment: A person is regarded as having an impairment when:

- A. The person has a physical or mental impairment that does not substantially limit one or more major life activities, but is treated by another person as having such a limitation;

- B. The person has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others towards such an impairment; or
- C. The person has none of the impairments defined in this section, but is treated by another person as having such an impairment.

Rehabilitation/treatment Facility: A facility licensed or contracted by the State of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.

Related: Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.

Residential Facility for Elderly Persons: A dwelling unit that is occupied on a twenty-four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following:

- A. A facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs or preparation and maintenance of the facility;
- B. A facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a healthcare facility as defined by title 26, chapter 21, section 2, Utah Code Annotated, 1953, as amended; or a facility which is a residential facility for persons with a disability.

Residential Facility for Persons with a Disability: A residence in which more than one person with a disability resides and which is:

- A. Licensed or certified by the Department of Human Services under title 62A, chapter 2, of the Utah Code, licensure of programs and facilities; or
- B. Licensed or certified by the Department of Human Health under title 26, chapter 21, health care facilities licensing and inspection act.

Residents, Residential Facility: Any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit.

Retirement Home: A residential facility designated, occupied, and intended for residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping and sanitation.

Shelter for the Homeless: Charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.

Sheltered Workshop: An on-site supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.

Trade or Vocational School: A post-high school educational or vocational training facility.

Transitional Housing Facility: A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually 3 to 24 months, but in no event less than 30 days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty (30) days, shall not be considered to be a transitional housing facility.

14.84.020 Residential Facilities for Persons with a Disability

- A. **Applicability:** This section shall be deemed to govern any facility, residence, or other circumstance that meets the definition of a residential facility as set forth in this chapter, and the definition of a disabled person as set forth in this chapter; for the requirements of this section shall govern the same notwithstanding any other provisions of this code.
- B. **Purpose:** The purposes of this section are:
 - A. To comply with title 17, chapter 27a, section 519, Utah Code Annotated, 1953, as amended; and
 - B. To avoid discrimination in housing against persons with disabilities as provided in the Utah Fair Housing Act and the Federal Fair Housing Amendments Act as interpreted by the courts having jurisdiction over the County of Sanpete.
- C. **Permitted Use:** A residential facility for persons with a disability shall be permitted use in any zoning district where a dwelling is allowed. Each such facility shall conform to the following requirements:
 - 1. The facility shall comply with all applicable building, safety and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any contract with a state agency. The facility shall also comply with the county's land use zoning provisions applicable to single-family dwellings for the zone in which it is to be located, except as may be modified by the provisions of this chapter.
 - 2. The following site development standards and parking standards shall be applicable;
 - a. Each facility shall be subject to minimum site development standards applicable to a dwelling unit in the zone in which the facility is located; and
 - b. The minimum number of parking spaces required shall be the same as the number required for a dwelling with similar occupancy density in the same zone.
 - 3. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - a. May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or

- b. Has or may engage in conduct resulting in substantial physical damage to the property of others;
- 4. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
 - a. Provide a certified copy of such license.
 - b. Certify, in a sworn affidavit submitted with the application of a business license, compliance with the Americans with Disabilities Act;
 - c. Certify, in a sworn affidavit submitted with the application of a business license, that no person will be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions, have demonstrated that such person is or may be a substantial risk or direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions have resulted in or may result in substantial physical damage to the property of others. Such affidavit shall be supplemented and updated not less than one-hundred and fifty (150) days nor more than one-hundred and ninety (190) days from the date of issuance of the business license and at the time of the application for renewal of the business license.
- 5. The use permitted by this section is non-transferable and shall terminate if:
 - a. A facility is devoted to or used as other than a residential facility for persons with a disability; or
 - b. The license or certification issued by the Department of Human Services, Department of Health or any other applicable agency, terminates or is revoked; or
 - c. The facility fails to comply with the conditions set forth in this section.
- 6. In the A, RA-1 and RA-2 zones, no residential facility for persons with a disability shall exceed twenty (20) residents, not including staff, or the family that owns the residence.
- 7. In the SL and BC zones, no residential facility for persons with disabilities shall exceed twenty (20) residents, not including staff, or the family that owns the residence.
- 8. No residential facilities for persons with disabilities shall be permitted in the PF zone.
- 9. Residential facilities for persons with disabilities that are substance abuse facilities and are located within five hundred feet (500') of a school, shall provide, in accordance with rules established by the Department of Human Services under title 62A, chapter 2, licensure of program and facilities:
 - a. A security plan satisfactory to local law enforcement authorities;
 - b. Twenty-four (24) hour supervision of residents; and
 - c. Other twenty-four (24) hour security measures.
- 10. No residential facility for persons with disabilities shall be located within 2 miles of another such facility as measured from nearest property line of the existing facility to nearest property line of the proposed facility.

Reasonable Accommodations: None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for persons(s) with a disability.

- 1. Any person or entity who wishes to request a reasonable accommodation shall make application to the County Zoning Administrator. Said applications shall specifically articulate, in writing, the following:
 - a. The name, mailing address, and phone number of the applicant;

- b. The nature and extent of the disability;
 - c. An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;
 - d. The applicant's proposed reasonable accommodations;
 - e. A statement detailing why a reasonable accommodation is necessary; and
 - f. The physical address of the property where the applicant intends on living;
2. When considering whether or not to grant a reasonable accommodation, the County Zoning Administrator shall consider the following factors, among others deemed appropriate and applicable:
- a. The zoning ordinance applicable to the property;
 - b. The parking, traffic, and noise impact on the area if the reasonable accommodation is granted;
 - c. Whether or not the accommodation will be an undue burden or expense to the county;
 - d. The extent to which the accommodation will or will not benefit the applicant;
 - e. The extent to which the accommodation will or will not benefit the community;
 - f. Whether or not the accommodation fundamentally alters the county-wide zoning ordinance and whether or not the accommodation would likely create a fundamental change in the character of the area;
 - g. Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life, or ameliorate the effects of the applicant's disability, or the lives or disabilities on whose behalf the entity is applying;
 - h. Whether or not, without the accommodation, similar housing is available in the County of Sanpete for the applicant or group of applicants;
 - i. Given the scope of the accommodation requested, what is the impact on the immediate neighborhood; and
 - j. The requirements of applicable federal and state laws and regulations;
3. Written findings and conclusions of the Zoning Administrator shall be sent to the applicant within thirty (30) days after the decision by the County Zoning Administrator; and
4. If a request for a reasonable accommodation is denied, such decision may be appealed to the Board of County Commissions.

