

Title 17 Zoning

Chapter 17.01- Title, Purpose, Declaration of Intent and Effective Date

17.01.01- Short Title:

This Ordinance shall be known and may be referred to as the “Uintah County Zoning Ordinance.” The Uintah County Zoning Ordinance may, in subsequent chapters and sections, and in the Administrative Manual be referred to as “Ordinance,” “the Ordinance,” “this Ordinance” or “Zoning Ordinance.” This Ordinance shall be codified in the Uintah County Code.

17.01.02- Authority:

The Board of County Commissioners of Uintah County, Utah (hereinafter “BOCC”) adopts this title pursuant to the State of Utah County Land Use, Development, and Management Act, as provided at §17-27a et seq. Utah Code Annotated, 1953, as amended (U.C.A.) (hereinafter “the Act”) and other authorities and provisions of Utah and Federal statutory and common law, as applicable. This title constitutes part, and is a component of, the Uintah County Land Use Ordinances, as provided and authorized by the Act.

17.01.03- Declaration:

This Title provides for the establishment of Zoning Districts, with associated requirements, standards, and other provisions for the guidance, management, and regulation of land uses, buildings and structures, and activities occurring on all unincorporated areas located within the boundaries of Uintah County. This title is declared to be consistent with, and to meet the requirements of the Act.

17.01.04- Purpose:

This Title is provided to implement the goals and policies of the Uintah County General Plan (hereinafter “General Plan”) and the other purposes, as provided by the Act. This title contains standards, provisions and requirements intended to protect the health, safety, and welfare of the citizens and businesses of Uintah County, to guide and manage future growth and development, and to promote the orderly use of unincorporated lands located within the County. It is the purpose of this title to provide a means of ensuring predictability and consistency in the use and development of unincorporated lands located within the County.

17.01.05- Definitions

All definitions included in the Administrative Manual are incorporated herein by this reference and shall be considered as if they are included and part of this title.

17.01.06- Provision of Administrative Guidelines, Standards and Other Materials- Compliance Required:

1. The BOCC may provide a Land Use Ordinances Administrative Manual (hereinafter “Administrative Manual”) to provide administrative guidelines, standards, forms, or other documents to assist the County Staff, County residents, and Applicant(s) in providing and processing applications and interpreting and administering the County’s Land Use Ordinances, including this title.
2. When provided by the BOCC the Land Use Applications required by this title shall be reviewed and approved or denied by the BOCC, as applicable, in compliance with all requirements and standards of this title and all guidelines, standards, forms, or other documents, as applicable.

17.01.07- Applicability:

1. Applications accepted by the County as complete for any approval required by the provisions of this title shall be processed, reviewed and approved or denied, subject to the provisions of this title and all other Ordinances and Resolutions of the County, as applicable and in effect at the time the application is determined to be “complete,” by the CDD as required by this title and all other ordinances and resolutions, as applicable.

2. No building or structure shall be erected, and no existing building or structure shall be moved, altered or enlarged nor shall any land, building or premises be used, designed or intended to be used for any use, activity, purpose, or in any manner other than as allowed by this title.
3. The provisions of this title shall apply to all unincorporated lands located within the boundaries of Uintah County, unless exempted by the provisions of this title, or other lawful exemption.
4. The provisions of this title shall be held to be the minimum requirements necessary to protect the health, safety, and welfare of the citizens of Uintah County, and achieve the purposes of this title and the act.

17.01.08- Language Construction:

The words and terms defined in this title shall have the meanings indicated. The particular controls the general. The word "shall" is always mandatory and not directory; the word "may" is permissive. Words used in the present tense include the future, unless the context clearly indicates the contrary. Words used in the singular number include the plural and words used in the plural number include the singular, unless the context clearly indicates the contrary.

17.01.09- Conflicts:

This title shall not nullify any laws, ordinances, or requirements that are more restrictive, but shall prevail notwithstanding such laws, ordinances, or requirements that are less restrictive.

17.01.10- Permits and Licenses to Conform to this Title:

All officials, employees, and agents with the duty or authority to issue approvals, permits, or licenses required by this title shall require that such approvals, permits, or licenses conform to the provisions of this title and shall not issue any approvals, permits, or licenses for any use(s), activity(ies), building(s), or structure(s) in conflict with the provisions of this title. Any approval, permit, or license issued in violation of this title shall be invalid and void.

17.01.11- Effective Date:

This title shall take effect on _____ following its adoption by the BOCC.

17.01.12- Omissions not a Waiver:

An omission to specify or enumerate in this title those provisions of general law applicable to all Utah Counties shall not be construed to be a waiver of any such laws.

17.01.13- Repealer and Effect:

Upon its adoption by the BOCC, and upon its effective date, this title shall repeal the Uintah County Zoning Ordinance, existing on the effective date of this title and shall govern and apply to the use of all unincorporated lands located within the boundaries of Uintah County, Utah. The provisions of this title shall be construed to carry out the purposes of this title and the purposes of the State of Utah enabling laws, including the Act, and to avoid conflict with the laws of the United States of America, the State of Utah, or any other limitations imposed by law. If any chapter, section, subsection, provision, sentence or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this title, which shall remain in effect.

Chapter 17.02- Land Use Authorities

17.02.01- Land Use Authorities:

The Land Use Authorities identified by this Title shall have responsibilities for implementing and administering the Uintah County General Plan, this Title, the Uintah County Subdivision Ordinance, and the County's other Land Use Ordinances and Resolutions, as provided and allowed by the Act. The County's Land Use Authorities, with their respective responsibilities and other organization and functioning items, are identified by the following Sections.

17.02.02- Uintah County Board of County Commissioners:

1. The BOCC is both a Land Use Authority and Appeals Authority, as defined by the Act, and shall have the following powers and duties under this Title:
 - a. To adopt, and to initiate amendments to the Uintah County General Plan, and all elements of the General Plan.
 - b. To adopt and to initiate amendments to the County's Land Use Ordinances, including this Title.
 - c. To adopt and to initiate amendments to the County's Land Use Resolutions.
 - d. To approve, approve with requirements, or deny all Preliminary Subdivision (Planned Unit Development (PUD)) Applications, all Design (PUD) Applications and all Final Subdivision (Standard, Major and PUD) Applications
 - e. To render a decision, or appoint a hearing officer to render a recommendation to the BOCC prior to a BOCC decision, if an Applicant asserts a deprivation of, or has been subject to a taking of property without just compensation, or asserts some other constitutional invalidity, as provided by Chapter 22.
 - f. To act as an Appeal Authority, as provided by Chapter 13.
 - g. To establish a Fee Schedule by Ordinance for all approvals, permits and licenses required by this Title.
 - h. To appoint members of a Planning Commission to carry out the duties and responsibilities as provided by this Title.
 - i. To appoint members of a Board of Adjustment to carry out the duties and responsibilities as provided by this Title.
 - j. To appoint a Zoning Administrator for the efficient and consistent administration of this Title and to carry out the other duties and responsibilities as provided by this Title.
 - k. To take such other action(s) not expressly delegated to any other Land Use Authority.
2. **Effective Date of Decisions, Exceptions, Meeting Minutes.** All decisions of the BOCC, made under this Title, shall take effect on the date of the BOCC meeting when the decision is made, unless a different date is designated by the BOCC at the time the decision is made. The minutes of all meetings of the BOCC shall be filed in the office of the Uintah County Clerk/Auditor (hereinafter "Clerk/Auditor"). All such records shall be the official record of the BOCC and shall be available for public review and access in accordance with the State of Utah Government Records and Access Management Act (hereinafter "GRAMA").

17.02.03- Uintah County Planning Commission:

The Uintah County Planning Commission (hereinafter "PC") was heretofore created and established by the BOCC pursuant to the Act, or its prior enactments. The PC is a Land Use Authority, as defined by the Act.

1. **Powers and Duties.** The PC shall be an advisory body to the BOCC on legislative matters pertaining to the General Plan and Land Use Ordinances. The PC shall have the following powers and duties under this Title:
 - a. To prepare, or cause to be prepared, the proposed Uintah County General Plan, any proposed plan element, any amendments thereto, and to transmit such plan, element or amendments to the BOCC, with the PC's recommendation.
 - b. To prepare or cause to be prepared all proposed County Land Use Ordinances, including all maps, any amendments thereto, and to transmit such Land Use Ordinances, maps, or amendments thereto to the BOCC, with the PC's recommendation.
 - c. To hear, review and recommend approval or denial of all Applications for a General Plan Amendment and to transmit such recommendation to the BOCC.
 - d. To hear, review and recommend approval or denial of all Applications for a Land Use Ordinance Amendment (including Land Use Ordinance text and/or map amendments) and to transmit such recommendation to the BOCC.
 - e. To hear, review, and approve, approve with revisions, or deny all Subdivision (Standard, Major) Concept Applications and all Subdivision (Standard, Major) Design Applications.

- f. **To hear, review, and approve, approve with conditions, or deny Conditional Use Applications.**
 - g. To hear, review, and recommend approval, approval with revisions, or denial of all Subdivision (PUD) Concept and Design Applications and all Subdivision (Standard, Major and PUD) Final Plat Applications and to transmit such recommendation to the BOCC.
 - h. To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the PC.
 - i. Advise the BOCC on all other matters as the BOCC may direct.
2. **Membership: Appointment, Removal, Terms and Vacancies.**
- a. The PC shall consist of Seven (7) members, and two (2) alternate members.
 - b. The members of the PC shall be residents of Uintah County.
 - c. The BOCC shall appoint members of the PC.
 - d. Any member may be removed **for cause** by the BOCC upon written charges, and after a public hearing, if such hearing is requested by the member being removed within ten (10) days of being notified of the removal.
 - e. Members of the PC shall serve a term **of Three (3) years**. Terms shall begin on January 1st of each calendar year. Member's terms are to be staggered so that not more than three (3) member's terms shall expire each year on December 31st. Each member of the PC shall serve until the expiration of the term for which he/she is appointed, and until they are reappointed or a successor is appointed and qualified. A PC member shall not be automatically reappointed.
 - f. Alternate members shall be authorized to vote on all matters when one or more regular members are not present. Each alternate shall only be permitted to exercise such vote(s) for one such absent regular member.
 - g. At an annual organizational meeting to be held the first regular meeting in the new calendar year, and at other times as required, the members of the PC shall, by motion and majority vote of the PC, appoint one (1) of their members as chair and one (1) of their members as vice-chair. The chair and vice-chair shall serve a term of one (1) year. A member may serve as chair or vice chair for more than one term. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair.
 - h. The chair shall be in charge of all proceedings before the PC, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the PC.
 - i. PC vacancies occurring for any reason shall be filled by the BOCC. Vacancies of the PC occurring in ways other than through the expiration of terms shall be filled for the remainder of the member's unexpired term.
3. **Recording Secretary.** A Community Development secretary, or designee, shall act as the Recording Secretary of the PC. The Recording Secretary shall keep the minutes of all proceedings of the PC, which minutes shall be the official record of all proceedings before the PC, attested to by a majority vote of the members of the PC. The minutes of all meetings of the PC shall be filed in the Community Development Department. All such records shall be available for public review and access in accordance with GRAMA.
4. **Quorum and Necessary Vote.** No meeting of the PC shall be called to order, nor may any business be transacted without a quorum consisting of at least four (4) members of the PC being present. When there are only four (4) members present the chair shall be included for purposes of establishing a quorum and shall act as a voting member of the PC. When five (5) or more members are present the chair will not vote except when there is a tie vote. All decisions and recommendations of the PC shall require a majority vote of a quorum. The PC may transmit reports of its decisions and recommendations to the BOCC. Any member of the PC may also make a concurring or dissenting report or recommendation to the BOCC.
5. **Effective Date of Decisions.** All decisions of the PC shall become effective on the date of the meeting when the decision is made, unless a different date is designated by the PC at the time the decision is made.
6. **Meetings, Hearings and Procedures.**
- a. The PC shall establish a regular meeting schedule.
 - b. Special meetings may be requested by a majority vote of the PC, or by the chair of the PC.
 - c. When a matter is postponed due to lack of a quorum, the matter shall be rescheduled. The Recording Secretary shall notify all members of the PC, and all interested parties, of the date when the rescheduled matter will be heard by the PC.

17.02.04- Zoning Administrator:

The Community Development Director is hereby designated as the Zoning Administrator and is authorized to carry out the administrative responsibilities of this Title. The Zoning Administrator is a Land Use Authority, as defined by the Act.

1. **Powers and Duties.** It is the responsibility of the Zoning Administrator to ensure all administrative processes, procedures and other provisions of the Land Use Ordinances are consistently and equitably applied. The Zoning Administrator shall have the following powers and duties:
 - a. To make necessary interpretations of this Title.
 - b. To approve, approve with revisions, or deny all Permitted Use Applications.
 - c. To approve, approve with conditions, or deny all Administrative Conditional Use Applications.
 - d. To perform and carry out all other duties, as identified herein or by the County's other Land Use Ordinances and Administrative Manual.
 - e. To determine completeness of all Land Use Applications.
 - f. To refer any Land Use Application to the BOCC or PC.

17.02.05- Uintah County Board of Adjustment (BOA)

The Uintah County BOA was heretofore created and established by the BOCC pursuant to the Act, or its prior enactments. The BOA is a Land Use Authority and an Appeal Authority, as defined by the act.

1. **Powers and Duties.** The BOA shall have the following powers and duties under this Title:
 - a. Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by a Land Use Authority, as outlined in this Title;
 - b. Review and approve, approve with revisions or deny all Variance Applications.
 - c. Adopt bylaws, policies and procedures for the conduct of the duties and meetings of the BOA.
2. **Membership: Appointment, Removal, Terms and Vacancies.**
 - a. The BOA shall consist of five (5) members and, may include three (3) alternate members as deemed necessary by the BOCC.
 - b. The members of the BOA shall be residents of Uintah County.
 - c. The BOCC shall appoint members of the BOA.
 - d. Any member may be removed for cause by the BOCC upon written charges, and after a public hearing, if such hearing is requested by the member being removed within ten (10) days of notification of removal.
 - e. Members of the BOA shall serve a term of five (5) years. Terms shall begin on January 1st of each calendar year. Member's terms are to be staggered so that not more than two (2) member's terms shall expire each year on December 31st. Each member of the BOA shall serve until the expiration of the term for which he/she is appointed, and until they are reappointed or a successor is appointed and qualified. A BOA member shall not be automatically reappointed.
 - f. Alternate members shall be authorized to vote on all matters when one or more regular members are not present. Each alternate shall only be permitted to exercise such vote(s) for one such absent regular member.
 - g. At an annual organizational meeting to be held the first regular meeting in the new calendar year, and at other times as required, the members of the BOA shall, by motion and majority vote of the BOA, appoint one (1) of their members as chair and one (1) of their members as vice-chair. The chair and vice-chair shall serve a term of one (1) year. A member may serve as chair or vice chair for more than one term. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair.
 - h. The chair shall be in charge of all proceedings before the BOA, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the BOA.
 - i. BOA vacancies occurring for any reason shall be filled by the BOCC. Vacancies of the BOA occurring in ways other than through the expiration of terms shall be filled for the remainder of the member's unexpired term.
3. **Recording Secretary.** A Community Development secretary, or designee, shall act as the Recording Secretary of the BOA. The Recording Secretary shall keep the minutes of all proceedings of the BOA, which minutes shall be the official record of all proceedings before the BOA, attested to by a majority vote of the members of the BOA. The minutes of all meetings of the BOA shall be filed in the Community Development Department. All such records shall be available for public review and access in accordance with GRAMA.
4. **Quorum and Necessary Vote.** No meeting of the BOA shall be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. All decisions of the BOA shall require a majority vote of a quorum.
5. **Effective Date of Decisions.** All decisions of the PC shall become effective on the date of the meeting when the decision is made, unless a different date is designated by the PC at the time the decision is made.
6. **Meetings and Procedures.**

- a. The BOA shall establish a regular meeting schedule, but will meet on an as needed basis.
- b. Special meetings may be requested by a majority vote of the BOA, or by the chair.

When a matter is postponed due to lack of a quorum, the matter shall be rescheduled. The Recording Secretary shall notify all members of the BOA, and all interested parties, of the date when the rescheduled matter will be heard by the BOA.

17.02.06- Uintah County Boundary Commission

The Uintah County Boundary Commission was heretofore created and established by the BOCC pursuant to the Act, or its prior enactments.