14.84.030 Residential Facilities for Elderly Persons

- A. **Purpose:** The purpose of this section is to comply with title 17, chapter 27(a), sections 515 through 518, Utah Code Annotated, 1953, as amended.
- B. **General Requirements:**
- 1. A residential facility for elderly persons may not operate as a business.
 - 2. A residential facility for elderly persons shall be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident.
 - 3. A residential facility for elderly persons shall be consistent with existing zoning of the desired location.
 - 4. A residential facility for elderly persons shall be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
 - 5. A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

- C. **compliance:** "Residential facilities for elderly persons" shall comply with all requirements of sections 17-27a-515 through 518, and also the following requirements:
1. The facility shall meet all applicable building codes, safety codes, zoning regulations, the Americans with Disabilities Act, and health ordinance applicable to single-family or similar dwellings; except as may be modified by the provisions of this chapter;
 2. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - a. May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or
 - b. Has or may engage in conduct resulting in substantial physical damage to the property of others;
 3. Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located;
 4. The facility shall be capable of being used as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
 5. The use granted and permitted by this section is non-transferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety, zoning and building codes; and
 6. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons; and
 7. Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility

14.84.040 Design Standards for Protective Housing, Rehabilitation/treatment Facilities (Both Residential and Non-residential), Transitional Housing, and Assisted Living Facilities, When Allowed as a Permitted or Conditional Use Within the Unincorporated Area of Sanpete County

- A. Any newly constructed, or remodeled facility in a residential zone or immediately abutting a residential zone shall comply with the following design standards:
1. All setbacks shall be according to the requirements of the residential zone in which the facility sits, or if the facility is in a commercial zone abutting a residential zone the setbacks shall be those of the abutting residential zone;
 2. All required or accessory parking areas shall be located either in the rear yard area of the lot, or behind the main building or garage;
 3. In addition to the maximum height restrictions of the individual residential zone, new building or additional buildings shall not exceed one-hundred and ten percent (110%) of the average height of the closest dwellings on both sides of the proposed structure;
 4. In order for new construction to reflect the design and character of the existing area, the following standards shall be met:
 - a. The roof design of the proposed structure or remodel shall be a pitched roof of the same slope as the most common roof slope of the homes in the area; and
 - b. The type of exterior materials shall be of traditional home finished materials of brick, siding, or stucco. The use of these materials shall be applied in such a manner as to blend in with the area where the building is located and not draw undue attention to the building because of the materials, their color and combination being uncharacteristic of the other buildings in the neighborhood;

5. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - a. May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or
 - b. Has or may engage in conduct resulting in substantial physical damage to the property of others;
6. To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing zoning regulations, subject to the conflicts resolution provisions of this subsection.

14.84.050 Non-Residential Treatment Facilities

- A. Non-residential treatment facilities shall not be built within the unincorporated area of Sanpete County except as specifically allowed as a permitted or conditional use by proper designation in a zone or zones in this title. Each permitted facility, or facility allowed as a conditional use, shall conform to the following requirements:
 1. The facility shall comply with all building, safety, zoning and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any contract with a state agency.
 2. The following site development standards and parking standards shall be applicable:
 - a. Each facility shall be subject to minimum site development standards applicable to a business in the zone in which the facility may be located; and
 - b. The minimum number of parking spaces required shall be the same as the number required for an office building with similar size, occupancy, and density in the same zone.
 3. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
 - a. Provide a certified copy of such license.
 - b. Certify, in a sworn affidavit submitted with application for a business license, compliance with the Americans with Disabilities Act.
 4. The use permitted by this section is non-transferable and shall terminate if:
 - a. The facility is devoted to or used as other than a non-residential facility; or
 - b. The license or certification issued by the Department of Human services, Department of Health or any other applicable agency, terminates or is revoked, or the facility fails to comply with the conditions set forth in this section.
 5. No non-residential treatment facility shall be established or maintained within one (1) mile measured in a straight line between the closest property lines of the lots or parcels of the following facilities:
 - a. A residential facility for persons with a disability;
 - b. A residential facility for elderly with more than five (5) elderly persons in a residence; or
 - c. Any of the following facilities: protective housing facility, transitional housing facility, assisted living facility or rehabilitation/treatment facility, a non-residential treatment facility, and elementary schools.

6. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - a. May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or
 - b. Has or may engage in conduct resulting in substantial physical damage to the property of others.
7. To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing zoning regulations.

14.84.060 Limitations

- A. Only such uses and facilities as are specifically authorized in this chapter and in this title as permitted or conditional uses shall be allowed. All other uses and facilities are prohibited.

Chapter 14.90 ENFORCEMENT

Sections:

14.90.010	Permits Required
14.90.020	Powers and Duties of Enforcing Officer
14.90.030	Civil Enforcement
14.90.040	Stay Order
14.90.050	Building Permits Required
14.90.060	Permit to Comply with Title
14.90.070	Reconsideration/Revocation of Approvals, Permits and Licenses
14.90.080	Violation - Penalty
14.90.090	Violation - Notice to Correct
14.90.100	Appeals
14.90.110	Certificate of Occupancy
14.90.115	Closure / Expiration of a Building Permit
14.90.120	Bonding or Guarantees for Delayed Performance
14.90.130	Additional Fees
14.90.140	Penalties and Penalty Fee
14.90.150	Nuisance Abatement

14.90.010 Permits Required

- A. Any person, firm or corporation desiring to construct a building in the unincorporated territory of Sanpete County shall first apply for a permit therefore to the zoning administrator. Upon approval from the zoning administrator the permit application will be reviewed by the Building Official.
- B. All applications for building permits shall be accompanied by:
 - 1. Plat showing size and location of all proposed and existing buildings, and any adjacent buildings or property within 500 feet of the proposed construction.
 - 2. The zone in which the proposed construction is to take place.
 - 3. Preliminary site plan including all existing and proposed streets, water sources, power and other infrastructure to service said construction activities.
 - 4. Certificate or proof of Title or other required to prove ownership on proposed land.
 - 5. Any other information describing proposed methods of providing maintenance of necessary infrastructure such as roads, water, and sewer systems, etc.
 - 6. Signed disclaimer recognizing that due to remoteness of certain areas in the County, weather conditions and other emergencies, there may be untimely delays of response of certain emergency services, such as Fire response, Ambulance response, Law Enforcement response, and perhaps others. This does not mean that all reasonable attempts will not be made to respond to proper emergencies in a timely manner.
 - 7. A Subdivision's HOA signed Review and Approval of applicants proposed structure from; Subdivisions with active HOA's.
- C. All appropriate fees must be paid at the time of application.

14.90.020 Powers and Duties of Enforcing Officer

- A. The zoning administrator and other county staff, which are authorized with duty thereof shall enforce the provisions of this title, entering actions in the courts when necessary, and their failure to do so shall not legalize any violation of such provisions.
- B. Upon appeal to the board of adjustment of any matter on which said board is required to pass, the zoning administrator shall forthwith transmit all papers, records, and other pertinent data pertaining to the appeal to said board.

The zoning administrator shall also refer matters to the health department, board of county commissioners, and other agencies as required by this title.

14.90.030 Civil Enforcement

Appropriate actions and proceedings may be taken by the county in law or in equity to prevent any violation of this title, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure or premises.

14.90.040 Stay Order

In order to maintain the status quo pending the appeal of any decision hereunder or otherwise, the county may issue a stop work order mandating that all development activities cease in accordance with the terms of the order. Said order may be appealed to the Board of County Commissioners within five (5) days of the receipt thereof by any aggrieved person.

14.90.050 Building Permits Required

No building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provisions of this title, nor shall the county have any obligation to issue certificates of occupancy or extend utility service to any parcel created in violation of this title.

14.90.060 Permit to Comply with Title

From the time of the effective date of this title, the building inspector shall not grant a permit for the erection or alteration of a building or structure if such erection or alteration would be in violation of the provisions of this title.

14.90.070 Reconsideration/Revocation of Approvals, Permits and Licenses

An approved development application, permit, or license may be reconsidered and revoked by the Zoning Administrator, the Planning Commission, the Board of Adjustment, the Board of County Commissioners in accordance with the procedures set forth in this section if it is determined that the application, decision, permit or license was based on materially inaccurate or incomplete information.

- A. **Duties of the Zoning Administrator.** If the Zoning Administrator determines, based on inspection by county staff, that there are reasonable grounds for revocation of a development permit or license authorized by this Ordinance, the Zoning Administrator shall set a public hearing before the approving body.
- B. **Notice and Public Hearing.** At least fourteen (14) days notice of a proceeding to reconsider or revoke the development permit or license shall be given to the applicant pursuant to notice requirements in the Utah Annotated Code.

- C. **Required Findings.** The approving body may revoke the development approval, permit or license upon making one or more of the following findings:
1. That the development permit was issued on the basis of erroneous or misleading information or misrepresentation provided by the applicant.
 2. That the terms or conditions of approval of the permit relating to establishment or operation of the use, building or structure have been violated or that other laws or regulations of the County, State, Federal or Regional Agencies applicable to the development have been violated.
- D. **Decision and Notice.** Within ten (10) days of the conclusion of the hearing the approving body shall render a decision and shall notify the holder of the permit or license of the decision, and any other person who has filed a written request for such notice.
- E. **Effect.** A decision to revoke a development permit or license shall become final five(5) days after the date notice of the decision was given. After the effective date, all activities pursuant to such permit shall be deemed in violation of this title.

14.90.080 Violation - Penalty

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, who shall erect, construct or reconstruct or alter any building or structure in any zone of the unincorporated area of Sanpete County without first obtaining a permit therefore from the county building inspector shall be guilty of a Class C misdemeanor, and any person, firm or corporation, whether as principal, agent, employee or otherwise, who shall change the use of any building or other structure or the use of any land within the unincorporated territory of Sanpete County in violation of the provisions of this title shall be guilty of a Class C misdemeanor and upon conviction thereof, shall be punished and fined pursuant to the provisions of the Utah Code. Such person, firm or corporation violating this title or any portion thereof shall be deemed to be guilty of a separate offense for each and every day during which such violation is committed, continued or permitted by such person, firm or corporation and shall be punishable as provided by law as a separate offense.

14.90.090 Violation - Notice to Correct

Whenever the zoning administrator shall observe any apparent violation or infraction of this title, he shall send a notice to the property owner on whose land the apparent violation occurs, setting forth the nature of the alleged violation, together with a statement of what must be done to correct said alleged violation and a statement of the time in which said alleged violation must be corrected. Failure to notify, however, shall not be deemed approval of any violation.

14.90.100 Appeals

- A. No person may challenge in district court a county's land use decisions made under this title or under the regulation made under authority of this chapter until that person has exhausted all administrative remedies.
- B. Any person adversely affected by any decision made in the exercise of the provisions of this title may file a petition for review of the decision with the district court within 30 days after the local decision is rendered.

14.90.110 Certificate of Occupancy

A Certificate of Occupancy and Building Compliance shall be obtained from and issued by the Sanpete County Building Inspection Department prior to the occupancy of any building or structure approved under this Ordinance. Said Certificate shall specify the use (occupancy) of the structure.

14.90.115 Closure / Expiration of a Building Permit

A building permit issued by Sanpete County will be closed once a Certificate of Occupancy or notification of passing a final inspection has been issued. Every permit issued shall expire by limitation and become null and void in 180 days from the date of issue. The 180-day period starts anew every time a building inspector passes a required inspection of the building or work authorized by the permit. An extension may be granted by the Building Official when he/she has determined that extenuating circumstances exist.

In the event that the building Official or representative identifies that construction on a building regulated by the appropriate technical codes adopted by the State of Utah Building Commission, this ordinance and other ordinances as adopted by the Sanpete County Commission noting that a building is being occupied or work is being accomplished:

- A) without a permit;
- B) with an expired permit;
- C) without a Certificate of Occupancy;
- D) without a final inspection and closure of permit;
- E) or other disregard for the codes

the Building Official may cause a Certificate of Notice of Non-Compliance to be filed against the property where the violation is being committed.

14.90.120 Bonding or Guarantees for Delayed Performance.

- A. In situations where total compliance with this Ordinance may be delayed or made impossible as a result of factors such as extreme weather, inability to obtain certain materials, or other factors which are not within the control of the builder or owner of the premises, and where this Ordinance has been reasonably complied with, and health and safety factors have reasonably been addressed, the Sanpete County Building Official may authorize the temporary occupancy or use of a premise.
- B. Such temporary occupancy or use shall be subject to conditions specified by the Building Official and shall include a written agreement or guarantee, and the posting of a Letter of Credit, or Performance Bond secured by real property, in an amount specified by the Sanpete County Commission.
- C. If the totality of compliance has not been achieved within the time period set in the written agreement or guarantee, the County shall, by this Ordinance and by the written agreement itself, be authorized to utilize the Letter of Credit or real property specified in the Performance Bond for the purpose of completing or abating the building, structure, land use, or project.

14.90.130 Additional Fees

Additional fees for actual costs of providing County services, such as the costs related to administrative, enforcement, inspection, planning, public works, public safety, or other special services provided by Sanpete County may be reasonably assessed to offset actual costs related to the subject development. Special charges, when reasonably assessed by the Sanpete County Building Official, shall be in an amount, or amounts, at a rate, or rates, and within a time period approved by the County Commission.

14.90.140 Penalties and Penalty Fee

- A. The Sanpete County Commission, under counsel of the County Attorney, herewith establish appropriate civil penalties for violations of any of the provisions of this Ordinance.
- B. A fee of up to \$500 (plus additional charges for actual consultant, staff, or Sanpete County Building Official's time if more than \$500) shall be assessed to any person who fails to comply with the provisions of this Ordinance. The same penalty shall apply to any person who makes unauthorized changes to an approved plan, who alters, or knowingly fails to comply with the conditions related to a permit granted under this Ordinance.