1. Membership: Appointment, Removal, Terms and Vacancies.
 - a. The Boundary Commission shall consist of seven (7) members and three (3) alternate members.
 - b. The members of the Boundary Commission shall be residents of Uintah County.
 - c. Two members shall be elected county officers appointed by the BOCC and an alternate to vote in the absence of either of those members.
 - d. Two members shall be elected municipal officers from separate municipalities within the County, appointed by the municipal selection committee and an alternate to vote in the absence of either of those members.
 - e. Three members and one alternate shall be residents of the county appointed by the other four members of the Boundary Commission and shall be neither County nor municipal elected officials.
 - f. Except for purposes of initial creation of the commission, the term of each member of the Boundary Commission is four years and begins and expires the first Monday in January of the applicable year. The terms of the first members shall be staggered by lot so that the term of one member is approximately one year, the term of two members is approximately two years, the term of two members is approximately three years, and the term of two members is approximately four years. At the expiration of the term of each member appointed under this section, the member's successor shall be appointed by the same body that appointed the member whose term is expiring, as provided in this section.
 - g. The members of the Boundary Commission shall elect a chairperson from their number whose term shall be two years.
 - h. A majority of the commission constitutes a quorum and a commission action requires a majority vote of a quorum.
 - i. Vacancy of a member shall be filled for the remaining unexpired term of the vacating member and shall be appointed by the appointing body of the member who is vacating the position.
 - j. Any member may be removed for cause by their respective appointing body upon written charges, and after a public hearing, if such hearing is requested by the member being removed within ten (10) days of notification of removal.
 - k. A member of the commission is disqualified with respect to a protest before the commission if that member owns property within the area proposed for annexation.
2. The Boundary Commission shall hear and decide, according to Title 10, Chapter 2, Part 4 of the Utah Code, each protest filed under Section 10-2-407 thereof, with respect to an area that is located within the County. The Boundary Commission may:
 - a. Adopt and enforce rules of procedure for the orderly and fair conduct of its proceedings;
 - b. Authorize a member of the commission to administer oaths if necessary in the performance of the commission's duties;
 - c. Employ staff personnel and professional or consulting services reasonably necessary to enable the commission to carry out its duties; and
 - d. Incur reasonable and necessary expenses to enable the commission to carry out its duties.
3. The County shall:
 - a. Furnish the commission necessary quarters, equipment, and supplies; and
 - b. Pay necessary operating expenses incurred by the commission;
4. Each municipal or county legislative body shall reimburse the reasonable and necessary expenses incurred by a commission member appointed by that entity.
5. Records, information, and other relevant materials necessary to enable the commission to carry out its duties shall, upon request by the commission, be furnished to the Boundary Commission by the personnel, employees, and officers of each affected entity.

6. Within thirty (30) days after the time for filing a protest has expired with respect to a proposed annexation, the Boundary Commission shall hold a hearing on all protests that were filed with respect to the proposed annexation. At least fourteen (14) days before the date of each hearing the commission chair shall cause notice of the hearing to be published in a newspaper of general circulation within the area proposed for annexation and shall state, at a minimum, the following:
 - a. The date, time, and place of the hearing;
 - b. A summarization of the nature of the protest;
 - c. Statement that a copy of the protest is on file with the BOCC.
7. In considering protests, the commission shall consider whether the proposed annexation:
 - a. Complies with the requirements of Sections 10-2-402 and 10-2-403 U.C.A. and the annexation policy plan of the proposed annexing municipality;
 - b. Conflicts with the annexation policy plan of another municipality; and
 - c. If the proposed annexation includes urban development, will the annexation have an adverse tax consequence on the remaining unincorporated area of the County.
8. The commission shall record each hearing under this section by electronic means. A transcription of the recording under this subsection, the feasibility study, if applicable, information received at the hearing, and the written decision of the commission shall constitute the record of the hearing and shall be held by the BOCC.
9. After the public hearing the Boundary Commission may:
 - a. Approve the proposed annexation, either with or without conditions;
 - b. Make minor modifications to the proposed annexation and approve it, either with or without conditions; or
 - c. Disapprove the proposed annexation.The Commission shall issue a written decision on the proposed annexation within thirty (30) days after the conclusion of the hearing and shall send a copy of the decision to:
 1. The BOCC;
 2. The legislative body of the proposed annexing municipality;
 3. The contact person on the annexation petition; and
 4. The contact person of each entity that filed a protest.
10. Review of the decision of the Boundary Commission may be sought in the Eighth Judicial District Court, in and for Uintah County by filing a petition for review of the decision within twenty (20) days of the commission's decision. The district court review shall be on the record of the hearing and may not be de novo review. The district court shall affirm the commission's decision unless the court determines that the decision is arbitrary or capricious.

17.02.07- Support:

The officers and staff of the County shall provide support and assistance to the BOCC, PC and Zoning Administrator, as required, to effectively implement the General Plan and enforce the Land Use Ordinances.

17.02.08- Meetings and Public Hearings:

All meetings and hearings of the BOCC, PC and BOA, required by the Land Use Ordinances, including this Title, shall comply with the provisions for such meetings and hearings, and the requirements of the Utah Code Annotated, as amended, for open and public meetings.

17.02.09- Exactions:

A Land Use Authority may impose an exaction, or exactions, on a Land Use Application if:

1. An essential link exists between a legitimate governmental interest and each exaction; and
2. Each exaction is roughly proportionate, both in nature and in extent, to the impact being created by the proposed use, activity, or development.

17.02.10- Acquisition of a Billboard by Eminent Domain – Removal without providing Compensation – Limit on allowing Nonconforming Billboards to be Rebuilt:

The County shall comply with all requirements of the Act when a billboard is acquired by the County by eminent domain, or when the County requires the removal of a billboard without compensation, or when a billboard is determined to be a nonconforming use or noncomplying structure.

17.02.11- Acquiring Property:

1. The County may acquire property through purchase, gift, voluntary dedication, or eminent domain.
2. A Land Use Authority may require the public dedication and improvement of a road, street, or other infrastructure or facility if the road, street, or other infrastructure or facility is found necessary by the County because of a proposed use activity, or development.

Chapter 17.03- Land Use Applications and Decision Making Standards

17.03.01- Various Applications Provided:

1. This Title and the Administrative Manual provides for a number of Land Use Applications.
2. The Land Use Applications required by this Title and the Administrative Manual shall be reviewed and approved or denied by the Land Authority, as applicable, and in compliance with all requirements and standards of this Title and the Administrative Manual, as applicable.

17.03.02- Decision Making Standards:

The decision-making standards set forth in this Chapter are provided, based on the distinction between legislative and administrative proceedings. Legislative proceedings establish public law and policy that is applicable generally, while administrative proceedings apply public law and policy to factually distinct, individual circumstances.

1. Legislative Proceedings

The BOCC is hereby identified to be the only Land Use Authority of the County authorized to render a decision on any application determined to be a legislative matter and subject to a legislative proceeding. The following applications and actions are declared to be legislative matters and subject to legislative proceedings:

- a. General Plan adoption
- b. General Plan Amendments
- c. Land Use Ordinance adoptions
- d. Land Use Ordinance amendments
- e. Zoning Map amendments (Rezones)
- f. Official Map amendments
- g. Temporary Land Use Regulations

2. Legislative Proceedings Decision Standards

A decision regarding a legislative matter shall be based on the "reasonably debatable" standard, as follows:

- a. In rendering a decision for a legislative matter, involving a legislative proceeding, the BOCC may consider the following to promote the public health, safety and public interest of the County and its residents:
 - i. Reports, information and testimony presented at the public hearing(s) or public meeting(s) when the legislative matter was considered; and
 - ii. The personal knowledge of BOCC members regarding the various conditions and activities bearing on the issue.
- b. The BOCC shall identify the basis, and any findings of fact for the decision, in the public record of the meeting when the legislative matter is decided.

3. Administrative Proceedings

The following types of applications are hereby declared to be administrative matters and subject to administrative proceedings:

- a. Permitted Use Applications
- b. Conditional Use Applications
- c. Administrative Conditional Use Applications
- d. All Subdivision Applications, including all Concept, Design and Final Subdivision Applications
- e. Applications for a Determination of Nonconforming Use(s), Noncomplying Structure(s), and other Nonconformities
- f. Variance Applications
- g. Building Permit Applications
- h. Determination of Application Completeness
- i. All other applications for any necessary approval, permit, or license required by the provisions of this Title, and not identified to be a legislative matter, subject to legislative proceedings, as identified by this Chapter.

4. Administrative Proceedings Decision Standards

All decisions regarding an administrative matter shall be based on the "substantial evidence" standard including, as a minimum, the following:

- a. A statement of the standards for approval applicable to the application.
- b. A summary of the facts and evidence presented to the Land Use Authority at the public hearing(s) or public meeting(s) when the administrative matter was considered.
- c. A statement of findings of fact or other factors considered, including the specific references to applicable standards, as set forth in the Land Use Ordinances, or other provisions.
- d. A statement of approval, approval with revisions or conditions, or denial, as applicable.

Chapter 17.04- Land Use Application Procedures

17.04.01- Purpose

Land Use Applications, and their accompanying procedures, are formulated to achieve the purposes of this Title.

17.04.02- Application Forms

The Community Development Department may provide application forms and may identify submittal requirements and processing procedures for the acceptance and filing of all Land Use Applications. Such requirements and procedures shall be contained in the Administrative Manual.

17.04.03- Land Use Application Procedures

The steps in the review and consideration of the various Land Use Applications, authorized by this Title may be provided with the applicable application form. Such Applications may be contained in the Administrative Manual.

17.04.04- Determination of Completeness of Land Use Applications

All Land Use Applications required by this Title shall be determined to be complete, by the Zoning Administrator, as required by this Title and the Administrative Manual and prior to consideration by a Land Use Authority.

17.04.05- Scope of Land Use Application Approvals

1. The rights conferred by a Land Use Application approval by the Land Use Authority shall be limited to those rights granted in the applicable provisions of this Title and subject to any requirements or conditions.
2. A Land Use Application approval shall be considered void and invalid one (1) year after approval by the Land Use Authority, unless the Applicant has proceeded with reasonable diligence to establish the approved use or activity, or construction has commenced.
3. A Land Use Application approval shall be invalid and null and void if a use is not conducted, or a building or structure is established in violation of any requirements of all Land Use Ordinances, requirements or conditions of approval.

17.04.06- Land Use Authorities to Comply with all Land Use Ordinances and Resolutions

Each Land Use Authority shall comply with all requirements of all Land Use Ordinances, as applicable, including this Title, and shall comply with all Resolutions, and the Administrative Manual, as applicable.

17.04.07- Land Use Permits Required to Comply with Land Use Authority Decision

The approval of a Land Use Application, and the associated Land Use Permit, shall comply with all requirements, conditions, terms and standards of approval.

17.04.08- Approval of an Application – Exceptions

1. An Applicant is entitled to the approval of an Application, required by this Title, if such Application conforms to the requirements of this Title, and the County's other Land Use Ordinances, Resolutions, and the Administrative Manual, as applicable, and in effect when the Application is determined to be complete by the Zoning Administrator unless:
 - a. The Land Use Authority, on the record, finds a compelling, countervailing public interest would be jeopardized by approving the Application; or
 - b. In the manner provided by this Title, and before the Application is submitted or determined to be complete, the County has formally initiated proceedings to amend its Land Use Ordinances in a manner that would prohibit approval of the Application, as submitted.
2. The County Shall process an Application without regard to proceedings initiated to amend the County's Land Use Ordinances if:
 - a. One-hundred and eighty (180) calendar days have passed since the proceedings were initiated; and
 - b. The proceedings have not resulted in an enactment that prohibits approval of the Application, as submitted.
3. If the Land Use Application conforms fully to this Title, the County's other Land Use Ordinances, all Resolutions and the Administrative Manual, the Land Use Application shall be approved.
4. The County shall not impose on an Applicant, or any holder of any approval required by this Title, any requirement that is not expressed:
 - a. In the approval required by this Title, or in documents on which such approval is based; or

- b. In this Title, or in the County's other Land Use Ordinances, Resolutions and the Administrative Manual.
- 5. The County shall not withhold the issuance of a Certificate of Occupancy because of an Applicant's failure to comply with a requirement that is not expressed:
 - a. In the Building Permit, or in documents on which the Building Permit is based.
 - b. In inspection reports.
 - c. In adopted Building Codes.
 - d. In the approval required by this Title, or in documents on which such approval is based; or
 - e. In this Title, or the County's other Land Use Ordinances and Resolutions, including the Subdivision Ordinance and Administrative Manual.
- 6. The County shall be bound by the terms and standards of this Title, and the County's other Land Use Ordinances, Resolutions and the Administrative Manual, as applicable, and shall comply with all mandatory requirements and provisions of such Ordinances and Resolutions.
- 7. The County shall process and render a decision on each Application required by this Title with reasonable diligence.

17.04.09- Vesting of Zoning Rights

On the date of a determination of a complete application by the Zoning Administrator, a Land Use Application, as may be required by this Title, shall vest pursuant to the terms of this Title in effect, unless such vesting is affected by a pending amendment to this Title, or a temporary zoning regulation.

17.04.10- Procedural Irregularities

- 1. Validity of Action. No action, inaction or recommendation shall be set aside by a court due to any error (including, but not limited to, any irregularity, informality, neglect or omission) unless:
 - a. A procedure required by State or Federal law; was not followed and
 - b. In an examination of the circumstances, including the record, the court is of the opinion that the procedural error complained of was prejudicial to a substantial right of the complainant as shown by the following:
 - i. Had the error not occurred the decision made pursuant to the procedure would have been different, and
 - ii. Because of the error, the complainant suffered an injury for which relief must be given.
- 2. Presumption of Validity. The court shall presume that action, inaction or recommendation taken pursuant to a procedure was done in good faith and shall not presume that an error is prejudicial or that an injury occurred. The complainant shall have the burden of proof to show that an error is prejudicial or that an injury occurred.

Chapter 17.05- Applications to Amend the Uintah County General Plan

17.05.01- Purpose

This Chapter and the Administrative Manual provides the standards and procedures for the review of Applications to amend the County's General Plan.

The Uintah County General Plan, with accompanying Maps, is considered an advisory policy document for the purposes of land use decision-making.

17.05.02- Land Use Authority

The BOCC is authorized as the Land Use Authority responsible to review and approve, approve with revisions, or deny all General Plan Amendment Applications.

17.05.03- Procedures and Review Standards

1. The procedures for the review of a General Plan Amendment Application are identified by Chapter 9 and Chapter 15, Administrative Manual.
2. In considering a General Plan Amendment Application, the PC in formulating a recommendation, and the BOCC in deciding a General Plan Amendment Application shall consider the following factors, among others:
 - a. The effect of the proposed amendment on the overall well-being of the County.
 - b. The effect of the proposed amendment on the public health, welfare, and safety.
 - c. The effect of the proposed amendment on the interests of the County, and its residents.
 - d. The ability of the County, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the proposed amendment.
 - e. Compatibility of the proposed uses with nearby and adjoining properties.
 - f. The suitability of the properties for the uses and activities proposed.
 - g. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the County's Land Use Ordinances, and any other Ordinances required to implement the amendment.

17.05.04- Findings Required for Approval

The PC in making a recommendation, and the BOCC in deciding a General Plan Amendment Application, shall find that all the procedural requirements and review standards of Section 17.05.03 have been met.

17.05.05- Effect of Approval

The approval of a General Plan Amendment Application shall not authorize the development of land. After the BOCC has approved a General Plan Amendment Application, no development shall occur until the required Land Use Application approval(s) have been issued by a Land Use Authority, as applicable, consistent with the requirements of the County's Land Use Ordinances, and other Ordinances, as applicable.

17.05.06- Appeals

Any person aggrieved by a decision of the BOCC for any General Plan Amendment Application may appeal the decision to the Appeal Authority, as identified by Chapter 13 of this Title.

Chapter 17.06- Applications to Amend Uintah County Land Use Ordinances

17.06.01- Purpose

This Chapter and the Administrative Manual provides the standards and procedures for the review of Applications to amend the County's Land Use Ordinances, including Applications to amend this Title, including a Rezone (Zoning Map amendment) or Official Map Amendment.

All Uintah County Land Use Ordinances, including this Title, with the accompanying Zoning Map, are considered the County's land use laws for the purposes of land use decision-making.

17.06.02- Land Use Authority

The BOCC is authorized as the Land Use Authority responsible to review and approve, approve with revisions, or deny all Land Use Ordinance Amendment Applications.

17.06.03- Procedures and Review Standards

1. The procedures for the review of a Land Use Ordinance Amendment Application are identified by **Chapter 10 and Chapter 15, Administrative Manual**.
2. Rezone (Zoning Map Amendment) Applications shall be consistent with the currently adopted General Plan as determined by the Zoning Administrator.
3. In considering a Land Use Ordinance Amendment Application, the PC in formulating a recommendation, and the BOCC in deciding a Land Use Ordinance Amendment Application shall consider the following factors, among others:
 - a. Consistency of the proposed amendment with the County General Plan.
 - b. The effect of the proposed amendment on the overall well-being of the County.
 - c. The effect of the proposed amendment on the public health, welfare, and safety.
 - d. The effect of the proposed amendment on the interests of the County, and its residents.
 - e. The ability of the County, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the proposed uses and activities allowed by the proposed amendment.
 - f. Compatibility of the proposed uses with nearby and adjacent properties.
 - g. The suitability of the properties for the uses and activities proposed.
 - h. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan.
 - i. Any other revisions to the County's Land Use Ordinances, and any other Ordinances required to implement the amendment.