14.90.150 Nuisance Abatement

Upon the lawful filing of a written complaint indicating reasonable cause, the Sanpete County Commission, or the Sanpete County Attorney, is hereby authorized to:

- A. Declare property or buildings or the use thereof, in this or any other zone in the County, a public nuisance;
- B. Invoke legal remedy in restricting the use and fining responsible individuals;
- C. Restricting access to or, if deemed necessary, removing any unsanitary or unsafe building, including the use thereof, particularly if the building is dilapidated, or structurally compromised; or
- D. Restricting or limiting the keeping of any animal(s) or poultry on property within Sanpete County as determined by the Building Official or Health Official to be in violation of this Ordinance. In addition, the Sanpete County Commission may invoke other more stringent and lawful penalties for violation(s).
- E. **These requirements and remedies to abate a nuisance shall apply to all Zones in Sanpete County.**

SANPETE COUNTY
CONDITIONAL USE PERMIT APPLICATION ATTACHMENT

PLEASE SUBMIT THE FOLLOWING INFORMATION:

SUBMITTED

- ☐ Site and Building Plan: Two copies of a site and building plan, drawn to scale, must be submitted with the application. Plans must show the actual shape and dimension of existing and proposed improvements, including the proposed building, addition, or alteration, water tank, sewer lines, drain fields, and parking areas.(if applicable)
- ☐ As-built surveys prepared by a professional land surveyor to establish the location of existing improvements on the property should be submitted if available.
- ☐ Type of use proposed.
- ☐ Days and times of operation.
- ☐ Square footage used by the conditional use.
- ☐ Number of users or employees (if applicable).
- ☐ Additional information as requested by the planning commission or information that would explain in further detail the status of the land and how the use meets or exceeds the following criteria:
 - ☐ Compatibility with general plan and Land Use Ordinance
 - ☐ Compatibility with surrounding land uses or potential uses
 - ☐ Development or lack of development adjacent to the proposed use
 - ☐ Present and future requirements for all utilities, transportation, and county services
 - ☐ Similar conditional uses in the area and public need for the conditional use
 - ☐ Economic impact to surrounding uses or potential uses
 - ☐ Aesthetic impact to surrounding uses or potential uses
 - ☐ Safeguards or attempts to minimize offensive odors, noise, dust, glare, and pollutants
 - ☐ Minimizing adverse effects or the conditional use on surrounding uses or potential uses
 - ☐ Impact on health, safety, and welfare of the area, surrounding municipalities and the county

I certify the information contained in this application is true and correct to the best of my knowledge. I authorize Sanpete County the limited right to enter the subject property for the purpose of conducting investigations related to this request.

Owner's signature: _____ Date: _____
Applicant's signature: _____ Date: _____

Please be advised that the issuance of a Conditional Use Permit in no way precludes the applicant's responsibility to comply with all other applicable Local, State and/or Federal laws or regulations.

APPENDIX A - LAND USE MATRIX

Land Use Classification	A - Agricultural Zone	RA1 - Residential Agricultural Zone	RA2 - Residential Agricultural Zone	SL - Sensitive Lands Zone	BC - Business Commercial Zone	IN - Industrial Zone	PF - Public Facilities Zone
Agriculture	P	P	P	P	C	C	
Agriculture Processing, Packaging & Warehousing	P	C	C		C	P	
Airports / Airstrips / Heliports					P	P	P
Alternative Source Of Power*	C	C	C	C			
Animal Hospital/ Veterinary Clinic	C	C	C		P		
Agricultural Protection Area (Must Comply With Uca 17-41- 101 Through 406 Et.Al.)	P						
Asphalt Mixing/ Concrete Batching Plants						P	
Auction Yards (Livestock)	P				C		
Auto Salvage/ Wrecking Yards And Allied Operations						P	
Auto/Truck Repair					P		
Auto/Truck Sales And Service	C				P		
Barns & Other Agricultural Related Structures	P	P	P	C	C	C	
Bed & Breakfast	C	C	C	C	P		
Boat Building/Storage					C	P	
Broadcast Studios					P		
Business Support Services					P		
Car Wash					P		
Cemeteries/Crematoriums Only allowed for Municipalities; See Land use Appendix B: Definitions	P	P	P		P		P
Day Care Center	C	C	C		P		
Churches	C	C	C		C		p
Coal Yards	C					P	
Community Building Public Or Private	C	C	C		P		P
Commercial Feed Lot	P						

Land Use Classification	A - Agricultural Zone	RA1 - Residential Agricultural Zone	RA2 - Residential Agricultural Zone	SL - Sensitive Lands Zone	BC - Business Commerci al Zone	IN - Industrial Zone	PF - Public Facilities Zone
Commercial Poultry Raising	P		C	C			
Commercial Recreation, Indoor And Outdoor	C				P		
Construction Offices And Equipment Yard	C				P	P	
Construction Sales And Service					P		
Convenience Store/ Service Station	C	C	C		P		
Corrals	P	P	P	C	C	C	
Cottage Industry	P	P	P	P	P		
Dairy	P						
Dams	C	C	C	C	C		C
Distribution Center					C	P	
Domestic Livestock (Within AU Limits)	P	P	P	P	C	C	
Emergency Care Facility					P		
Equipment Sales And Rental – New Or Used					P		
Fabrication/Welding	C				C	P	
Farming & Ranching	P	P	P	P	C	C	
Financial Institutions					P		
Forest Industries	C	C	C	C		P	
Fruit & Vegetable Stands	P	P	P		P		
Funeral Homes		C	C		P		
Fur Farms	P						
Golf Courses/ Country Clubs/ Riding Clubs/ Hunting Clubs	C	C	C	C	C		C
Gravel Pits, Rock Crushers, Clay Pits, Borrow Pits & Rock Quarries	C					P	
Gymnasium/Health & Fitness Club					P		
Home Occupation	C	C	C	C	C		
Hospital		C	C		P		P

Land Use Classification	A - Agricultural Zone	RA1 - Residential Agricultural Zone	RA2 - Residential Agricultural Zone	SL - Sensitive Lands Zone	BC - Business Commercial Zone	IN - Industrial Zone	PF - Public Facilities Zone
Kennels	C				C		
Laundry, Self Serve Or Dry Cleaning					P		
Lodges	C			C	P		
Manufacturing, Light	C				P	P	
Manufacturing, Heavy					C	P	
Medical And Dental Offices, Clinics, And Laboratories					P		
Movie Theater					P		
Mineral Exploration	C	C	C	C	C	C	C
Mining/Mineral Extraction	C	C	C	C	C	C	C
Motel / Hotel					P		
Multi Family Housing (4 Units Max In One Structure)		C	C		C		
Nursery	C	C	C		P		
Orphanages, Convents, Residential Elderly Facilities	C	C	C		P		P
Planned Unit Development	C	C	C	C	C		
Professional, Administrative, And Business Offices					P		
Personal Services					P		
Private Club					C		
Radio/Television/Cellular Towers	C	C	C	C	C	C	C
Raising & Keeping Of Limited Animals (Those Not Defined In AU's)	C	C	C	C	C		
Reception Center					P		
Recreational Dwellings, Permanent Or Temporary	C	C	C	C			
Recycle Centers					C	P	
Regional Camps/ Resorts / Dude Ranch/ Service Ranch	C	C	C	C			C
Repair Services For Small Appliances, Bicycles, Watches,					P	P	

Land Use Classification	A - Agricultural Zone	RA1 - Residential Agricultural Zone	RA2 - Residential Agricultural Zone	SL - Sensitive Lands Zone	BC - Business Commercial Zone	IN - Industrial Zone	PF - Public Facilities Zone
Musical Instruments, And Similar Items.							
Restaurant / Fast Foods					P		
Retail Sales Of New Merchandise					P		
Retail Sales Of Used Merchandise					C		
RV Park Campground	C	C	C	C	C		
Schools , Private	C	C	C	C	P		C
Schools, Public	P	P	P	P	P		P
Signs	C				C	C	
Single Family Dwelling	P	P	P	P	C		
Shopping Center					P		
Stockyards/Slaughterhouses	C					P	
Storage Units					P	P	
Utility Facilities: Water, Sewer, Electric	C	C	C	C	C	P	P
Warehouse / General					C	P	
Woodworking / Cabinet Shop					C	P	
Youth Homes	C	C	C		C		

APPENDIX B

DEFINITIONS

As used in this title:

Access - A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

Accessory Dwelling Unit - A minor detached dwelling that is located on the same lot as a principal dwelling and that is used incidentally to a primary dwelling or the house as accessory use.