17.06.04- Findings Required for Approval

The PC in making a recommendation, and the BOCC in deciding a Land Use Ordinance Amendment Application, shall find that all the procedural requirements and review standards of Section 17.06.03 have been met.

17.06.05- Effect of Approval

The approval of a Land Use Ordinance Amendment Application shall not authorize the development of land. After the BOCC has approved a Land Use Ordinance Amendment Application, no development shall occur until the required Land Use Application approvals have been issued by a Land Use Authority, as applicable, consistent with the requirements of the County's Land Use Ordinances, and other Ordinances, as amended and as applicable.

17.06.06- Appeals

Any person aggrieved by a decision of the BOCC for any Land Use Ordinance Amendment Application may appeal the decision to the Appeal Authority, as identified by **Chapter 13**.

17.06.07- Temporary Land Use Regulations

As provided by the Act the BOCC may, without receiving a PC recommendation and without holding a public hearing, adopt a temporary land use regulation for a part or all of the unincorporated areas of the County if the BOCC makes a finding of a compelling, countervailing public interest, or the area is unregulated.

17.06.08- Effect of a Pending a Land Use Ordinance, Official Map Amendment, or Temporary Land Use Regulation

1. An Applicant is entitled to action on a Land Use Application by the Land Use Authority, as applicable, if the application conforms to the requirements of all Land Use Ordinances, in effect on the date the Zoning Administrator determines the application complete and all fees have been paid unless:
 - a. The Land Use Authority, on the record, finds a compelling, countervailing public interest would be jeopardized by approving the application; or
 - b. In the manner provided by this Chapter, and before the Land Use Application is filed, the County has formally initiated proceedings to amend a Land Use Ordinance, including this Title, or Official Map, in a manner that would prohibit or otherwise effect the approval of the application, as submitted; or
 - c. The BOCC, as provided by Section 17.06.07, has adopted a temporary land use regulation affecting the application.
2. An application for any Land Use Application approval affected by a pending Land Use Ordinance Amendment, Official Map Amendment, or Temporary Land Use Regulation shall be subject to the following:
 - a. The application shall not be acted upon until one hundred eighty (180) days from the date when the pending Land Use Ordinance Amendment, Official Map Amendment, or Temporary Land Use Regulation was first noticed on a PC or BOCC agenda, unless:
 - i. The Applicant voluntarily agrees to amend the Land Use Application to conform to the requirements of the pending amendment or temporary land use regulation; or
 - ii. One hundred eighty (180) calendar days have passed since the amendment proceedings were initiated or the adoption of the temporary land use regulation; or
 - iii. A decision concerning the proposed amendment is made sooner than one hundred eighty (180) calendar days since the amendment proceedings were initiated.
3. Upon a decision on a Land Use Ordinance Amendment or Official Map Amendment Application by the BOCC, all decisions for any approval, permit or license filed during the period the Land Use Ordinance Amendment or Official Map Amendment is pending, or thereafter, shall conform to the requirements of the Land Use Ordinance or Official Map, as amended.
4. A Land Use Authority shall process an application without regard to proceedings initiated to amend a Land Use Ordinance or Official Map if:
 - a. One hundred eighty (180) calendar days have passed since the proceedings were initiated; and
 - b. The proceedings have not resulted in an enactment that would prohibit action on the application, as submitted; or
 - c. One hundred eighty (180) calendar days have passed since the adoption of the temporary land use regulation.
5. An application shall be deemed "filed" when the application is determined complete by the Zoning Administrator.
6. When a proposed Land Use Ordinance Amendment or Official Map Amendment Application is pending, an application for any Land Use Application approval, permit, or license, as required by the Land Use Ordinances of the County, which may be affected by the proposed amendment, shall not be entitled to rely on the existing Land Use Ordinances or Official Map, which may be amended.

Chapter 17.07- Permitted Use Applications

17.07.01- Purpose

This Chapter and the Administrative Manual identify and provide the standards and procedures for the review of all Permitted Use Applications to determine compliance with this Title.

17.07.02- Land Use Authority

1. The Zoning Administrator is authorized as the Land Use Authority responsible to review and approve, approve with revisions, or deny all Permitted Use Applications.
 - a. The Zoning Administrator may, for any reason, refer a Permitted Use Application to the PC for decision and action.
2. The PC is authorized as the Land Use Authority responsible to review and approve, approved with revisions, or deny all Permitted Use Applications referred to the PC by the Zoning Administrator.

17.07.03- Procedures and Review Standards

1. The procedures for the review of a Permitted Use Application are identified by Chapter 4 and Chapter 15, Administrative Manual.
2. The Zoning Administrator shall review Permitted Use Applications and shall determine:
 - a. The proposed use is a Permitted Use within the Zoning District as identified in Appendix A, Table of Uses.
 - b. The proposed use complies with all requirements of the Zoning District, including the minimum area, setbacks, height, and all other requirements as applicable.
 - c. The proposed use will be conducted in compliance with the requirements of this Title, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
 - d. The property on which the Permitted Use is proposed is an approved legal lot that complies with County Ordinances.
 - e. The property on which the Permitted Use is proposed is of adequate size to permit the conduct of the use.
 - f. The proposed use and site plan comply with all site plan and building requirements, as provided and required by County Ordinances.
 - g. The proposed use and site plan comply with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.

17.07.04- Findings Required for Approval

In deciding a Permitted Use Application the Zoning Administrator shall find that the procedural requirements and review standards of Section 17.07.03 have been met.

17.07.05- Decision

1. If the Permitted Use Application complies with all the requirements of this Title, the Building Codes, and all other applicable Land Use Ordinances, as adopted, the Zoning Administrator shall approve the Application, with or without revisions and requirements determined necessary for compliance to the requirements of this Title.
2. If the Permitted Use Application does not comply with the requirements of this Title, the Building Codes, or any other applicable Land Use Ordinance, as adopted, the Zoning Administrator shall not approve the Application, and no building permit shall be issued.

17.07.06- Effect of Approval

Approval of a Permitted Use Application by the Zoning Administrator shall authorize the establishment of the approved use, subject to any revisions and requirements determined necessary to comply with all Land Use Ordinances of the County. Only when the Permitted Use Application has been approved by the Zoning Administrator, and a Building Permit issued, as required, may any building, activity or construction be commenced. Approval of a Permitted Use Application shall not be deemed an approval of any other Land Use Application, permit, or license.

17.07.07- Appeals

Any person aggrieved by a decision of the Zoning Administrator or PC for any Permitted Use Application may appeal the decision to the Appeal Authority, as identified by Chapter 13.

Chapter 17.08- Conditional Use Applications

17.08.01- Purpose

This Chapter and the Administrative Manual provide the standards and procedures for the review of all Conditional Use Applications required to determine compliance with this Title.

17.08.02- Land Use Authority

1. The Zoning Administrator is authorized as the Land Use Authority responsible to review and approve, approve with revisions and/or conditions, or deny all Administrative Conditional Use Applications.
2. The PC is authorized as the Land Use Authority responsible to review and approve, approve with revisions and conditions, or deny all Conditional Use Applications.

17.08.03- Procedures and Review Standards

1. The procedures for the review of a Conditional Use Application are identified by Chapter 5 and Chapter 15, Administrative Manual.
2. In considering a Conditional Use Application, the PC and the Zoning Administrator shall review the Application and shall determine:
 - a. The proposed use is a Conditional Use within the Zoning District as identified in Appendix A, Table of Uses.
 - b. The proposed use complies with all requirements of the Zoning District, including the minimum area, setbacks, height, and all other requirements as applicable.
 - c. The proposed use will be conducted in compliance with the requirements of this Title, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
 - d. The property on which the Conditional Use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.
 - e. The proposed use and site plan comply with all site plan and building requirements, as provided and required by this Title and this Chapter.
 - f. The proposed use and site plan comply with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.
 - g. Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole.

17.08.04- Findings Required for Approval

The PC and the Zoning Administrator in deciding a Conditional Use Application, shall find that the procedural requirements and review standards of Section 17.08.03 have been met.

17.08.05- Reasonable Conditions Authorized for Approval

The PC and the Zoning Administrator may impose, such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, hours of operation, noise, odor, light, dust, general nuisances, aesthetics, architecture, landscaping, buffering and screening, outdoor operations and storage, size, scope of operations, utilities, flood control, open space, preservation of natural waterways and other significant natural features, compatibility with the surrounding area, compatibility with the General Plan, health, safety welfare, time limits (expiration) and other items to mitigate possible detrimental effects of the proposed use, to secure the purposes of this Title, and to protect adjacent properties and the public interest. Reasonable conditions may include, but are not limited to the following:

1. Size, configuration, and site plan design and layout.
2. Site ingress and egress locations.
3. The provision of adequate public facilities and amenities, including roads and streets, water, sewer, storm drainage, public safety and fire protection, and other utilities.
4. The location and amount of off-street parking and loading areas.
5. Site circulation patterns for vehicular and pedestrian traffic.
6. Building(s) size and location(s), building design and exterior building features, building materials, and building colors.

7. The location and design of all site features, including, but not limited to, the location of proposed building(s), signage, lighting, and refuse collection.
8. The provision of open space, public features, and recreational amenities.
9. Fencing, screening, buffering, and landscape treatments and other features designed to increase the attractiveness of the site and protect adjoining property owners from adverse impacts.
10. Measures designed to minimize or eliminate potential nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
11. Measures designed to protect the natural features of the site, including, but not limited to, wetlands, drainage ways, ground water protection, and slopes.
12. The regulation of operating hours.
13. The regulation of how long the use can occur at the location. (Time Limits)
14. Identifying a time for regular review and monitoring to ensure the use continues to operate in compliance with all conditions and requirements of approval.
15. Such other conditions determined reasonable and necessary by the BOCC to allow the operation of the use at the proposed location, in compliance with the requirements of this Title, all other Land Use Ordinances and all Federal, State, or Local regulations, as applicable.

17.08.06- Decision

1. If the Conditional Use Application complies with all the requirements of this Title, the Building Codes, as adopted, and all other applicable Land Use Ordinances, as adopted, the PC or the Zoning Administrator shall approve the Application, with or without conditions, when the requirements and conditions are determined necessary for compliance to the requirements of this Title.
2. If the Conditional Use Application does not comply with the requirements of this Title, Building Codes and all other applicable Land Use Ordinances, as adopted, or reasonable conditions cannot mitigate the negative impacts of the use the land use authority shall not approve the Conditional Use Application, and no building permit shall be issued.

17.08.07- Effect of Approval

Approval of a Conditional Use Application by the PC or the Zoning Administrator shall authorize the establishment of the approved use, subject to any revisions, requirements, and conditions determined necessary to comply with all Land Use Ordinances of the County. Only when the Conditional Use Application has been approved by the PC or the Zoning administrator, and a Building Permit issued, as required, may any building, activity, construction, or occupancy be commenced. Approval of a Conditional Use Application shall not be deemed an approval of any other Land Use Application, permit, or license.

17.08.08-Appeals

Any person aggrieved by a decision of the PC or the Zoning Administrator for any Conditional Use Application may appeal the decision to the Appeal Authority, as identified [by Chapter 13](#).

17.08.09- Expiration

Conditional use permits are a right in land and are valid in perpetuity, regardless of ownership except:

1. Unless there is substantial action under a conditional use permit within a period of one year of its issuance, the conditional use permit shall expire. When deemed to be in the public interest, the Land Use Authority may grant a maximum extension of six months under exceptional circumstances.
2. A conditional use permit is hereby declared to be expired when the use is discontinued for three hundred sixty-five (365) consecutive days.
3. The land use authority may put time limits on conditional use permits as it deems necessary.

17.08.10- Revocation

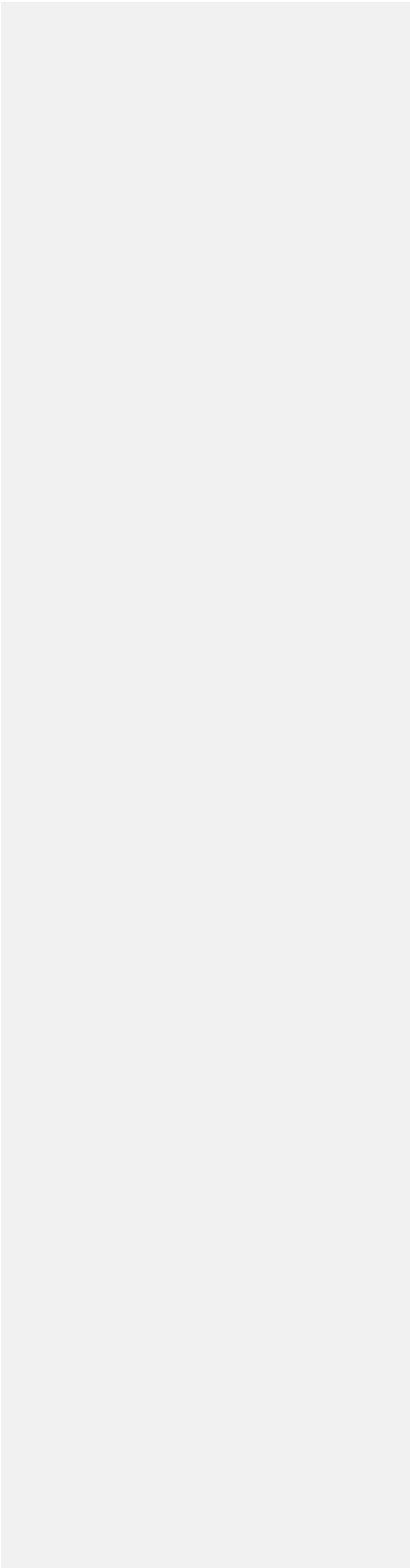
1. A conditional use permit may be revocable by the county commission at any time due to failure of the permittee to observe any condition specified or failure to observe other requirements of the Uintah County zoning ordinance in regard to the maintenance of improvements or conduct of the use or business as approved. The county shall also have a right of action to compel offending structures or uses to be removed at the cost of the violator or owner.

2. No conditional use permit shall be revoked until a hearing is held by the county commission. The permittee shall be notified in writing of such hearing. The notification shall state the grounds for complaint or reasons for revocation, and the time and location at which the hearing is to be held. At the hearing, the permittee shall be given an opportunity to be heard. The permittee may call witnesses and present evidence. Upon conclusion of the hearing, the county commission shall determine whether the permit should be revoked.

Possibly have a section on Zoning Map Amendment application- Rezones must be supported by the general plan/future land use map.

Chapter 17.09- Reserved

We also need a chapter for signs.



Chapter 17.10- Variance Applications

17.10.01- Purpose

This Chapter and the Administrative Manual provides the standards and procedures for the review of all Variance Applications and requirements to determine compliance with this Title. This Chapter also identifies the Appeal Authority for Variances.

17.10.02- Appeal Authority for Variance Applications

The Board of Adjustment (hereinafter BOA) is authorized as the Appeals Authority responsible to review and approve, approve with revisions, or deny all Variance Applications.

17.10.03- Procedures and Review Standards for Variance Applications

1. The procedures for the review of a Variance Application are identified by Chapter 11 and Chapter 15, Administrative Manual.
2. The BOA shall review the Application and shall determine:
 - a. Literal enforcement of the provisions of this Title would cause an unreasonable hardship for the Applicant with the Applicant providing sufficient evidence demonstrating that the hardship is located on, or associated with the subject property, for which the variance is sought, and is peculiar to the property rather than conditions generally existing on other properties located in the same Zoning District or immediate area.
 - b. The identified hardship is not self-imposed.
 - c. The identified hardship is not economic in nature.
 - d. There exist special circumstances peculiar to the property that do not apply to other properties in the same Zoning District. The BOA may find an unreasonable hardship exists only if the alleged hardship is located on, or associated with, the property for which the Variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - e. The Variance is essential to the enjoyment of a substantial property right possessed by other property in the same Zoning District. The BOA may find that special circumstances are attached to the property exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same Zoning District.
 - f. The approval of the Variance Application will not be contrary to the public interest.
 - g. The approval of the Variance Application will not have the effect of nullifying in any way the intent and purpose of this Title, or the County's other Land Use Ordinances.

17.10.04- Findings Required for Approval of Variance Applications

In deciding a Variance Application, the BOA shall find that all the procedural requirements and review standards of Section 10.10.04 have been met.

17.10.05- Decision for a Variance Application

1. If the Variance Application complies with all the requirements of Section 17.10.03 the BOA may approve the Application, with or without revisions and requirements determined necessary for compliance to the requirements of this Title. The Zoning Administrator shall notify the Applicant of the decision.
2. If the Variance Application does not comply with all the requirements of Section 17.10.03 the BOA shall not approve the Application. The Zoning Administrator shall notify the Applicant of the decision.