Accessory Structure or Use - A detached subordinate structure or a use which is clearly incidental or subordinate to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.

Adult Entertainment - An establishment that: a) provides amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas; b) features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment; or c) a book or video store having the substantial or significant portion of its trade in books, magazines, periodicals or other materials which are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas; or d) a theater used exclusively or primarily for presenting material distinguished or characterized by specified sexual activities or specified anatomical areas for observation by persons 18 years of age or older on the premises.

Agriculture - Any use of land for the growing and harvesting of crops for sale for profit, or used which are directly ancillary to the growing and harvesting of crops, which is the exclusive or primary use of the lot, plot, parcel, or tract of land; including processing crops to the generally recognizable minimum level of marketability; or the open range grazing of livestock; or irrigated pasture for grazing of livestock. It shall not include livestock raising activities other than what has been previously defined as agriculture; nor shall it include retailing of goods on the premises, any agricultural industry or business, such as fruit packing, plants, fur farms, animal hospitals or similar uses. Also, excluded from agriculture are mechanized industrial animal farms, commercially operated greenhouses, commercial milk farms and commercial dog kennels, and commercial feeding of garbage to swine or other animals or operating for the disposal of garbage, sewerage, and rubbish.

Agricultural Packing and Warehousing - A facility used for the storing, sorting, cleaning, sacking, or transshipment of agricultural products. It does not include processing functions. Sorting and cleaning mean handling to the generally minimum level of marketability.

Agricultural Processing - Cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use.

Airports, Heliports, and Landing Fields - Any area of land which is used or intended for use for the landing and taking off of aircraft; and appurtenant areas which are used or intended for use for airport buildings or other airport facilities or right of way, together with all airport buildings and facilities located thereon.

Animal Unit - A term used to establish an equivalent density for various species of livestock. The following animals shall have the following animal unit equivalents:

Animal	Animal Unit	Example
Cattle/Buffalo/Horse	1 animal unit	(1 Buffalo per 1 AU)
Horse (34 inches or less at withers)	.2 animal unit	(5 Horses per 1 AU)
Swine/Ostrich	.2 animal unit	(5 Swine per 1 AU)
Goat/Sheep/Llama	.2 animal unit	(5 Goats per 1 AU)
Poultry	.02 animal unit	(50 Chickens per AU)
Mink and similar furbearing animals	.02 animal unit	(50 Mink per AU)
Other Livestock	1 animal unit	(1 Elk per AU)
Young animals shall not be counted until they are weaned. Horses includes mules and donkeys.		

***Alternative power** - Another source or means of supplying energy such as solar, wind, etc. that can be considered an equivalent substitute for conventional commercial power. This does not include a gas generator in a soundproof building or solar panels that are attached directly to a Single Family Dwelling home or cabin.

Area - The aggregate of the maximum horizontal cross-section within given boundaries.

Auto Salvage/Wrecking Yard And Allied Operations - The use of premises for the open storage of old, wrecked, non-operable, dilapidated, automobiles, trucks, tractors, and other such vehicles and parts thereof. Any place where motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for the dismantling or storing of such motor vehicles or the parts thereof.

Bed and Breakfast - A residence built expressly for, or converted to, rent rooms to paying guests and to provide breakfast to paying guests on a short term (daily, weekly basis). The residential appearance of the structure is maintained. Definition does not include hotel, motel or boarding house.

Buffer - An area of land including landscaping, berms, walls, fences and building setbacks which is located between land used of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

Buffer Zone - Comprised of the RA-1, RA-2, BC and Industrial Zones located within 1 mile of a municipality. A proposed development and / or change of use in this zone requires notice to the municipality. The municipality then has the ability to review and recommend utility services (power, water, and sewer) and road development standards relative to the Municipalities Development Plan, Annexation Plan and / or Expansion Area.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Height of - The vertical distance in feet to the peak from average grade.

Building Official - The official or other person charged with the administration and enforcement of this title or his duly authorized deputy.

Building, Public - A building owned and operated, or owned and intended to be operated by a public agency or the United States of America, of the state of Utah, or any of its political subdivisions.

Building or Structure, Nonconforming - A building, structure or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such building is situated, but which existed prior to the effective date of the resolution codified in this title.

Campground - A privately or municipally owned site designed, designated, maintained, intended, or used for the purpose of supplying a location for major recreational equipment/vehicles, open to the public for free or paying camping purposes.

Camping Trailer - A canvas or folding structure mounted on wheels and designed for temporary living and housekeeping purposes.

Carport - A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all regulations described in this title for a private garage.

Cemetery/ Crematoriums- A burial place or grounds owned, operated and maintained by a municipality with endowment care feasibility and disallowed for private persons or entities in all Sanpete County zones.

Clear Site Triangle - That area of a property where the driveway or ingress point intersects an abutting street or street corner.

Clinic - An establishment where patients are not lodged overnight but admitted for out-patient services.

Club - Building and facilities owner or operated by a corporation, association, person or persons for a social, educational or recreational propose.

Clustering - The grouping of structures, courts, cul de sacs, or short streets more closely than in conventional residential plans in order to preserve agriculture, natural site amenities, and open space.

Commercial Feed Lot - Any tract on which the principal use is the raising of, or the concentrated feeding of, livestock, fowl, or any other edible animals for the sale of such animals or the sale of products derived from such animals. Does not include dairies.

Commercial Recreation, Indoor And Outdoor - a use providing amusement, pleasure, or sport, which is operated entirely within an enclosed building, including but not limited to live theater, indoor tennis, bowling, and skating, baseball batting cages, paintball, riding or similar activities. This use may include associated eating and drinking areas, retail sales areas and staff offices.

Common Open Space - The land area in planned unit development (PUD) reserved and set aside for agricultural or recreational use, landscaping, open green areas, parking, and driveway areas for the common use and enjoyment of the residents of the PUD.

Conditional Use - A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit for such use is granted by the county planning commission.

Construction - The act of breaking ground and erecting a building or structure as defined elsewhere in this section.

Corral - A space, other than a building, used for the confinement of animals.

Cottage Industry - A small, individual owned business or concern that functions without altering the residential character of the neighborhood, and which does not create any negative impacts on the public health, safety, and general welfare of the adjacent property owners.

County Commission - The elected Board of County Commissioners of Sanpete County.

Dairy - An area of land on which cows are kept for the purpose of manufacturing, processing or producing dairy products in commercial quantities, as well as the related buildings and equipment.

Day Care Center - A building or structure where six or more children are regularly cared for during the day for compensation.

Density - Acres per one primary dwelling unit.