17.10.06- Variance Requirements

In approving a Variance Application, the BOA may require such revisions and requirements that in the judgment of the BOA are necessary to mitigate any negative effects of approving the Variance Application and to secure the purposes of this Title.

17.10.07- Use Variance Prohibited

The BOA may not authorize the establishment of a use in the Zoning District that is not identified in Appendix A, Table of Uses.

17.10.08- Effect of Approval

The approval of a Variance Application shall not authorize the establishment or extension of any use, or the development, construction, reconstruction, alteration or moving of any building or structure, but is a prerequisite to the preparation, filing, review, and determination of any Land Use Application approval that may be required by this Title.

17.10.09- Appeals

Any person aggrieved by a decision of the BOA for any Variance Application may appeal the decision to the Appeal Authority, as identified by Chapter 13.

Chapter 17.11- NONCONFORMING USES, NONCOMPLYING STRUCTURES, AND OTHER NONCONFORMITIES

17.11.01- Purpose

This Chapter and the Administrative Guidelines provide the standards and procedures for determining the existence, expansion, or modification of a legal nonconforming use, a legal noncomplying structure, or other legal nonconformity, including noncomplying lots and signs.

17.11.02- The Zoning Administrator is the Land Use Authority for Determinations of Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity Applications

The Zoning Administrator is authorized as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity.

17.11.03- Procedures and Review Standards for Determination of Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity Applications

1. The procedures for the review of the Determination of Legal Nonconforming Use, Legal Noncomplying Structure, or other Legal Nonconformity Application are identified by **Chapter 12 and Chapter 15, Administrative Manual**.
2. The Zoning Administrator shall review the Application and shall determine, from the evidence presented by the Applicant, who shall have the burden of proof of establishing the existence of a legal nonconforming use, legal noncomplying structure, lot, sign, or other legal nonconformity, as provided by the Act. If the Zoning Administrator finds that sufficient evidence is presented to clearly establish that the use, structure, lot, sign, or other nonconformity legally existed on the date of adoption of this Title, and complied with all prior enactments of this Title, the County's other Land Use Ordinances, including the Subdivision Ordinance, the Zoning Administrator shall approve the Determination of Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application.

17.11.04- Findings Required for Approval of Determination of Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application

In deciding a Determination of Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application the Zoning Administrator shall find that all the procedural requirements and review standards of Section 17.11.03 have been met along with the following:

1. Documentation and other materials have been presented, and provided from a credible source(s), to clearly establish that the use, structure, lot, sign, or other nonconformity legally existed prior to the date of adoption and effective date of the first Land Use Ordinances, including the Zoning Ordinance and Subdivision Ordinance.
2. Documentation and other materials have been presented, and provided from a credible source(s), to clearly establish that the use, structure, lot, sign, or other nonconformity legally existed on the date of adoption of this Title, and complied with all prior enactments of this Title, or the County's other Land Use Ordinances, including the Subdivision Ordinance.

17.11.05- Decision for a Determination of a Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application

1. If it is determined that the Nonconforming Use, Noncomplying Structure, or other Nonconformity Application complies with all the requirements of Section 17.11.03 and Section 17.11.04, the Zoning Administrator shall approve the Application. The Zoning Administrator shall notify the Applicant of the decision, as required by **Section 1207**.
2. If it is determined that the Nonconforming Use, Noncomplying Structure, or other Nonconformity Application does not comply with all the requirements of Section 17.11.03 and Section 17.11.04, the Zoning Administrator shall deny the Application. The Zoning Administrator shall notify the Applicant of the decision, as required by **Section 1207**.

17.11.06- Effect of Approval

1. A finding by the Zoning Administrator of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall not authorize the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any nonconforming use, noncomplying structure, lot, sign, or other nonconformity.

2. A finding by the Zoning Administrator of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall not be deemed an approval of any application, permit, or license.
3. A finding by the Zoning Administrator of a legal nonconforming use, noncomplying structure, lot, sign, or other nonconformity shall allow for the filing of a Land Use Application for any necessary approval, permit, or license, as may be required by the County's Land Use Ordinances.

17.11.07- Requirements for Nonconforming Uses

Following a determination by the Zoning Administrator of the existence of a legal nonconforming use, the use shall comply with the following requirements:

1. A nonconforming use may be continued by the present or future property owner.
2. As allowed by the Act, a legal nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purposes of the extension. For the purposes of this subsection, the addition of a solar energy device to a building is not a structural alteration.
3. Necessary maintenance and repairs may be made to a structure housing a legal nonconforming use by following the procedures for a Land Use Application approval, permit, or license, including the issuance of a Building Permit, for such maintenance and repairs.
4. The County may require the termination of a legal nonconforming use by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of investment in the nonconforming use.
5. The County may not terminate a nonconforming use of a structure that is involuntarily destroyed, in whole or in part, due to fire or other calamity unless the use has been abandoned.
6. A nonconforming use of a structure shall terminate if:
 - a. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the Zoning Administrator or Building Official, that the structure is uninhabitable and that the nonconforming use will be lost if the structure is not repaired or restored within six (6) months.
 - b. The property owner has voluntarily demolished a majority of the building that houses the nonconforming use.
7. Change in Use. A nonconforming use may only be changed to a use allowed in **Appendix A**, Table of Uses, for the Zoning District in which the property is located by following the Land Use Application approval procedures for such new use, as required by this Title.

17.11.08- Requirements for Noncomplying Structures

Following a determination by the Zoning Administrator of the existence of a legal noncomplying structure, the structure shall comply with the following requirements:

1. A noncomplying structure may be continued by the present or future property owner.
2. The County may not prohibit the reconstruction or restoration of a noncomplying structure that is involuntarily destroyed, in whole or in part, due to fire or other calamity unless the structure has been abandoned.
3. Necessary maintenance and repairs may be made to a legal noncomplying structure by following the procedures for a Land Use Application approval, permit, or license, including the issuance of a Building Permit, for such maintenance and repairs.
4. A noncomplying structure shall terminate if:
 - a. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property owner, by the Zoning Administrator or Building Official, that the structure is uninhabitable and that the noncomplying structure will be lost if the structure is not repaired or restored within six (6) months.
 - b. The property owner has voluntarily demolished a majority of the noncomplying structure.

17.11.09- Termination of a Nonconforming Use due to Abandonment

1. Any party claiming a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
2. Abandonment may be presumed to have occurred if:
 - a. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the County regarding an extension of the nonconforming use.

- b. The use has been discontinued for at least one (1) year; or
 - c. The primary building associated with the nonconforming use remains vacant for a minimum period of one (1) year.
3. The property owner may rebut the presumption of abandonment under this Section and shall have the burden of establishing that any claimed abandonment under this Section has not in fact occurred. The Zoning Administrator shall have authority to review and decide all disputes relating to abandonment of structures associated with a nonconforming use or noncomplying structures.
 4. The County may terminate the nonconforming use status of a school district or charter school when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a minimum period of one (1) year.

17.11.10- Noncomplying Lots

A lot of record, or any parcel of record, that existed prior to July 18, 2005, and is not located within the Dry Fork Agricultural Zone, shall:

1. Be eligible for a Building Permit authorizing the construction of one (1) single family dwelling, even though such lot or parcel may not conform to the requirements of the Zoning District in which it is located, provided:
 - a. That such lot or parcel of land is located in a Zoning District that allows single family dwellings, and
 - b. The lot has a legal access of at least sixteen (16) feet, and
 - c. The proposed construction can qualify for the issuance of a Building Permit, as required by the building codes, as adopted, and
 - d. The proposed structure can meet the setbacks for the zone in which it is located.

A lot of record, any parcel of record, subdivision or planned unit development, located in the Dry Fork Agricultural Zone, that existed as of September 20, 1982 shall:

1. Be eligible for a Building Permit authorizing the construction of one (1) single family dwelling, Provided that:
 - a. The lot has a legal access of at least sixteen (16) feet, and
 - b. The proposed construction can qualify for the issuance of a Building Permit, as required by the building codes, as adopted, and
 - c. The proposed structure can meet the setbacks of the Dry Fork Agricultural Zone.

17.11.11- Noncomplying Signs

This Section shall apply to signs that were legal on the date of adoption of this Title, or its prior enactments, but which may now be determined to be a legal noncomplying structure.

1. A noncomplying sign shall not be enlarged.
2. A noncomplying sign shall not be moved or replaced, except to bring the sign into compliance with this Title and the County's other Land Use Ordinances.
3. The text/graphics message of a noncomplying sign may be changed if such changes do not create any new nonconformities or other noncompliance.
4. A noncomplying sign shall be considered abandoned if it advertises a business, service, commodity, or other activity that has been discontinued for a minimum period of one (1) year.

17.11.12- Appeals

Any person aggrieved by a decision of the Zoning Administrator for any Determination of Legal Nonconforming Use, Noncomplying Structure, or other Nonconformity Application may appeal the decision to the Appeal Authority, as identified by Chapter 13.

Chapter 17.12- Notice Requirements

17.12.01- Purpose

As provided by the Act, the County is required to provide notice of all public hearings and public meetings. The notice requirements for public hearings and public meetings required by the County's Land Use Ordinances, including this Title, and the Act, are provided in this Chapter.

17.12.02- Required Notice of Public Hearings and Public Meetings to consider General Plan Adoption and General Plan Amendment Applications

1. **Public Hearings.** The Zoning Administrator for public hearings by the PC and the County Clerk for public hearings by the BOCC to consider a General Plan Adoption or General Plan Amendment Application shall provide notice as follows:
 - a. Notice of date, time, and place of the public hearing at least ten (10) calendar days before the public hearing which notice shall be:
 - i. Published in a newspaper of general circulation in the County.
 - ii. Published on the Utah Public Notice Website.
 - iii. Mailed to each "affected entity," as defined by the Act.
 - iv. Posted in at least three (3) public locations within the County; or on the County's official website.
 - b. Notice of the date, time, and place of the public hearing shall be mailed at least ten (10) calendar days before the public hearing to each Applicant for a General Plan Amendment Application, as required by this Title and the Act.
2. **Public Meetings.** The Zoning Administrator for public meetings by the PC and the County Clerk for public hearings by the BOCC to consider a General Plan Adoption or General Plan Amendment Application shall provide notice as follows:
 - a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:
 - i. Submitted to a newspaper of general circulation in the County.
 - ii. Published on the Utah Public Notice Website.
 - iii. Posted in at least three (3) public locations within the County; or on the County's official website.
 - b. Notice of the date, time, and place of each public meeting shall be provided at least twenty four (24) hours before the public meeting to each Applicant for a General Plan Amendment Application, as required by this Title and the Act.

17.12.03- Required Notice of Public Hearings and Public Meetings to consider a Land Use Ordinance, Land Use Ordinance Amendment Applications, Official Map, and Official Map Amendment Application

1. **Public Hearings.** The Zoning Administrator for public hearings by the PC and the County Clerk for public hearings by the BOCC to consider a Land Use Ordinance, Land Use Ordinance Amendment Application, Official Map, or Official Map Amendment Application shall provide notice as follows:
 - a. Notice of the date, time, and place of the public hearing at least ten (10) calendar days before the hearing which notice shall be:
 - i. Posted in at least three (3) public locations within the County; or on the County's official website.
 - ii. Mailed to each "affected entity" as defined by this Title and the Act.
 - iii. Published in a newspaper of general circulation in the County and on the Utah Public Notice Website; or
 - iv. Mailed at least 10 calendar days before the public hearing to each property owner whose land is directly affected by the land use ordinance change and each adjacent property owner within one thousand (1,000) feet of the affected property.
 - b. If a county plans to hold a public hearing to adopt a zoning map or map amendment, the county shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed map at least 10 days prior to the scheduled day of the public hearing. The Notice shall:
 - i. Identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments.
 - ii. State the current zone in which the real property is located.
 - iii. State the proposed new zone for the real property.

- iv. Provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted.
- v. State that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment.
- vi. State the address where the property owner should file the protest.
- vii. Notify the property owner that each written objection filed with the county will be provided to the county legislative body.
- viii. state the location, date, and time of the public hearing.
- c. Notice of the date, time, and place of each public hearing shall be mailed at least three (3) calendar days before the public hearing to each Applicant for a Land Use Ordinance Amendment Application or Official Map Amendment Application, as required by this Title and the Act.
- 2. **Public Meetings.** The Zoning Administrator for public meetings by the PC and the County Clerk for public meetings by the BOCC to consider a Land Use Ordinance, Land Use Ordinance Amendment Application, Official Map, or Official Map Amendment Application shall provide notice as follows:
 - a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:
 - i. Posted in at least three (3) public locations within the County, or on the County's official website.
 - b. Notice of the date, time, and place of each public meeting shall be provided at least twenty-four (24) hours before the public meeting to each Applicant for a Land Use Ordinance Amendment Application or Official Map Amendment Application, as required by this Title and the Act.

17.12.04- Required Notice for other Public Hearings

When required by the provisions of this Title, the Zoning Administrator and/or the County Clerk shall provide notice of a public hearing as follows:

- 1. Notice of the date, time, and place of each public hearing shall be at least ten (10) calendar days before the public hearing, which shall be:
 - a. Published in a newspaper of general circulation in the County.
 - b. Published on the Utah Public Notice Website.
 - c. Mailed to each "affected entity" as defined by this Title and the Act.
 - d. Posted in at least three (3) public locations within the County; or on the County's official website.
- 2. Notice of the date, time, and place of each public hearing shall be mailed at least three (3) calendar days before the public hearing to each Applicant, as required by this Title and the Act.

17.12.05- Courtesy Notice for Public Hearings

For public hearings required by this Title, the Zoning Administrator may provide actual notice provided by regular United States mail and postmarked at least ten (10) calendar days prior to the public hearing to all owners of property located within one thousand (1000) feet of the property that is the subject of the public hearing.

17.12.06- Required Notice for other Public Meetings

When required by the provisions of this Title, the Zoning Administrator shall provide notice of the public meeting as follows:

- 1. Notice of the date, time, and place of each public meeting shall be at least twenty-four (24) hours before the public meeting, which shall be:
 - a. Posted in at least three (3) public locations within the County; or on the County's official website.
 - b. Published on the Utah Public Notice Website.
- 2. Notice of the date, time, and place of each public meeting shall be provided at least twenty-four (24) hours before the public meeting to each Applicant, as required by this Title and the Act.

17.12.07- Required Applicant Notice – Waiver of Requirements

For each Land Use Application, the Zoning Administrator shall:

- 1. Notify the Applicant of the date, time, and place of each public hearing and public meeting to consider the Land Use Application at least three (3) days prior to the meeting.
- 2. Notify the Applicant of any decision on the Application by a Land Use Authority.

3. Provide to each Applicant a copy of each Staff Report regarding the Land Use Application at least three (3) days before the public hearing or public meeting.
4. If the County fails to comply fully with the requirements of this Section, an Applicant may waive the failure so that the Land Use Application may stay on the public hearing or public meeting agenda and be considered as if the requirements of this Chapter had been met.

17.12.08- Notice Challenges

Except for the Courtesy Notice, which is not subject to challenge, if notice given under authority of this Chapter is not challenged, as provided by the Act, within thirty (30) calendar days after the meeting or action for which notice is given, the notice is considered adequate and proper.

Chapter 17.13- Appeal Authorities and Procedures

17.13.01- Purpose

Any person, including the Applicant for any Land Use Application approval, license, or permit (excluding building permits) and any decision-making body or officer of the County, adversely affected by a decision of a Land Use Authority administering or interpreting county land use ordinances may appeal the decision to the Appeal Authority, as identified by this Chapter.

17.13.02- Appeal Authorities

To provide for appeals of decisions of Land Use Authorities and to comply with the Act, the following Appeal Authorities, with their appeal responsibilities are identified.

17.13.03- District Court

1. Any person aggrieved by a decision of the BOA may file a petition with District Court.

17.13.04- Board of Adjustment

1. Any person aggrieved by a decision of the BOCC, as a Land Use Authority, may file an Appeal Application with the BOA, as the Appeal Authority.

17.13.05- Board of County Commissioners

1. Any person aggrieved by a decision of the PC, as a Land Use Authority, may file an Appeal Application with the BOCC, as the Appeal Authority.
2. Any person aggrieved by a decision of the Zoning Administrator as a Land Use Authority, may file an Appeal Application with the BOCC, as the Appeal Authority.

17.13.07- Maximum Time Allowed to File Appeal

A person, including the Applicant for any Land Use Application and any decision-making body or officer of the County, adversely affected by a decision of a Land Use Authority administering or interpreting this Title may, within **thirty (30) calendar days (could be as few as 10 days)** of the date of the decision, appeal the decision to the Appeal Authority identified by this Chapter.

17.13.08- Requirements for an Appeal of a Land Use Authority Decision

An appeal of a Land Use Authority's decision shall identify the alleged error in any order, requirement, decision, or determination made by the Land Use Authority.

17.13.09- Condition Precedent to Judicial Review – Appeal Authority Duties

1. As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a Land Use Authority's decision, in accordance with the requirements of this Chapter.
2. An Appeal Authority shall:
 - a. Act in a quasi-judicial manner; and
 - b. Serve as the final arbiter of issues involving the interpretation or application of Land Use Ordinances; and
 - c. Not entertain an appeal of a matter in which the Appeal Authority, or any participating member, had first acted as the Land Use Authority.
3. An Appeal Authority shall require an adversely affected party to present every theory of relief that it can raise in District Court.
4. An Appeal Authority shall not require an adversely affected party to pursue duplicate or successive appeals before it or another Appeal Authority as a condition of the adversely affected party's duty to exhaust administrative remedies.

17.13.10- Application Required

An appeal of any order, requirement, decision, or determination of a Land Use Authority shall be made on the Appeal Application, provided by and contained in **Chapter 15, Administrative Manual**.

17.13.11- Meetings, Records, and Action of an Appeal Authority

Each Appeal Authority shall:

1. Notify each of its members of any meeting or hearing;
2. Provide each of its members with the same information and access to County resources as any other member;
3. Convene only if a quorum of its members is present; and
4. Act only upon the vote of a majority of its convened members.
5. The Zoning Administrator and any other County Official shall transmit to the Appeal Authority all materials constituting the full record of the decision of the Land Use Authority.
6. Following a written decision by the Appeal Authority, the Zoning Administrator shall provide the Applicant with a copy of the written decision.
7. A record of the decisions of the Appeal Authority shall be maintained in the office of the County Clerk, which shall constitute the record of the appeal.

17.13.12- Due Process

1. An Appeal Authority shall conduct each appeal as provided.
2. An Appeal Authority shall respect the due process rights of each of the participants.

17.13.13- Burden of Proof

Any person presenting an Appeal Application alleging an error of a Land Use Authority's order, requirement, decision, or determination has the burden of proof that the Land Use Authority erred.

17.13.14- Standard of Review for Appeals

1. Each Appeal Authority identified by this Chapter shall hear and review all Appeal Applications "on the record," including the review of all factual matters. Each Appeal Authority shall only consider the materials presented and originally before the Land Use Authority in making the decision that is the subject of the appeal.
2. The Appeal Authority shall determine the correctness of the order, requirement, decision, or determination of the Land Use Authority.
3. Only those decisions where a Land Use Authority has applied the requirements of this Title to a particular application, person, lot, or parcel may be appealed to an Appeal Authority.
4. An Appeal Application shall not be used to waive, modify, or amend any requirement, provision, or term of this Title.

17.13.15- District Court Review

1. Required Time for Filing

- a. No person may challenge in District Court a decision of a Land Use Authority until that person has exhausted all administrative remedies as provided by this Chapter and received a final decision from an Appeal Authority.
- b. Any person adversely affected by a final order, requirement, decision, or determination made in the exercise of or in violation of the provisions of this Title may file a petition for review of the order, requirement, decision, or determination with the District Court within **thirty (30) calendar days** after the Appeal Authority's decision is final.

2. Tolling of Time

- a. The required time for filing for District Court review shall be tolled from the date the person files a request for arbitration of a constitutional taking issue with the property rights ombudsman, as provided by §63-34-13 U.C.A., until thirty (30) days after:
 - i. The arbitrator issues a final award; or
 - ii. The property rights ombudsman issues a written statement under **§63-34-13(4)(b) U.C.A.**, declining to arbitrate or to appoint an arbitrator.
- b. A tolling under this Section operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.
- c. A request for arbitration filed with the property rights ombudsman after the time under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

3. Standards Governing Court Review

- a. The Court shall:
 - i. Presume that a final decision made under the authority of the Act is valid; and

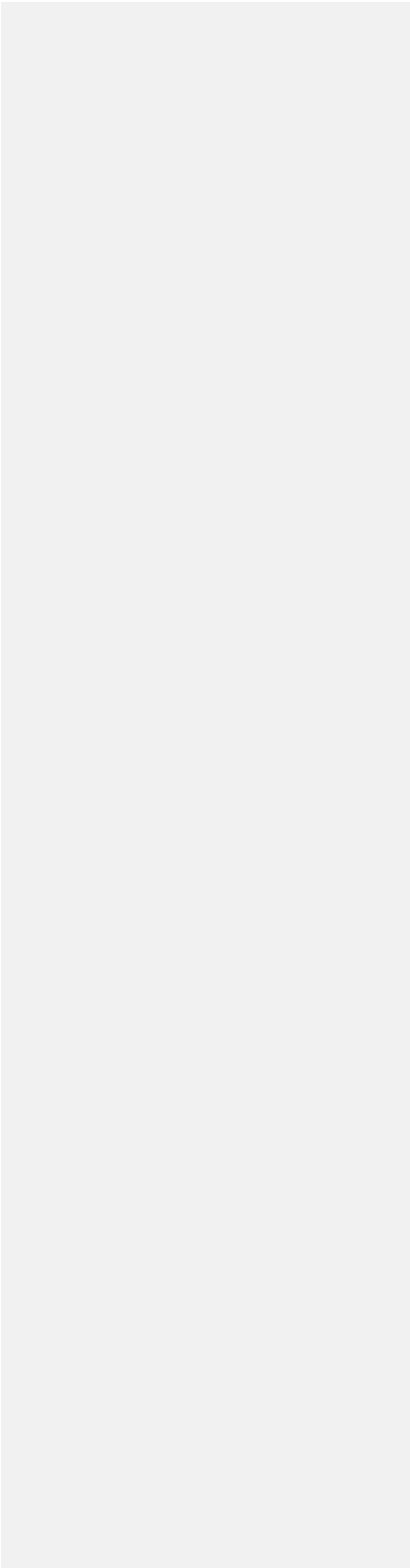
- ii. Determine only whether or not the final decision is arbitrary, capricious, or illegal.
- b. A decision, ordinance, or regulation involving the exercise of legislative discretion is valid if the decision, ordinance, or regulation is reasonably debatable and not illegal.
- c. A decision of a Land Use Authority or an Appeal Authority involving the exercise of administrative discretion is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
- d. A determination of illegality requires a determination that the decision, ordinance, or regulation violates a law, statute, or ordinance in effect at the time the decision was made or the ordinance or regulation adopted.
- e. The time requirements for the filing of a petition with District Court, as provided by this Section apply from the date on which the Land Use Authority takes final action on a Land Use Application for any adversely affected third party, if the Land Use Authority conformed with the notice provisions of this Title, as applicable, or for any person who had actual notice of the pending decision.
- f. If the County has complied with the notice requirements, as provided by this Title, a challenge to the enactment of this Title or the enactment of the Uintah County General Plan may not be filed with the District Court more than thirty (30) calendar days after the enactment.
- g. A petition is barred unless it is filed within thirty (30) calendar days after the Appeal Authority's decision is final.

4. Record on Review

- a. The Land Use Authority or Appeal Authority, as the case may be, shall transmit to the District Court the record of its proceedings, including all minutes, findings, orders, and, if available, a true and correct transcript of its proceedings.
- b. If an audio recording of the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this Section.
- c. If there is a record, the District Court's review is limited to the record provided by the Land Use Authority or Appeal Authority, as the case may be.
- d. The District Court may not accept or consider any evidence outside the record of the Land Use Authority or Appeal Authority, as the case may be, unless that evidence was offered to the Land Use Authority or Appeal Authority, respectively, and the court determines that it was improperly excluded.
- e. If there is no record, the Court may call witnesses and take evidence.
- f. The filing of an Appeal does not stay the decision of the Land Use Authority or Appeal Authority, as the case may be.

5. Staying of Decision

- a. Before filing a petition under this Section, or a request for mediation or arbitration of a constitutional taking issue under §63-34-13 U.C.A., the aggrieved party may petition the Appeal Authority to stay its decision.
- b. Upon receipt of a petition to stay, the Appeal Authority may order its decision stayed pending District Court review, if the Appeal Authority finds it to be in the best interest of the County.
- c. After a petition is filed under this Section, or a request for mediation or arbitration of a constitutional taking issue is filed under §63-34-13 U.C.A., the petitioner may seek an injunction staying the Appeal Authority's decision.



Chapter 17.15- ESTABLISHMENT OF ZONING DISTRICTS

17.15.01- Zoning by Districts

In accordance with the requirement of the Act, that zoning within counties be by districts, Uintah County, as shown on the Uintah County Zoning Map, is divided into Zoning Districts that govern the use, intensity and other requirements for the use or activities occurring on all unincorporated lands located within the County. The map accompanying this Title, the Uintah County Zoning Map, is incorporated herein by this reference as a part of this Title.

To achieve the purposes of this Title and the Act, the following Zoning Districts are provided:

1. Agricultural Zone A-1
2. Agricultural Zone A-2
3. Agricultural Zone A-3
4. Agricultural Zone A-4
5. Dry Fork Agricultural Zone A-1D
6. Residential-Agricultural Zone RA-1
7. Residential Zone R-1
8. Residential Zone R-2
9. Residential Zone R-3
10. Residential Mobile Home Zone MH
11. Commercial Zone C-1
12. Heavy Commercial Zone C-2
13. Industrial Zone I-1
14. Heavy Industrial Zone I-2
15. Mining and Grazing Zone MG-1
16. Recreation, Forestry and Mining Zone RFM
17. Ashley Springs Protection Zone ASP
18. Penstemon Conservation Area Overlay Zone

17.15.02- Zoning Districts Purposes

The Uintah County Zoning Districts achieve the following purposes:

1. The Agricultural Zone A-1 and A-2 are established to provide areas in which agricultural pursuits can be continued within the county. The A-1 and A-2 zones are designed and intended to protect agricultural uses from the encroachment of urban development until such time as residential, commercial or industrial uses in such areas become necessary and desirable. Uses permitted in the A-1 and A-2 zones, in addition to agricultural uses, must be incidental thereto, and should not change the basic agricultural character of the zones.
2. The Agricultural Zone A-3 and A-4 are established to provide areas in which agricultural and small scale industrial pursuits can be pursued within the county. The A-3 and A-4 zones are designed and intended to protect agricultural and residential uses but also allow for small scale industrial businesses that support natural resource extraction in these areas. Uses permitted in the A-3 and A-4 zones, in addition to agricultural and residential uses, must be incidental thereto, and should not change the basic character of the zones.
3. The Dry Fork Canyon Agricultural Zone A-1D has been established to protect the geologically and environmentally sensitive area located within the zone, to avoid pollution of culinary water sources and to protect other health and welfare factors.
4. The Residential-Agricultural Zone RA-1 has been established for the primary purpose of providing a location where residential development associated with limited numbers of livestock can be maintained. This zone is currently characterized by large tracts of agricultural land interspersed by single family subdivisions. Uses permitted in the RA-1 Zone should help to protect the residential/agricultural character of the zone.
5. The Residential Zone R-1 has been established to insure the orderly and timely conversion of certain open land areas within the county into residential districts of high standards as the need for such land occurs. The R-1 zone, therefore, has been established as a district in which single family residences are located on smaller lots which are characterized by quiet residential conditions favorable to family life and the rearing of children shall be the primary use of the land.

6. The Residential Zone R-2 covers the portion of the county which is primarily suited for residential development, represented by a commingling of one-family, two-family and multiple-family dwellings, plus parks, playgrounds, schools, churches and other community facilities designed to serve the residents located in these areas.
7. The Residential Zone R-3 has been established as a district in which the primary use of the land is for multifamily residential purposes, but in which office buildings and certain other uses of a commercial nature may be located. In general, this district serves as a transitional zone between the commercial zone and the residential and agricultural zones surrounding the commercial zones. Since this zone is essentially residential in character, office buildings, rest homes, mortuaries, parking lots and other transitional uses must be developed and maintained in harmony with the residential uses.
8. The purpose of the Residential Manufactured Home Zone MH is to provide appropriate areas for suitable development of manufactured home parks and manufactured home subdivisions. It is also to insure that such facilities receive adequate services and blend harmoniously with surrounding residential neighborhoods and other zoning districts.
9. The purpose of the Commercial Zone C-1 is to provide suitable areas for the location of the various types of commercial activities needed to serve the people and commerce of the county. The C-1 zone provides, in addition to the convenience goods, a wider range of facilities for the sale of retail goods and personal services for the neighborhoods and major segments of the community.
10. The purpose of the Heavy Commercial Zone C-2 is to provide suitable areas for the location of the various types of heavy commercial activities needed to serve the people and commerce of the county. The C-2 zone is intended to provide a buffer between the industrial zones and the zones that surround them. The types of businesses in this zone should range from commercial to light industrial.
11. The Industrial Zone I-1 covers that portion of the unincorporated county which is suited for light and medium intensity industrial development. In an effort to give some protection to nearby residential and commercial zones, certain types of industrial uses are not permitted in the I-1 zone, such as industries which are hazardous, or are offensive, due to excessive odors, noise, vibration, dust or other emissions.
12. The Heavy Industrial Zone I-2 are those areas of the unincorporated county better suited for higher intensity industrial uses. Heavy industrial uses are of a more intense nature than those uses permitted in the I-1 Zone and often are accompanied by noise, odors and other factors which make the uses objectionable near residential and commercial areas.
13. The Mining and Grazing Zone M & G-1 has been established as a district in which the primary use of the land is for the extraction of natural resources and livestock grazing purposes. This zone is characterized by large tracts of desert and open range land, with an occasional mine, cabin, dwelling and/or corral incidental to livestock operations.
14. The Recreation Forestry and Mining Zone RFM has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. In general, this zone covers the mountainous portion of the unincorporated area of the county, and is characterized by naturalistic land areas, mountains, canyons, and high grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, mines, and facilities related thereto. Natural and manmade lakes are also characteristic of this zone.
15. The Ashley Springs Protection Zone ASP has been established to protect the geologically and environmentally sensitive area located within the zone, to avoid pollution or disruption of water sources, and to protect other health and welfare factors. Ashley Springs is essentially the sole source of drinking water for the more than 20,000 residents of Ashley Valley (except for limited use of water in Red Fleet Reservoir).
16. The Penstemon Conservation Area Overlay Zone was created because Uintah County entered into a conservation agreement with various governmental entities in July of 2014. As such Uintah County now adopts this chapter to implement those provisions of the agreement applicable to private land. Uintah County has been granted authority to exercise broad and expansive powers under Title 17 of the Utah State Code, including U.C.A. § 17-50-302, and common law that are reasonably related to the safety, health, morals, and welfare of county inhabitants, except as limited or prohibited by statute. Further, counties are also empowered to "provide for the development of the county's mineral, water, manpower, industrial, historical, cultural, and other resources" (U.C.A. § 17-50-316).

17.15.03- Rules applicable where boundaries are uncertain.

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block or along a property line, then unless otherwise definitely indicated on the map, the centerline of such street, alley or block or such property line shall be construed to be the boundary of such zone.
2. Wherever the boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway, or public park, or other public land, or any section line, then in such case the center of such stream, canal or waterway, or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.
3. Where such boundary line cannot be determined by the rules set out in subsections A and B of this section, their location may be considered to be the nearest property line as found by the use of the scale appearing upon the map.
4. Where the application of the rules set out in this section does not clarify the zone boundary location, the board of adjustment shall interpret the map.

Chapter 17.16- General Development Standards Applicable to All Property and Land Uses

17.16.01- Purpose

The purpose of general development standards is to further the purposes of the Uintah County General Plan and the County's Land Use Ordinances. Compliance with all general development standards, as well as all other requirements of this Title, and all other Federal, State and Local requirements, as applicable, is required for the approval of all Land Use Applications.

17.16.02- Consistency and Conformity to the General Plan Required

No Land Use Application approval and no Land Use Ordinance, or amendment thereto, no Map, or amendment thereto, and no Official Map, or amendment thereto shall be approved unless such Land Use Application approval, amendment, ordinance or map is found to be consistent and conform to the Uintah County General Plan, as adopted.

17.16.03- Public Uses to Conform to General Plan

As required by the Act, no publicly-owned road, street, way, place, space, building, structure, or facility, and no public utility line, infrastructure, or facility, whether publicly or privately owned, may be constructed unless:

1. It conforms to the County's General Plan, including consistency with the accompanying map(s), or;
2. It has been considered by the Commission and, after receiving the recommendation of the Commission, has been approved by the BOCC as an amendment to the County's General Plan.
3. Received necessary Land Use Application approval by the Land Use Authority, as applicable.

17.16.04- Effect of Official Maps

1. As provided by the Act, the County may adopt Official Maps, as defined herein.
2. An Official Map does not:
 - a. Require a landowner to dedicate and/or construct a road or street as a condition of development approval, except under circumstances provided by [Section 209](#).
 - b. Require the County to immediately acquire property.