Development - Any man-made change to improved or unimproved real estate including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions, or substantial alterations to buildings, structures or accessory structures; roads, bridges, placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavating or drilling operations, and the deposition or extraction of earthen materials.

Distribution Center - a facility where the storage and distribution of goods and materials occurs inside a fully enclosed building and which may include the parking and storage of distribution vehicles, and accessory activities.

Domestic Livestock- Those fowl, cattle, dairy animals, swine, sheep, goats, and other animals such as horses which are kept or raised for use or for pleasure as part of the overall agricultural operation and which are not part of a commercial feedlot.

Drainage System - One or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Dry Cleaner - An establishment which has as its sole purpose the cleaning of fabrics with substantially non-aqueous organic solvents. Laundry establishments with self-service, coin-operated dry cleaning machines shall not be classified as a dry cleaner.

Dwelling, Single-Family - A building with a heated area of at least five hundred seventy-six (576) square feet, and measuring at least twenty-four (24) feet by twenty-four (24) feet, arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Easement - Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his or her property.

Educational Institution - A public elementary or secondary school or a private educational institution having a curriculum similar to that ordinarily given in public schools.

Emergency Care Facility - a facility or licensed healthcare provider providing emergency medical or dental or similar examination, diagnosis, treatment and care on an outpatient basis only.

Equipment Sales And Rental - an establishment licensed to engage in the retail or wholesale sale or rental, from the premises, of equipment and vehicles. Typical uses include vehicle rental, tool rental, construction equipment rental yards, moving truck and trailer rental, and farm equipment and machinery sales and rental.

Essential Services - Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include surface, underground, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewer pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Farm labor dwelling - 1000 sq. ft. maximum living space located on the same parcel as the main dwelling. Only allowed in the A Zone (Agricultural) with a conditional use permit, (verifying a legitimate farming operation). Farm labor dwellings are not allowed on subdivision lots and parcel must meet zoning requirements.

Family - An individual or two or more persons related by blood, marriage or adoption living together in a dwelling unit. Guests in excess of two who pay for meals or room shall be considered as boarders.

Fence - A tangible barrier or obstruction of any material, with the purpose of intent, or having the effect of preventing passage or view across the fence line. It includes hedges and walls.

Flood - An overflow of water onto lands not normally covered by water. Floods have two essential characteristics: the inundation of land is temporary, and the land is adjacent to and inundated by overflow from a watercourse, lake, or other body of water.

Floor Area - The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.

Frontage (Lot Width) - The Width of the lot or parcel of land measured at the front setback line.

Financial Institution - a state or federally chartered bank, credit union, mortgage lender or savings and loan association financial services.

Garage - A building or portion thereof, other than a private storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

Garage, Private - An enclosed space or accessory building for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common, or are connected structurally by a physical connection such as a wall, trellis or solid fence.

General Plan - A plan adopted by the Sanpete County Planning Commission which shows the most appropriate use of land within the county.

Grade - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Hospital - Unless otherwise specified, the term “hospital” shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.

Hotel - A building in which a lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times.

Infrastructure - construction such as but not limited to streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, and water, sewer and gas systems or parts thereof.

Junk Yard - Scrap building materials, scrap contractor’s equipment, tank, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material.

Kennel - A commercial establishment for the breeding, sale, grooming, or boarding of small animals and household pets.

Laboratory - A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not including facilities for manufacture of products for sale.

Landscaping - The placement of living plants such as ground cover, shrubs and trees on developed lots. May include non-living materials such as gravel.

Land Use - Any activity which is subject to the Regulation of this County which is conducted on, below and/or in the space above the surface of the earth to a height of 500 feet within the boundaries of the county excepting those areas subject to the zoning authority of the incorporated municipalities within the county.

Land Use Ordinance or Ordinance - the Land Use Ordinance of Sanpete County, Utah.

Legal Description - A metes and bounds description of a parcel of land filed in accordance with the requirements of the State of Utah and the county.

Lodge - A building containing no more than fifteen bedrooms for the temporary occupancy of guests, without cooking facilities in each unit. Accessory facilities may include any or all things customarily associated with lodges.

Lot - A parcel of land, as identified by having a single parcel identification code number in the records of the County Assessor of the county, and as created under the subdivision laws of the State of Utah and the ordinances of the county.

Lot, Area of - The contiguous, not separated by public roadway, of a lot between its front, rear, and side lot lines. Lot area must meet the minimum lot area requirements.

Lot, Through (Double-Frontage Lots) - A lot having a frontage on two parallel or approximately parallel streets. The lots for purposes of this title shall have two street frontages and two front yards.

Lot Width - The distance across a lot or parcel of property measured along a line parallel to the front lot line, or parallel to a straight line connecting the ends of an arc which constitutes the front lot line.

Lot, Width (Frontage) - The width of the lot or parcel of land measured at the front setback line.

Manufactured Home, Permanent - A single family dwelling with a heated area of at least five hundred seventy-six (576) square feet, and measuring at least twenty-four (24) feet by twenty-four (24) feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development (HUD), the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.) And the Housing and Urban Development Zone Code II or the Uniform Building Code (UBC), as amended to the date of the unit's construction.

Manufactured Home, Temporary - A single family dwelling with a heated area, constructed in a factory to the standards of the United States Department of Housing and Urban Development (HUD), the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et.seq.) and the Housing and Urban Development Zone Code II or the Uniform Building Code (UBC), as amended to the date of the unit's construction.

Manufacturing, Heavy - the assembly, fabrication or processing of large or bulky goods and materials which typically require extensive building areas or land areas using raw materials or previously prepared materials, using processes and that may have impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

Manufacturing, Light - the processing or fabrication of materials or products where the process involved will not produce light, noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties or compromise the quality of living and where activities and equipment are conducted within a building or structure.

Medical And Dental Offices, Clinics, And Laborites - an organization of doctors, dentists, or other health care professional providing physical or mental health service and medical or surgical care of the sick or injured but which does not include in-patient or overnight accommodations or an establishment that conducts basic medical or dental research and analysis.

Map - The zone map of Sanpete County, Utah.

Mineral - A naturally occurring element or combination of elements; metallic, nonmetallic or mineral fuel that occur in the earth, but shall not include soil. Without limitation due to enumeration, the minerals of interest include: 1) Metallic - Iron ore, copper, zinc, silver, gold, nickel, cerium, chromite, columbium, magnesite, molybdenite, vanadium and zircon; 2) Nonmetallic - Stone, sand and gravel, clay talc, asbestos, graphite and marble; 3) Mineral Fuel - petroleum, natural gas, coal, peat and nuclear fuel source materials.

Mineral Extraction - The excavation or recovery of metallic, nonmetallic, or mineral fuels through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods. It shall include the extraction of top soil when such activities are undertaken or proposed to be undertaken as a distinct land use.