17.16.05- Allowed Minimum Use of Legal Lots

Nothing in this Title shall be construed to prevent the establishment of one (1) Single Family Dwelling on any legal lot or parcel of land, as determined by the Zoning Administrator, and provided that such legal lot or parcel is located in a Zoning District that permits Single Family Dwellings, and any proposed construction can qualify for a Building Permit, as required by the Building Code, as adopted.

17.16.06- Illegal Lots, Uses, Buildings and Structures

Any lot, use, building or structure which was not authorized by a prior Land Use Ordinance, shall remain as an illegal lot, use, building, or structure, unless such lot, use, building, or structure is approved by a Land Use Authority, as applicable, as a lot, use, building or structure allowed by this Title.

17.16.07- Allowed Uses

All uses allowed by this Title in the unincorporated area of Uintah County, either as a Permitted Use or Conditional Use, are identified in [Appendix A, Table of Uses](#), or under certain individual zone chapters.

17.16.08- Prohibited Uses

Any use not specifically provided for in this Title is a Prohibited Use in the unincorporated area of Uintah County.

17.16.09- Use Approval and Building Permit Required Prior to any Construction

No use shall be established and no construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof shall be commenced until the approval of the required land use application, license, or permit.

17.16.10- Applications Required

All requests to establish a use, or construct, alter, enlarge, repair, or demolish any building, structure, or part thereof shall be initiated by the submission of necessary application(s), to the county, as required by the county's land use ordinances, including this title, the administrative manual, and building codes, as adopted.

17.16.11- All Buildings Taxed as Real Property- Talk to Assessor

All buildings shall be taxed as real property. For a mobile home or manufactured home, an affidavit shall be filed with the state tax commission, pursuant to the requirements of the Utah Code Annotated, as amended.

17.16.12- Payment of Taxes, Fees and Charges Required

A land use application approval and any other permit or license approval may provide that the land use application approval, permit, or license is not valid and no building permit shall be issued until all delinquent taxes, fees and charges for the property have been paid to the date of approval.

17.16.13- Lands Purchased. Leased or Otherwise Acquired from Federal or State Government

Land purchased, leased, or otherwise acquired or obtained from any federal, state or local agency shall comply with all provisions and requirements of this title and the administrative manual.

17.16.14- Private Uses on Federal or State Owned Land

All private uses occurring on any federal or state owned lands shall comply with all provisions and requirements of this title and the administrative manual.

17.16.15- Compliance with Zoning District Requirements

Every use established, and all buildings or structures erected, reconstructed, altered, enlarged or moved shall be used, established, or constructed only as allowed by the requirements of this title, and the county's other land use ordinances, and the administrative manual.

17.16.16- Subdivision and Sale of Property

No person shall subdivide any lands, located wholly or partially within the unincorporated area of the county for any purpose, unless the required procedures for such subdivision have been followed, as required by the Act, county subdivision ordinance, and the administrative manual.

17.16.17- Legal Access to all Properties Required

To protect the property rights of all owners and to provide adequate and convenient legal access no person shall subdivide any lands, located wholly or partially within the unincorporated area of the county, without providing a legal access to all adjacent properties. No land use application approval, permit, or license shall be approved by the county that has the potential or effect of landlocking any property(ies).

17.16.18- Minimum Lot Frontage Required

Every lot or parcel created shall have frontage upon a dedicated or publicly approved road or street, or right of way providing direct access to a dedicated or publicly approved road or street. The required lot frontage shall be not less than the minimum lot width requirement as measured at the minimum front yard setback, as required by the zoning district in which the lot is located.

Access permits must be obtained and provided to the Community Development Office prior to any use. Access onto a county road must be approved through the county road department. Access onto a state or federal road must be approved through Utah Department of Transportation.

17.16.19- Minimum Buildable Area

Every lot or parcel created after the effective date hereof shall have a minimum buildable area sufficient to establish a building or structure thereon that meets the minimum standards of the zoning district in which the lot or parcel is located. Any area located within an easement may not be included within any minimum buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the County Attorney.

17.16.20- Lot Standards; Creation of Noncomplying Lots Prohibited

Every lot or parcel created after the effective date hereof shall comply with the minimum lot size, frontage, width, depth, and all other requirements of this title.

17.16.21- All Buildings or Structures to Be on a Single Lot

All buildings or structures shall be located and maintained on a lot, as defined, such lot meeting all requirements of this title and the county's other land use ordinances.

17.16.22- Lots in Two or More Zoning Districts

Uses which are permitted on either portion of a lot, Where a lot is located in two (2) or more zoning districts uses which are permitted in any portion of the lot may be permitted to extend to the entire lot, but not more than one hundred (100) feet beyond the boundary line of such zone in which such use is permitted. Before a permit for such use may be granted, however, approval must be obtained from the Zoning Administrator.

17.16.23- Required Yard Areas for One Building Only

1. All required yard or setback areas shall be situated on the same lot as the primary building or structure to which it is required.
2. No required yard or setback area for any lot or building required for the purposes of complying with the county's land use ordinances, including this title, shall be considered as providing the required yard or setback for any other lot or building.
3. No area required to meet the lot width, area, setback, or other requirements of this title for a lot or building may be divided, sold, or leased separately from such lot or building.

17.16.24- Required Yards to Be Unobstructed; Exceptions

All required yard or setback areas shall be open to the sky and unobstructed and all buildings or parts thereof shall comply with the setback requirements of the zoning district, except for permitted and approved accessory buildings, or other protrusions that are twenty-four (24) inches or less and are not closer than five (5) feet to the closest property boundary.

17.16.25- Clear View Area Requirements

1. Corner Lot: In all required setback areas, no obstruction to view in excess of four (4) feet in height shall be placed on any corner lot within the triangle formed by the road right-of-way and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines.
2. Roads: The clear view area on roads shall be the triangle formed by the road right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the road right-of-way lines.
3. Modification of Clear View Area: The land use authority, as applicable, may make a modification of the clear view areas. The land use authority is authorized to increase or decrease the required clear view area if it is determined that there is a valid reason to increase or decrease the required clear view area.

17.16.26- Maximum Height of Buildings

The maximum height of all primary buildings shall be as identified in [section 10-25-2](#) of this title, [appendix B-1, table](#) of development standards, for the zoning district in which the primary building is located.

17.16.27- Exceptions to Maximum Height Limitations

The requirement for maximum building height shall not apply to the following structures unless they are located within airport (FAA) height restricted areas:

1. Steeples, flagpoles, chimneys, wireless or television masts that are not used for human occupancy.
2. Agricultural buildings provided such buildings are not used for human occupancy.

17.16.28- Adequate Public Facilities Required

Land shall be developed only to the extent that adequate infrastructure and services are available, or will be available concurrent with the development activity, and at capacities sufficient to meet the needs of the proposed development. A land use authority may require an analysis to be completed and provided to determine if adequate public facilities and

services are available to serve the proposed development and if such development will change the existing levels of service, or will create a demand for services that exceeds available capacities.

Public facilities that may be required by a land use authority to be included in a public facilities analysis include, but are not limited to, road and street facilities, intersection and bridge capacities, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, culinary water pressure, fire and emergency services response times, sheriff's services, and other required public facilities and services. A land use authority may deny or modify a proposed development activity if the demand for public facilities and services exceeds available capacities or require an applicant for a land use application approval, license, or permit to provide the required facilities and services, at the capacities required, and concurrent with the demand created by the development activity, consistent with all applicable legal authorities.

17.16.29- Culinary Water, Sanitary Sewer and Fire Protection Requirements

1. All uses and primary buildings requiring culinary water and sanitary sewer services shall comply with the requirements of the culinary water authority and sanitary sewer authority, as applicable.
2. All uses and primary buildings shall comply with the requirements of the fire authority, as applicable.

17.16.30- Required Roads, Streets, Fire Protection and Other Facilities

The installation of necessary roads and streets, road and street widening and improvement(s), fire protection facilities, and other improvements and facilities required by the county's land use ordinances shall be required as a condition of any required land use application approval, permit, or license.

17.16.31- Guarantee of Installation of Improvements

A land use authority with responsibility to approve a required land use application, license or permit, shall guarantee the installation of any required facilities and services by one of the methods specified as follows:

1. The applicant(s) may furnish and file with the county clerk a bond with corporate surety in an amount equal to the cost of the improvements as approved by the Community Development Director and filed with the county clerk.
2. The applicant(s) may deposit in escrow with the County Clerk/Auditor or an escrow holder approved by the Community Development Director an amount of money equal to the cost of the improvements as approved by the Community Development Director and filed with the County Clerk/Auditor.
3. Other guarantee as approved by a Land Use Authority with responsibility to approve a required land use application.

17.16.32- Certificate of Occupancy Required

1. Unless exempted by the building code(s), as adopted, no building or structure shall be occupied, or used, until the building official has issued a certificate of occupancy.
2. It is unlawful to occupy or use a building or structure until a certificate of occupancy has been issued for such building or structure.
3. Failure to obtain a certificate of occupancy shall be a violation of this title and the building code(s), as adopted.

17.16.33- Business License Required; Continuing Obligations

All activities requiring a business license, as required by the business license requirements of the county, including all home occupations shall be operated in compliance with all requirements of the land use application, as approved, and all business license requirements.

17.16.34- Off Street Parking Requirements

All uses shall meet the required off street parking requirements identified by **chapter 19** of this title.

17.16.35- Construction Subject to Geologic, Flood or Other Natural Hazards

To protect the public health, welfare and safety from geologic, flood, or other natural hazards all land use applications for any approval, license, or permit shall comply with the requirements of the **sensitive lands overlay district (SL), as applicable, and as provided by chapter 20** of this title.

17.16.36 Noxious Weeds

All property owners shall comply with the requirements of the "Utah noxious weeds act", Utah Code Annotated, 1953, as amended.

17.17- Miscellaneous

17.17.01- Purpose

The purpose of supplementary standards is to further the purposes of this title and to address the use, location, construction, and operation of particular uses and activities. Compliance with all supplementary standards, as applicable, as well as all other requirements of this title, and all other federal, state, and local requirements is required for the approval of all land use applications.

17.17.02- Manufactured Homes

As required by the act, and for the purposes of this section, a manufactured home is the same as defined in section 58-56-3, Utah Code Annotated, 1953, as amended, except that the manufactured home must be attached to a permanent perimeter foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. The foundation shall be constructed out of cement or cement products or be covered with a cement product. All associated carports, garages, storage buildings, additions, or alterations must be built in compliance with the applicable building code.

17.17.03- Fences and walls

1. Residential
 - a. No fence or wall shall be erected in any required front yard of a dwelling to a height in excess of four feet, unless the fence is ninety (90) percent see-through. Nor shall any fence or wall be erected to a height in excess of six feet, unless approved by the land use authority.
 - b. Where a fence or wall is erected upon a retaining wall, or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence or wall, the height of the fence or wall shall be measured from a point halfway between the top of the retaining wall and the land on either side of the fence, but nothing herein contained shall be construed to restrict a fence to less than four feet in height measured from the surface of the land on the side having the highest elevation.
2. Subdivisions
 - a. Fences or walls will be required on the perimeter of each new development where the abutting property(ies) have a dissimilar use and along all streams, rivers, and open canals (adequate access must be left for the canal companies).
 - b. Fences will be a six-foot-high non-climbable chain link fence or other non-climbable-type fence or wall approved by the land use authority.
 - c. Slats and other types of plastic materials will not be permitted on the fence.
3. Multi-Family dwellings with more than 4 units, Commercial and Industrial Uses
 - a. Fences or walls will be required on the perimeter of each new apartment complex, commercial, and industrial development where the abutting property(ies) have a dissimilar use and shall be approved by the land use authority.
 - b. All commercial trash receptacles must be enclosed with a six-foot non-see-through fence or wall.
 - c. No fence or wall shall be located within twenty-five (25) feet of the front property line or of any street right-of-way unless specifically approved by the land use authority.

17.17.04- Outdoor Lighting

1. No spotlight or floodlight shall be installed in any way which shall permit the direct rays of such light to glare into any residential zone, or onto any property used for residential purposes.
2. No light, sign or other advertising structure, as regulated by this title, shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or which makes use of the words, "stop", "look", "drive-in", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

17.17.05- Family Swimming Pools

A family swimming pool shall not be permitted in the front yard of a dwelling. The following requirements shall be met:

1. The location of such family swimming pool or accessory machinery shall not be less than thirty-five (35) feet from any dwelling on an adjoining lot, and not less than ten feet from any property line. On corner lots, the distance from the pool to the property line facing on a street shall not be less than the required side yard setback.
2. An outside family swimming pool shall be completely enclosed by a fence of not less than five feet in height and any lights used to illuminate the pool, or its accessories, shall comply with **section 17.17.04 of this Title**.

17.17.06- Temporary Uses and Structures

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

1. Permits. Application for a temporary use permit shall be made to the Building Official and shall contain the following information:
 - a. A description of the property to be used, rented or leased for the temporary use, including all information necessary to accurately portray the property;
 - b. A description of the proposed use;
 - c. Sufficient information to determine the yard requirements, sanitary facilities and availability of parking spaces to service the proposed use.
 - d. Must obtain a Uintah County Business License prior to the issuance of a temporary use permit.
2. Uses. The following are temporary uses and are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which the use is located:
 - a. Carnival or Circus. When authorized by the county commission, a temporary use permit for a carnival or circus may be issued in any zone for a period not longer than fifteen (15) days.
 - b. Christmas Tree Sales. A temporary use permit may be issued for the display and open lot sales of Christmas trees for a period not longer than forty-five (45) days. A Uintah County Business License must be obtained prior to the beginning of operations. temporary business licenses for Christmas tree sales shall be valid for forty-five (45) days All Utah State requirements must be followed.
 - c. Contractor's Office and Equipment Sheds. In any zone, a temporary office and/or equipment sheds incidental to a construction project may be approved. The office or shed shall not contain sleeping accommodations. The permit shall be valid for not more than one year, but is renewable. The office or shed shall be removed upon completion of the construction project.
 - d. Real Estate Sales Office. In any zone, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision, which has been approved in accordance with the subdivision ordinance. The permit shall be valid for not more than one year, but is renewable. The office shall be removed upon completion of the development of the subdivision. A model home may be used as a temporary sales office.
 - e. Temporary buildings and yards for the storage of construction materials and equipment incidental and necessary to construction of uses otherwise permitted in this zone. A permit therefore shall be valid for not more than one year, and shall not be renewable for more than two successive periods at the same location.

17.17.07- Off-site Improvements

In order to protect the safety and welfare of children and other individuals, the land use authority may require certain off-site improvements, such as sidewalks, fences and other such improvements, as a condition of approval for any development proposal. The developer may be required to install such off-site improvements at his own cost.

17.17.08- Travel Trailers and Mobile Homes Prohibited- Exceptions

1. It is unlawful to place any travel-trailer on any lot or parcel of land in the county and to use the same for permanent human habitation, except when located in an approved travel trailer court.
2. It is unlawful to place a mobile home on any lot or parcel of land in the county, and to use the same for human habitation, except in compliance with the following:
 - a. When placed in a licensed mobile home park where The mobile home is set on the lot in conformance with applicable building codes.

17.17.09- Effect of Street Plan

Whenever a front or side yard is required for a building, which building abuts a right-of-way for a proposed street which has not been constructed, but which has been designated by the county commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.

17.17.10- Moved Buildings, Mobile Homes and Manufactured Homes

1. Prior to moving any building, mobile home or manufactured home in Uintah County a building permit must be obtained from the Building Official and a moving permit must be obtained from the Assessor's Office. The use of the structure must be stated on the application for the moving permit.
2. The Building Official shall not issue a permit for the placing of such moved building, mobile home, or manufactured home, unless all ordinances and codes of the county are complied with.
3. No building, mobile home or manufactured home may be stored or placed on any property within Uintah County without first having the appropriate permits and approvals.

17.17.11- Sidewalk, Curb and Gutter

It is the intent of Uintah County that all commercial, industrial and institutional developments and multiple-family dwelling developments eventually have sidewalk, curb and gutter along the public road frontage.

1. Prior to the issuance of a building permit for any new development within Uintah County, one of the following requirements must be met:
 - a. Where sidewalk, curb and gutter are within twenty (20) feet of the property line or the engineering for the sidewalk, curb and gutter has been completed, the applicant shall install the sidewalk, curb and gutter prior to obtaining a certificate of occupancy.
 - b. Where sidewalk, curb and gutter are not within twenty (20) feet of the property line, the applicant shall sign a statement binding upon his successors agreeing to:
 - i. Install the sidewalk, curb and gutter at his cost when such is extended to his property line; or
 - ii. Not protest the creation of a special assessment area for the installation of sidewalk, curb and gutter should such district be deemed necessary.
 - c. Notwithstanding the requirements of subsection b, above, the failure to sign said statement does not preclude the county from establishing a Special Assessment Area.
2. All sidewalk, curb and gutter shall comply with Uintah County standards.
3. The preceding requirements shall not apply to minor additions to existing developments. For the purpose of this section "minor additions" means the addition (attached or detached) of less than thirty (30) percent of the existing use(s).