Mining, Drilling, Digging, Quarrying, Etc. - All or part of the process involved in the extraction and processing of mineral materials. Such activities shall normally be divided into four distinct phases: 1) Exploration - Onsite, geologic examination from the surface of an area by seismic core, rotary, percussion or other drilling or testing for the purpose of searching for mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling; 2) Prospecting - Examination of an area for the purposes of determining the quality and quantity of minerals other than by exploration, but including the obtaining of samples by physical means; 3) Operation - Mineral extraction and/or processing for commercial purposes, including such operations as aggregate or ready mix plants, mixing of asphalt, mining or drilling services, processing of top soil, washing, refining or processing of metallic, nonmetallic, or mineral fuel materials; 4) Reclamation - Process by which an area physically or environmentally affected by mineral extraction activities is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.

Mobile Home - Any structure manufactured or assembled prior to June 15, 1976, and/or originally designed to be capable of transportation by any motor vehicle upon public highways which does not require substantial onsite fabrication; which is intended for occupancy as a year round residence.

Motel - Any building or group of buildings containing sleeping rooms designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

Motor Home - A portable structure constructed as an integral part of a self-propelled vehicle designed and used for temporary living and housekeeping purposes. Including school buses converted and vans.

Natural Waterways - Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels as determined by the chief building official and in which areas no buildings shall be constructed.

Non-Chartered Financial Services - a business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services and loans for payment of a percentage fee. Specifically included are check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument and payday loan businesses that make loans upon assignments of wages received.

Nonconforming Building or Use - A building, structure, parcel dimensions or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district or zone in which it is situated.

Nursery - a use wholly, or partially, contained within one or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold to retail or wholesale customers.

Offices - A building, room or department wherein a business or service for others is transacted, but not including the storage or sale of merchandise on the premises.

Owner - Any person, association, partnership, or corporation which has dominion over, ultimate control of, or title to real property.

Parcel of Land - A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person.

Parking Lot - An open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation or an accommodation for clients or customers.

Parking Space, Off-Street - An area not in a street or alley, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a driveway which affords ingress and egress for a vehicle.

Permanent Foundation - A continuous perimeter stem wall constructed of reinforced concrete or masonry set on approved footings and as required by the Uniform Building Code.

Personal Services - Uses such as beauty shops, barber shops, dry cleaners, mailing services, self-service laundromats and similar uses which provide service to the public individually.

Planned Unit Development (PUD) - A development in which the regulations of the zone in which the development is situated to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.

Planning Commission - The county planning commission of Sanpete County, Utah.

Primary Use - A land use listed in the Land Use Matrix which occupies the greater portion of a lot or parcel, or is the more intense use of two uses on a lot or parcel.

Private Club - any nonprofit corporation operating as a social club, recreational, fraternal or athletic association, or kindred association organized primarily for the benefit of its stockholders or members.

Private Drive - A non-dedicated thoroughfare or road used exclusively for private access to and from private land or developments.

Process - A series of acts of changes proceeding one to the next; a method of manufacturing or conditioning; or to submit something to a treatment or preparation.

Professional, Administrative, And Business Offices - a type of business use where a building, room, or other space and where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use.

Public Use - A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, administrative and service facilities, and public utilities.

Recreational dwelling, Permanent - Cabins and other permanent structures built for recreational use only and not to be used as a primary dwelling unit (less than 180 days, per year), must have a minimum dimension of 20' x 20'. Does not include tents, travel trailers, trailer, recreational vehicles, or other uses defined by temporary recreational dwellings.

Recreational dwelling, Temporary - Temporary living quarters for recreational, camping, travel, or seasonal use, including trailers, travel trailers, recreational vehicles, etc.

Recreational Vehicle - A vehicle built to the approval and conformation of the Recreational Vehicle Industry Standard (RVIA) and the manufacture certifying compliance with (ANSI A119.2) standards for Recreational Vehicle and further described as such, a recreational trailer, camper trailer, truck camper,

travel trailer, camp car, motor home or other vehicle with or without motive power, maximum 350 sq. ft. designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, designed for the use of human habitation for camping purposes. Not allowed to be set up as a permanent residence, no skirting or removal of tires and tow hitch from vehicle and must have a current UDOT license.

Recreational Park Trailer - A vehicle built to the approval and conformation of the Recreational Park Trailer Industry Association (RPTIA) and the manufacture certifying compliance with (ANSI A119.5) standards for Recreational Park Trailers. Recreational Park Trailers with a maximum of 400 sq. ft are only allowed by a conditional use permit in an approved RV Park / Campground. Not to exceed 1 per acre and must have a Utah State approved septic system and permits in accordance with this code.

Recreation, Commercial - Recreation facilities operated as a business on private or public property and open to the public for a fee, such as a golf course, ski lift, tennis court, etc., and support facilities customarily associated with the development.

Retail - The sale of consumer goods directly to the user of the product; may include storage of goods sold in sufficient quantities to meet daily needs. May include sale in large size packages used as pricing incentives.

Reception Center - a facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.

Recycle Center - a facility where recyclable and organic materials are collected, stored and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.

Salvageable Material - Inoperable and/or unlicensed vehicles, machinery or equipment, scrap metal or other junk or scrap materials which are of further usefulness mainly as a raw material for reprocessing, or as imperfect stock from which replacement or spare parts can be extracted.

Salvage Yard - A solid waster disposal site or facility at which salvageable materials are stored or sold or at which wrecking, dismantling, or demolition of salvageable materials are conducted. Salvage yards do not include operations conducted by scrap metal, paper, fiber or plastic processors, or small storage areas for equipment such as are normally found adjacent to industrial and commercial establishments.

Sanitary Landfills - Locations where trash, garbage, organic materials are buried and maintained in accordance with local, state, and federal regulations.

Seasonal - A dwelling that is constructed un-insulated.

Setback - The shortest distance between the property line and the building or part thereof.

Service Station - Any land, building, structure, or premises used for the sale of fuel for motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or painting of motor vehicles and excluding public parking garages.

Schools, Private - privately owned buildings and uses for educational activities that has a curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education.

Schools, Public - public schools, colleges or universities qualified by the state of Utah board of regents or state of Utah board of education to provide academic instruction.

Shopping Center - A multi-entity commercial complex under single ownership or control which leases space to various commercial establishments.

Sign - A sign is any structure or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.

Sleeping Unit: A small, and/or movable sleeping structure not to exceed 200 square feet only allowed and used in RV Park Campground. Not to exceed 3 per acre must have a conditional use permit and building permit to install in the RV Park Campground. No utilities except lighting. If permanently installed a power pedestal is required and hard wired to the unit, and if movable a maximum 50 ft. RV power cord and connections.

Stable - A building in which domestic animals, such as horses, ponies, and cattle, are sheltered and fed, having stalls or compartments.

Street - A public thoroughfare, or right-of-way, dedicated, deeded or condemned for public use and which affords the principal means of access to abutting property. The word street includes road, avenue, or land, but does not include alley.

Structure - All construction, including residences, commercial buildings, free standing walls, antennas, signs, towers, bridges, culverts, or similar uses which may require a building permit issued by the county.

Structural Alterations - Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivider - Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or building development, any subdivision or part thereof as defined herein.

Subdivision - Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, conditions.

Tent - A portable lodge of canvas or strong cloth stretched and supported by poles.

Trailer - A vehicle designed for or used for human habitation.