17.17.12- Flag Lots

Flag lots, or panhandle-shaped lots, shall be permitted in all zoning districts, subject to the exceptions listed in subsection 10 below, provided the following stipulations are met:

1. It has been demonstrated that because of topographical features or unique situations associated with the parcel proposed to be subdivided, that the property cannot be divided using the current subdivision ordinance or substantial use of the subject parcel cannot occur unless a panhandle-shaped lot is allowed to be created.
2. For access onto a dedicated public street the easement shall be a minimum of thirty-three (33) feet wide with the driving surface being twenty-six (26) feet wide when a fire hydrant is located along the access, and twenty (20) feet when there is no fire hydrant along the access, as required in Appendix D of the currently adopted International Fire Code. Required side yard setbacks shall not be counted as part of the access strip for the new or existing residence. The access strip shall be an all-weather driving surface with adequate drainage and properly maintained. "All weather surface" means asphalt, concrete, gravel, or road base. Shared access for up to two lots may be allowed with a recorded easement for all property owners.
3. The body of the interior lot meets the lot area and width requirements for the zone in which it is located. The access strip shall not count as part of the width requirement or as part of the land area needed to meet the lot area requirements.
4. All property boundaries of the body of the interior lot shall apply the side setback requirements for the zone in which they are located. The land use authority may require greater setbacks to accommodate reasonably anticipated future transportation corridors and access opportunities.
5. The applicant must show the required setbacks and the remaining buildable area on the survey and site plan.
6. A fire hydrant shall be located within two hundred fifty (250) feet of where any dwelling is located, or is proposed to be located on the property, unless it is demonstrated to the Uintah County Fire Marshal that a fire hydrant cannot be installed.

Comment [MC1]: Maybe move this to use table?

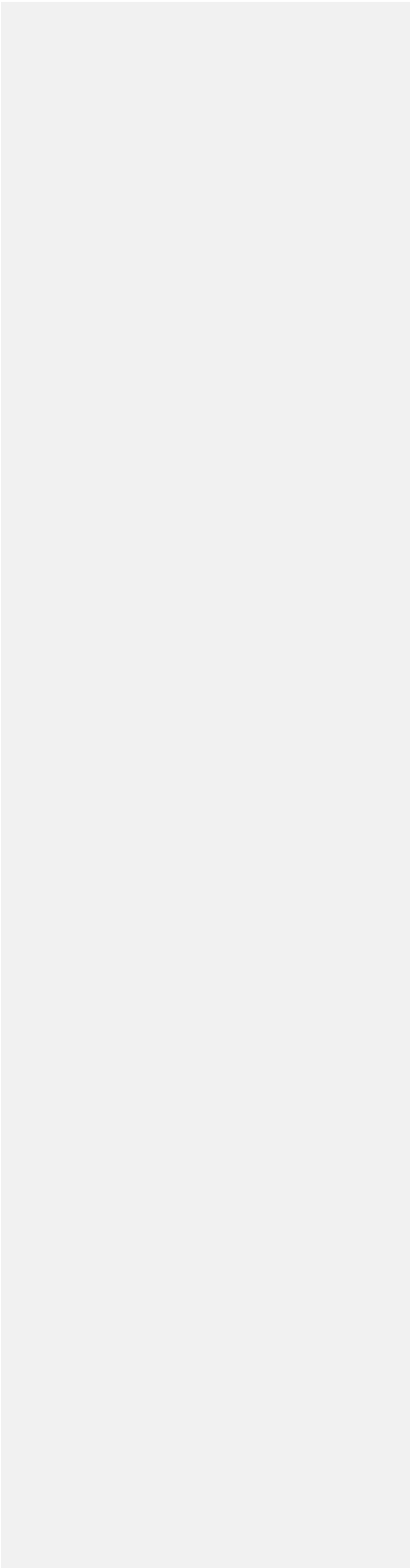
7. The address of all dwellings located on a flag lot shall be clearly visible from the public street that the flag lot accesses.
8. The flag lot plat shall show that the access from the dedicated public street to the property is not a Uintah County roadway and will not be maintained by Uintah County, or, the owner of such property shall sign and record an affidavit stating the same.
9. The flag lot and/or structures do not interfere with the county's future transportation plan.
10. Flag lots shall be a conditional use in all zoning districts when any part of the required access is a public right-of-way, or when there is a question, by the land use authority, as to if the flag lot meets the requirements of subsection 1, above.

17.17.13- Additional Use Regulations

The requirements of this title as to minimum site development standards shall not be construed to prevent a use as permitted in a respective zone, or any parcel of land in the event such parcel was held in separate ownership prior to the initial enactment of the ordinance codified in this title (July 18, 2005). Each such parcel to be developed must have not less than sixteen (16) feet of frontage on an approved private or public street.

17.17.14- Accessory Building Prohibited as Living Quarters

Living and sleeping quarters in any building other than the main residential building is prohibited, except as permitted by this Title.



17.19- Sensitive Lands

17.19.01- Purpose

The purposes of this Chapter are to:

1. Protect and preserve the sensitive land areas of the county, as defined by this chapter and this title.
2. Protect the health, welfare, and safety of all residents and minimize any risks to life and property.
3. Minimize the potential for demands on the fiscal resources of the county to mitigate and correct any risks to the health, welfare, and safety of the public, property owners, individuals, public infrastructure, facilities, and services, and private investment.
4. Preserve, as practical, the natural setting of the county to maintain and strengthen private property values, protect and enhance the county's economy, and protect the quality of life and amenities of existing and future residents.
5. Guide and require responsible land use and development for those lands identified to have development limitations due to natural sensitivities and constraints.
6. Require that all development and construction located on sensitive lands areas recognize the natural features and topography of the site, thereby reducing site impacts.

17.19.02- Sensitive Lands Defined

For the purposes of this chapter, and this title, the following lands are hereby determined and identified to be "sensitive lands", and subject to the requirements of this chapter and this title:

1. All areas located within the FEMA floodplain.
2. All natural drainage ways.
3. All areas of wetlands, as identified, or as may be identified by the U.S. Army Corps of Engineers.
4. Areas of known geologic hazard.

17.19.03- Sensitive Lands Determination Required with Application

A sensitive lands determination, complying with this chapter, shall be required to accompany any land use application required by this title when:

1. The property, or any part thereof, that is the subject of the application, is identified as being located, wholly or in part, within a sensitive land area, as defined by this chapter.
2. The BOCC, PC, or Zoning Administrator has information or knowledge that indicates the possibility that sensitive lands may exist.

17.19.04- Sensitive Lands Determination Requirements

When required by this chapter a sensitive lands determination shall comply with the following:

1. Be based on an accurate survey of the subject property.
2. Include necessary text and map materials sufficient to clearly identify and delineate the following site features and conditions, as may be applicable to the site:
 - a. The area and boundaries of the 100-year FEMA floodplain.
 - b. The area and boundaries of all natural drainage ways.
 - c. The area and boundaries of all wetlands, as identified by the U.S. army corps of engineers, or a wetlands delineator, as certified by the U.S. army corps of engineers.
 - d. Areas of known geologic hazard.

17.19.05- All Approvals, Licenses and Permits to Comply

All approvals, licenses, and permits issued for any use and/or construction on any sensitive lands are required to recognize any requirements of the land use authority, as applicable.

17.19.06- Application Requirements

In addition to the other requirements of the county's land use ordinances, the following information and materials are required when land use applications propose the location of a use or subdivision on any sensitive land area:

1. Site Plan, identifying the following:

- a. For use applications, the location and dimension of the property and all proposed uses and buildings, and existing buildings or other structures located on the property, and existing buildings and structures located within one hundred feet (100') of the property. Existing property lines and existing fence lines shall be shown. For subdivision applications, the location and dimension of the property and all proposed lots, roads, and other rights of way shall be shown. Existing property lines and existing fence lines shall be shown.
 - b. A description of all proposed uses and buildings, including the total site area and building square footage, by building.
 - c. The location and dimension of all sensitive land areas, as defined herein.
 - d. The proposed setbacks and exterior dimensions of all proposed buildings and structures.
 - e. The location of all roads adjacent to the site, or proposed to serve the site, and including a list of any permits required by the county or the Utah department of transportation, as applicable.
 - f. The location and dimension of all proposed ingress and egress points, off street parking, and loading areas, including the total number of parking and loading spaces.
 - g. All public and private rights of way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
2. Grading And Drainage Plan(s): A detailed grading and drainage plan shall be provided, prepared by a registered engineer or geologist, identifying the existing topography, and the proposed finished grade of the site, shown at a maximum contour interval of five feet (5'), or as required by the zoning administrator. All areas of excavation and fill, slopes of cut and fill, total cubic yards of excavation and fill, methods of concealment for each exposed cut and fill, and calculations identifying the limits and amount of disturbance for the total site shall be shown. This plan shall show the original drainage pattern (natural course) and proposed changes, if any. If any structures or culverts are involved, it will be necessary to include an estimate of peak flows for a 100-year storm event to establish drainage facility cross sections.
 3. Erosion Control Plan(s): Information and plans identifying proposed temporary and permanent erosion control measures.
 4. Construction Plans: A narrative identifying the phases of all construction, a construction schedule, and a list of all permits necessary for the proposed uses, as applicable.

17.19.07- Sensitive Lands Protection Regulations; Streams and Floodplains

The following requirements and standards are provided to promote, preserve, and enhance stream corridors and all areas subject to flooding and to protect private and public property from damage due to flooding. Unless modified by this section, all development standards of the zoning district in which the property is located and of this Title shall apply.

1. Prohibited Activities: No person shall disturb, remove, fill, dredge, clear, destroy or alter any stream corridor, except as may be expressly allowed by a valid stream channel alteration permit, as issued by the state of Utah department of natural resources.
2. Required Setbacks: Setbacks for any building, structure or improvement located within or adjacent to a stream corridor shall comply with the more restrictive setback requirements of the zoning district or the requirements of the state of Utah department of natural resources.
3. Runoff Controls: All construction and development projects located adjacent to a stream corridor shall apply best management practices for both temporary and permanent runoff controls to minimize sediment and other contaminants, as may be required by a state or federal agency with jurisdiction.
4. Management Recommendations: The Land Use Authority may request recommendations from any state, or federal agencies, or other professionals, prior to deciding a land use application for any required approval, permit, or license.

17.19.08- Sensitive Lands Protection Regulations; Natural Drainages

The following requirements and standards are provided to promote, preserve, and enhance stream corridors and all areas subject to flooding and to protect private and public property from damage due to flooding. Unless modified by this section, all development standards of the zoning district in which the property is located and of this Title shall apply.

1. Prohibited Activities: No person shall disturb, remove, fill, dredge, clear, destroy or alter any natural drainage, except as may be expressly allowed by a Land Use Authority.

2. Runoff Controls: All construction and development projects located adjacent to a natural drainage shall apply best management practices for both temporary and permanent runoff controls to minimize sediment and other contaminants.
3. Management Recommendations: The board of county commissioners or the planning commission may request recommendations from any state, or federal agencies, or other professionals, prior to deciding a land use application for any required approval, permit, or license.

17.19.09- Sensitive Lands Protection Regulations; Wetlands

The following requirements and standards are provided to promote, preserve, and enhance wetland areas and to protect them from potentially irreversible impacts. Unless modified by this section, all development standards of the zoning district in which the property is located and this title shall apply.

1. Prohibited Activities: No person shall disturb, remove, fill, dredge, clear, destroy or alter any wetland, except as may be expressly allowed by a valid and necessary permit, as issued by the U.S. army corps of engineers.
2. Required Setbacks: Setbacks for any building, structure or improvement located within or adjacent to a wetland, as identified by the U.S. army corps of engineers, shall comply with the more restrictive setback requirements of the zoning district in which it is located, or the U.S. army corps of engineers, as applicable.
3. Runoff Controls: All construction and development projects located adjacent to a wetland shall apply best management practices for both temporary and permanent runoff controls to minimize sediment and other contaminants, as may be required by U.S. army corps of engineers.
4. Management Recommendations: The Land Use Authority may request recommendations from any state, or federal agencies, or other professionals, prior to deciding a land use application for any required approval, permit, or license.

17.19.10- Sensitive Lands Protection Regulations; Geologic Hazards

The following requirements and standards are provided to protect the public health, welfare, and safety from naturally occurring geologic hazards. Unless modified by this section all development standards of the zoning district in which the property is located and this Title shall apply.

1. Management Recommendations: The Land Use Authority may request recommendations from a professional geologist or geotechnical engineer, or other professionals, prior to deciding an application for any required approval, permit, or license in any areas of known geologic hazard.

17.19.11- Building Code Requirements

All provisions of the building code, as adopted, and as applicable shall apply to all construction occurring on any sensitive lands, as defined herein. The building code, as adopted, is incorporated herein by this reference.

17.19.12- Reasonable Use of Property

If an applicant for any approval, permit, or license, required by this Title, demonstrates that application of the requirements of this chapter would deny all reasonable use of the subject property, the board of county commissioners, following the receipt of a recommendation from the planning commission, may modify the application of these requirements to the extent necessary to provide a reasonable use of the subject property.

17.20- Airport Overlay District

17.20.01- Purpose

The purpose of the airport overlay district (AO) is to protect the health, welfare and safety, to avoid danger by lessening the chance of aircraft accidents, and to maintain land use compatibility in the areas influenced by airport operations.

These purposes can be achieved by:

1. Minimizing exposure of residential and other sensitive land uses to aircraft overflight.
2. Avoiding dangers in aircraft overflight areas.
3. Allowing compatible land use within the area.

17.20.02- Applicability

1. This chapter shall apply to all lands identified within the adopted airport plan of a publicly operated airport, and located within the county.
2. All land use applications affected by this chapter shall be reviewed and approved or denied as provided by this title and this chapter.
3. The boundaries of all airport influence areas and other areas shall be as identified on the adopted airport plan, and as provided to the county by the owner and/or operator of the airport as required by subsection 10-21-3A of this chapter.

17.20.03- Airport Owner/Operator Responsibility; Adopted Airport Plan

1. It shall be the responsibility of the airport owner and/or operator to provide to the Zoning Administrator with the most current adopted airport plan.
2. Failure of the airport owner and/or operator to provide the Zoning Administrator with the most current adopted airport plan creates no obligation for the county Land Use Authority, as applicable, to apply the provisions of this chapter.
3. Understanding subsection 1 of this section, the county Land Use Authority may apply the provisions of this chapter when the Land Use Authority finds it is in the best interests of the county, and its residents, to do so.

17.20.05- Reasonable Requirements and Conditions Authorized

1. The Land Use Authority in reviewing an application, shall consider the adopted airport plan, and its associated airport influence zones, and other areas. The Land Use Authority shall consider information provided by the Federal Aviation Administration (FAA) and owner/operator of the airport. In considering an application, no use or structure shall be authorized that:
 - a. Creates electrical interference with navigational signals or radio communication between the airport and aircraft;
 - b. Makes it difficult for pilots to distinguish between airport lights and other lighting;
 - c. Result in glare in the eyes of pilots using the airport;
 - d. Impair visibility in the vicinity of the airport; or
 - e. Otherwise creates a hazard or endangers the landing, takeoff, or maneuvering of aircraft intending to use the airport.
2. In reviewing an application, the land use authority, as applicable, may impose reasonable requirements and conditions designed to achieve the purposes of this chapter and this section. Such reasonable requirements and conditions may include, but are not limited to:
 - a. Uses.
 - b. The location of all buildings and structures.
 - c. Building or structure height.
 - d. Building materials.
 - e. Building and site lighting.
 - f. Signage.
 - g. Site and building access.
 - h. Fencing.
 - i. Location of all utilities and associated facilities including water, sewer, power, gas, and telephone.

- j. Requiring fair disclosure statements and/or avigation easements.

17.20.06- Warning and Disclaimer of Liability

This chapter is considered reasonable to achieve the purposes of this title. This chapter does not create a liability on the part of or a cause of action against the county, or any officer or employee of the county for any damages that may result directly or indirectly from reliance on this chapter.

Chapter 17.21- Enforcement

Comment [MC2]: Add in section about giving ZA authority to reduce violation fees based on cooperation, etc.

17.21.01- Purpose

This chapter establishes procedures, remedies, and penalties for violations of this title and the subdivision ordinance, and provides for enforcement.

1. The county, or an adversely affected owner of real estate within the county, in which violations of this title or the subdivision ordinance are occurring, or are about to occur, may, in addition to other remedies provided by law, institute:
 - a. Injunctions, mandamus, abatement, or any other appropriate actions; or
 - b. Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
2. The county need only establish the violation to obtain the injunction.