Travel Trailer - a portable vehicle less than 10 feet wide by 50 feet long designed and used for temporary living and housekeeping purposes.

Truck, Commercial - Any combination of vehicles over 26,000 lbs. GVWR(Gross Vehicle Weight Rating)

Uniform Building Code (UBC) - The current edition of the Uniform Building Code.

Unnecessary Hardship - That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Use - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

Use, Permitted - Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required.

Variance - An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

Veterinary Clinic - A location for treatment of small or large animals. Animals may be kept overnight or for short periods of time for treatment.

Wholesale - The sale of goods to a person or company who may sell products to the ultimate consumer. Includes sale of products in bulk for further repackaging.

Yard - Any space on a lot other than a court, which is open and unobstructed from the ground to the sky.

Yard, Front - An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.

Yard, Rear - An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard, Side - An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Zoning Administrator - Designee of the Board of County Commissioners.

ADDENDUM ON WATER REQUIREMENTS

After the well is drilled Sanpete County will approve building permits in legally recorded subdivisions for the amount of water approved for each lot at the time the subdivision was recorded, provided it is not less than what the State Water Rights require at that time*. This addendum applies only to subdivisions recorded prior to April 6th 2004.

All other lots not in a recorded subdivision must comply with the water requirements of the current subdivision ordinances.

*State Water Rights requirements

.45 acre-foot for full time residence. (No outside watering)

.25 acre-foot for part-time residence, 181 days or less. (No outside watering)

3 acre-foot for each acre watered.

ORDINANCE ON DRY SUBDIVISIONS

The County Legislative Body of Sanpete County ordains as follows:

WHEREAS, historically there have existed some “dry” subdivisions and developments in Sanpete County. A “dry” subdivision or development is defined as an approved subdivision or development with single-family dwelling lots where a source of on-site potable water was not required for approval of the subdivision or the obtaining of a building permit. On-site potable water is water delivered from a well on the property or delivered to the property from a central water system. Lots in dry subdivisions or developments were permitted either to have no water at all or a water tank serviced by the hauling of water to the property.

WHEREAS the current County Zoning and Subdivision Ordinances do require an approved source of on-site potable water delivered from a well on the property or by a central water system in amounts as required by law.

WHEREAS on June 21, 1994 the Sanpete County Commissioners formally recognized 15 dry subdivisions. These dry subdivisions are the following:

Aspen Hills, Big Hollow, Holiday Oaks, Indian Ridge, Jap Valley, Mount Baldy, Sky Hi, Skyline Villas, South Valley Estates, Temple View Estates, Pine Creek, Spring City Rancheros, Whispering Pines, Panorama Woods, Sports Haven a.k.a. Skyline Mountain Resort

WHEREAS for single family dwelling on lots in these developments for recreational summer homes (defined as dwelling lived in less than 181 days a year) the Commissioners further adopted a policy on June 21, 1994 that allowed a 500-gallon supply of water delivered to a water closet with certain pressure requirements.

THEREFORE the Commissioners desire to update and redefine the water requirements for these enumerated dry subdivisions and developments recognizing the increasing building of recreational homes in the mountain subdivisions of Sanpete County and corresponding concern for the health, safety, and welfare of the occupants and the general public.

NOW THEREFORE BE IT ORDAINED by the Commissioners of Sanpete County as follows:

I. The recognized “dry” subdivisions in Sanpete County are the same as listed above except for Panorama Woods. Panorama Woods is no longer recognized as a dry subdivisions or development because no plat was ever presented to the County for filing.

II. Single family dwelling building permits in these recognized dry subdivisions will continue to be allowed under the following conditions:

A. The dwelling is a recreational summer home, meaning a dwelling lived in less than 181 days of the year. Dwellings lived in more than 181 days per year must have an approved source of on-site potable water from a well or water delivered from a central water system.

B. A water supply of 1,000 gallons per dwelling delivered/ piped into the dwelling at not less than 25 psi. Piping must be 2 inch or larger and also brought to within 15 feet of any accessible road or driveway and fitted with a shut off valve

followed by a 2 ½" male fire thread adapter. This fire outlet must be cleared of vegetation and clearly marked in 1 ½" letters as "Fire Fitting, 1000 gals, suction only."

- C. Metal roof construction.
 - D. 10 pound fire extinguisher at each outside entry door.
 - E. A site-specific defensible space area as approved by the Building Inspector and local Fire Warden. The size of the defensible space to be determined by the type of wild land vegetation near the dwelling and the steepness of the terrain.
- III. The ordinance shall take effect 15 days after passage.

ADOPTED this 7th day of January 2003.

/s/ Bruce Blackham
BRUCE BLACKHAM, Chairman
Sanpete County Commission

Attest:

/s/ Kristine Frischknecht
KRISTINE FRISCHKNECHT
Sanpete County Clerk

Voting for: Bruce Blackham
Greg Dettinger
Claudia Jarrett

ADOPTION OF; UTAH WILDLAND-URBAN INTERFACE CODE 2006 (WUI)

SANPETE COUNTY. STATE OF UTAH

ORDINANCE No. 09-19-06A

AN ORDINANCE ADOPTING THE INTERNATIONAL URBAN WILDLAND INTERFACE CODE. AS AMENDED BY UTAH ADMINISTRATIVE RULES AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Utah Code Ann. §65A-8-6(3)(a) requires the adoption of a wildland fire ordinance based upon minimum standards established by the Division of Forestry, Fire and State Lands of the State Department of Natural Resources, for the county to be eligible to enter into a cooperative agreement with the Division to receive financial and supervisory cooperation and assistance; and

WHEREAS, The State of Utah through the Division of Forestry, Fire and State Lands has adopted administrative rule, R 652-122, entitled "County Cooperative Agreements with State for Fire Protection;" and,

WHEREAS, Rule R652-122 establishes minimum standards that counties must adopt pertaining to development in wildland-urban interface areas, wildland fire training and certification and wildland fire suppression equipment ;and

WHEREAS, Sanpete County desires to continue receiving assistance from the Division of Forestry, Fire and State Lands in suppression of wildfires; and

WHEREAS, Sanpete County further desires to comply with Utah Code Ann. §65A-8-6(3)(a) by adopting the minimum standards set forth in Utah Administrative Code R652-122 as described there in before the September 30th, 2006 deadline expires,

BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS that:

SECTION 1: ADOPTION OF MINIMUM STANDARDS

Sanpete County hereby adopts the International Urban Wildland Interface Code, with the amendments identified in R652-122 of the Utah Administrative Code as currently set forth or as amended in the future by the Division of Forestry Fire and State Lands, unless specifically excepted by amendment to this ordinance.

SECTION 2: SEVERABILITY

If any Court of competent jurisdiction declares any Section of the Ordinance invalid, such decision shall be deemed to apply to the Section only, and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 3: EFFECTIVE DATE

This Ordinance shall become effective immediately upon passage.

Sanpete County

By: BRUCE BLACKHAM, Chairman
Sanpete County Commission

ATTEST:

KRISTINE FRISCHKNECHT
Sanpete County Clerk

COMMISSIONERS VOTING ARE:
BRUCE BLACKHAM
CLAUDIA JARRETT
MARK ANDERSON