17.21.02- Violations and Building Permits

1. The county may enforce this title, or the subdivision ordinance, by withholding building permits.
2. If a building permit is required by this title or the subdivision ordinance it shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the county without the approval of such building permit.
3. If a building permit is required by the building codes, the county shall not issue a building permit unless the plans for the proposed construction, reconstruction, alteration, or use fully conform and comply with this title, the subdivision ordinance, and the building codes.

17.21.03- Types of Violations

It shall be unlawful for any person to violate any provision of this title or the subdivision ordinance, cause the violation of a provision or fail or refuse to do some act required by this title or the subdivision ordinance, including:

1. To engage in any development, use, construction, remodeling, or other activity upon the land and improvements requiring land use application approvals or building permit(s).
2. To reduce or diminish any lot or parcel area so that minimum area, setbacks or open spaces shall be smaller than required by this title or for subdivision application approval.
3. To increase the density or intensity of use of any land or a structure requiring necessary land use application approval.
4. To remove, deface, obscure, or otherwise interfere with any notice required by this title, or the subdivision ordinance.

17.21.04- Legal Nonconformity an Affirmative Defense

It shall be an affirmative defense to the enforcement of this title and the subdivision ordinance that the violation being enforced exists as a legal nonconforming use, legal noncomplying structure or other legal nonconformity of this title or the subdivision ordinance.

17.21.05- Revocation of Land Use Application Approvals

1. A land use authority may revoke a land use application approval if approval was based on inaccurate, misleading, or incomplete information provided by the property owner or applicant.
2. The land use authority may revoke an approved land use application if the requirements, terms or conditions of approval are not met.

17.21.06- Procedures for Revocation or Modification of a Land Use Application Approval

1. Prior to initiating enforcement proceedings or criminal prosecution as provided for in this chapter, the Zoning Administrator or designee shall provide written notice, by mail or hand delivery, of each violation of this Title or the subdivision ordinance to the owner of record, on file in the County Recorder's Office, or to the person designated, in writing, by the owner of record as the owner's agent.
2. The owner of record shall be allowed a set number of calendar days, as determined by the Zoning Administrator or designee, to cure the violation, as noticed in accordance with subsection 1 of this section.

3. The Zoning Administrator may extend the period to cure the noticed violation, to a date certain, if evidence is presented that the owner of record is proceeding with reasonableness and compelling reasons exist for such extension.
4. Following the expiration of the period to cure a noticed violation the land use authority may revoke an approved land use application, if the land use authority finds that one or more of the following exist:
 - a. The land use application approval was obtained in a fraudulent manner.
 - b. One or more of the requirements, terms or conditions of the land use application approval has not been met.

17.21.07- Stop Work

In accordance with its power to stop work under the building code, as adopted, the Building Official may issue a stop work order, with or without revoking permits, on any building or structure on land where there exists an uncorrected violation of the adopted building code.

17.21.08- Nuisance and Abatement

Any building or structure set up, erected, constructed or altered, enlarged, converted, moved or maintained contrary to the provisions of this title, and any use of land, building or premises established, shall be unlawful and a public nuisance, and the county attorney may immediately commence action or proceedings for the abatement and removal and enjoyment thereof in the manner provided by law, and may take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this title. The remedies provided for in this title shall be cumulative and not exclusive. The party violating this title shall pay all costs and attorney fees incurred by the county in enforcing this title or the subdivision ordinance.

17.21.09- Enforcement

Nothing herein shall prevent the Board of County Commissioners or any other land use authority, public official or private citizen from taking such other lawful action as is necessary to prevent or correct any violation of this Title or of the Utah State Code. The following are available to enforce compliance with the provisions of this chapter:

1. Criminal action. See section 17.21.08 of this chapter.
2. Recording a Certificate of Noncompliant Building or Structure. The Board of County Commissioners may cause to be recorded, with the Uintah County Recorder, a certificate of noncompliant building or structure only after the following actions have been taken:
 - a. A Uintah County Compliance Inspections Report, listing the items that are not in compliance, has been left in a conspicuous location at the building site or given directly to the owner.
 - b. A Uintah County Code Violation (red tag), listing the items in violation, has been left in a conspicuous location at the building site or given directly to the owner.
 - c. A letter of notice and order has been served upon the owner of record of the property in violation. The notice and order may be served upon the owner of record in one of the following ways: 1) Certified mail or 2) Delivered directly to the owner of record by an employee of Uintah County. When the notice and order is delivered by a Uintah County employee, said employee must certify in writing the time and date of delivery. The notice and order must include: an address and tax id number for the affected parcel, a list of the violations, what actions must be taken to correct the violations, a date, of not less than ten days from the date of the notice, for the violations to be corrected, and the name and contact information of the Building Official.

If the property owner has not corrected the violations within the time limit stated in the notice and order the matter will be taken before the Uintah County Board of Commissioners for a decision on the recording of the certificate of noncompliant building or structure. The owner of record shall be notified of the time and date of the County Commission Meeting a minimum of three days prior to the date of the meeting. When the violations have been corrected or the building has been demolished so that it no longer exists on the property, the Building Official shall record a new certificate with the County Recorder certifying that the building has been demolished or all stipulated violations have been corrected, and that the building is found to be compliant.

3. Civil action. The county may also take the following civil actions:
 - a. Seek an injunction from a court having jurisdiction.

Comment [MC3]: Bob and Jon please look this section over.

- b. Impose a civil fine as set forth in the currently adopted fee schedule. If the violation remains uncured within the time specified by the zoning administrator, the civil fines shall start and accrue back to the date the violation was noticed.
- 4. In cases where the zoning administrator or building official determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this land use ordinance, the zoning administrator may seek immediate enforcement without prior written notice by instituting any of the remedies, other than civil fines, authorized by this Title or the Act.

17.21.10- Penalties for Violations

In addition to other enforcement mechanisms provided for in this chapter, a violation of any of the provisions of this Title or the subdivision ordinance is punishable as a class B misdemeanor. A separate violation is deemed to have occurred with respect to each use, building or structure not in compliance with this chapter. Further, each day such violation continues constitutes a separate offense.

17.21.11- Appeal

Any person aggrieved by the enforcement decision of a land use authority may appeal the decision to the appeal authority, as identified by **chapter 14** of this Title.

Chapter 17.22- Constitutional Takings

17.22.01- Purpose

1. The policies of the county, favor the careful consideration of matters involving constitutional taking claims, in fairness to the owner of private property bringing the claim, and in view of the uncertainty and expense involved in defending such issues. At the same time, the legitimate role of the county in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property, consistent with the constitution. Consistent with these policies, this chapter establishes a procedure for the review of actions that may involve the issue of constitutional takings, as well as providing guidelines for such considerations. This chapter is intended and shall be construed to objectively and fairly review claims that a specific county action should require payment of just compensation, while preserving the ability of the county to lawfully regulate real property and fulfill its obligations, duties and functions.
2. This chapter, **and chapter 13 of the administrative manual**, identifies and provides the standards and procedures for the review of all constitutional takings review applications.

17.22.02- Guidelines Advisory

The guidelines adopted and decisions rendered pursuant to this chapter are advisory only, and shall not be construed to expand or limit the scope of the county's liability for a constitutional taking.

17.22.03- Review of Takings Application Required

Any owner of private real property who claims there has been a constitutional taking of private real property by an action of the county shall request a review of a final decision by filing a constitutional takings review application, containing all the information required.

17.22.04- Results of Review

After completing the review, the BOCC, or designee, shall make a determination regarding the issues and where determined to be necessary and appropriate, shall make a recommendation to the land use authority that made the decision that gave rise to the constitutional takings claim.

Chapter 17.23- Uniform Regulations and Licensing of Sexually Oriented Businesses

17.23.01- Purpose

This chapter shall be adopted to provide for the regulation and licensing of sexually oriented businesses within the county in a manner which will protect the property values, neighborhoods and residents from the potential adverse secondary effects of sexually oriented businesses while providing to those who desire to patronize sexually oriented businesses the opportunity to do so. It is not the intent of the ordinance codified in this chapter to suppress any speech activities protected by the First and Fourteenth Amendments of the United States Constitution or Utah Constitution, but to impose content-neutral regulations which address the adverse secondary effects of sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution. The concern over sexually transmitted diseases is a legitimate health concern of the county which demands reasonable regulation of sexually oriented businesses to protect the health and well-being of the citizens, including the patrons of sexually oriented businesses. Licensing of sexually oriented businesses comply with reasonable regulations and that operators do not knowingly allow their businesses around them and surrounding residential areas, causing increased crime and downgrading of property values. The purpose of this chapter is to control adverse effects from sexually oriented businesses and thereby protect the health, safety and welfare of the citizens; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of the surrounding neighborhoods and deter the spread of urban blight.

17.23.02- Definitions

As used in this chapter:

"Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

"Adult business" means an adult theater, adult motion picture theater, adult bookstore, adult video store, or a commercial establishment which:

1. Holds itself out to be such a business;
2. Excludes minors from more than ten (10) percent of the retail floor or shelf space of the premises;
3. Which as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives.

"Adult cabaret" means a nightclub, bar, restaurant or similar business which regularly features:

1. Persons who appear in a state of nudity; or semi-nudity; or
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

"Adult motel" means a hotel similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

"Adult motion picture theater" means a commercial establishment which:

1. Holds itself out as such business; or
2. Excludes minors from the showing of two consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or

3. As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which:

1. Holds itself out as such a business;
2. Excludes minors from the showing of two consecutive exhibitions (repeated performances of the same presentation shall not be considered a consecutive exhibition); or
3. As its principal business, features persons who appear in live performance in a state of semi-nudity or which are characterized by the exposure of "specified anatomical areas," or by specified sexual activities.

"Distance" means all distances discussed herein as they pertain to buffers from other sexually oriented facilities or businesses, churches, schools, parks, and residential zone districts are measured as follows:

1. In a straight line, without regard to intervening structures, from the nearest property line of the school, park, church, residential zone district or other sexually oriented facility or business to the nearest property line of the sexually oriented facility or business [2000-10].

"Employee" means and includes any person who is paid directly or indirectly by the licenses for services performed on the premises whether such person would otherwise as a matter of law be classified as an employee, agent, manager, entertainer or independent contractor.

"Nudity or state of nudity" means a state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.

"Operator" means the manager or other natural person principally in charge of a sexually oriented business.

"Peep booth" means a viewing room, other than a private room, or less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there is exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

"Semi-nude" means a state of dress in which a person wears opaque clothing covering:

1. Only the male or female genitals, pubic region, anus; or
2. The nipple and areola of the female breast, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point.

"Semi-nude dancing agency" means any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer for performance or appearance at a business licensed pursuant to this chapter.

"Semi-nude entertainment business" means a business, including an adult theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a semi-nude entertainment business if the business holds itself out as such a business.

"Sexual encounter establishment" means a business or commercial establishment, which as one of its primary business purposes, offers for any form of consideration, a place where two or more person may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.

"Sexually oriented business" means semi-nude entertainment business, adult business, and semi-nude dancing agencies, as defined by this chapter. An adult arcade, adult bookstore, adult-video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:

1. The opening or commencement of any sexually oriented business as a new business;

2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
3. The addition of any sexually oriented business to any other existing sexually oriented business;
4. The relocation of any sexually oriented business; or
5. The continuation of a sexually oriented business in existence on the effective date of the ordinance codified in this chapter.

"Specified anatomical areas" means the human male or female pubic areas or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering.

"Specified sexual activities" means and includes:

1. Acts of:
 - a. Masturbation,
 - b. Human sexual intercourse, or
 - c. Sodomy;
2. Manipulating, caressing or fondling by any person of:
 - a. The genitals of a human,
 - b. The pubic area of a human, or
 - c. The breast(s) of a human female;
3. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed;
4. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal opening of any person's body or into the body of an animal;
5. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.

"Stage" means a raised floor or platform at least three feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six (36) square feet in area.

17.23.03- Obscenity and Lewdness- Statutory Provisions

Notwithstanding anything contained in this chapter, nothing in this chapter shall be deemed to permit or allow the showing or display of any matter which is contrary to applicable federal or state statutes prohibiting obscenity.

17.23.04- Location and Zoning Restrictions

1. It is unlawful for any sexually oriented facility or business to do business at any location within the county not zoned for such business under this chapter and where the necessary conditional use permit has not been approved.
 - a. Criteria. Sexually oriented facilities and businesses shall conform to the following criteria:
 - i. Sexually oriented facilities and businesses may be constructed or operated as conditional uses within any "I-2" industrial zone district.
 - ii. Sexually oriented facilities and businesses shall not be located within one thousand (1,000) feet from lot line of any other sexually oriented facility and business.
 - iii. Sexually oriented facilities and businesses shall not be located within one thousand (1,000) feet of a church, public park or public or private recreation facilities, and day care center, or within one thousand (1,000) feet from lot line to lot line of any residential zone district and/or any property where a residential building is located.

17.23.05- Business License

It is unlawful for any person to operate a sexually oriented business, as specified herein, without first obtaining a sexually oriented business license from the Uintah County Commission, with approval of the Uintah County sheriff. The business license shall specify the type of sexually oriented business for which it is obtained.

17.23.06- Expiration of License

Each license shall expire on December 31st of each year and may be renewed only by making application with the county business license department by February 15th of the following year.

17.23.07- Business Categories- Single License

1. It is unlawful for any business to operate or be licensed for more than one category of sexually oriented business. The categories of sexually oriented businesses are:
 - a. Adult businesses;
 - b. Semi-nude entertainment businesses;
 - c. Semi-nude dancing agency.

17.23.08- Conduct for Sexually Oriented Businesses

1. No licensee or employee mingling with the patrons, or serving food or drinks, shall be unclothed or in such attire, costume or clothing, so as to expose to view any specified anatomical area.
2. No licensee or employee shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, anus or specified anatomical areas of any person.
3. It is unlawful for any licensee or employee to knowingly permit a patron to violate any of the requirements of this section.

17.23.09- Exemptions from License Requirements

The provisions of this chapter shall not apply to any sex therapist or similar individual licensed by the state of Utah to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the state of Utah for activities in the classroom.

17.23.10- License Application, Disclosure

Before any applicant may be licensed to operate a sexually oriented business pursuant to this chapter, the applicant shall submit, on a form to be supplied by the Uintah County business license office the following:

1. The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name.
2. If the applicant is a corporation, partnership or limited partnership or individual or entity doing business under an assumed name the information required below for individual applicants shall be submitted for each partner and each principal of an applicant and for each officer or director. Any holding company, or any entity holding more than ten (10) percent of an applicant, shall be considered an applicant for purposes of disclosure under this chapter.
3. All corporations, partnerships or noncorporate entities including on the application shall also identify each individual authorized by the corporation, partnership or noncorporate entity to sign the checks for such corporation, partnership or noncorporate entity.
4. For all applicants the application must also state:
 - a. Any other names or aliases used by the individual;
 - b. Present business address and telephone number;
 - c. Present residence and telephone number;
 - d. Utah drivers license or identification number; and
 - e. Social security number.
5. Acceptable written proof that any individual is at least twenty-one (21) years of age.
6. The applicant's fingerprints on a form provided by the Uintah County sheriff's department. For persons not residing in Uintah County, the fingerprints shall be on a form from the law enforcement jurisdiction where the person resides. Fees for the fingerprints shall be paid by the applicant directly to the issuing agency.
7. A statement detailing the license or permit history of the applicant for the five-year period immediately preceding the date of the filing of the application, including whether such applicant possesses or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated a sexually oriented business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked or suspended in this or any other county, city, state or territory. In the event of any such denial, revocation or suspension, state the date, the name or issuing or denying jurisdiction and state in full the reasons for denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.

8. All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual or entity subject to disclosure under this chapter for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, except minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense); stating the date, place, nature of each conviction and plea of nolo contendere and sentence of each conviction or other disposition; identifying case numbers or docket numbers. Application for a sexually oriented business shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license.
9. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or to be located, the application must be accompanied by possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises on which the service is or will be located.
10. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations or employment guidelines under or by which the sexually oriented business intends to operate. This description shall also include:
 - a. The hours that the business or service will be open to the public and the methods of promoting the health and safety of employees and patrons and preventing them from engaging in illegal activity;
 - b. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities;
 - c. The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this chapter or other statutes or ordinances;
 - d. The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

It is unlawful to knowingly submit false or materially misleading information on or with a sexually oriented business license application or to fail to disclose or omit information for the purpose of obtaining a sexually oriented business license.

17.23.11- License Fees

Each applicant for a sexually oriented business license shall be required to pay a license fee pursuant to the schedule established ordinance of the Uintah County commission.

17.23.12- Single Location and Name

1. It is unlawful to conduct business under a license issued pursuant to this chapter at any location other than the licensed premises.
2. It is unlawful for any sexually oriented business to do business under any name other than the business name specified in the application.

17.23.13- License- Issuance Conditions- Conditional Use

The Uintah County sheriff or his or her designee shall approve the issuance of a license to the applicant within thirty (30) days of receipt of a completed application unless the official finds one or more of the following:

1. The applicant is under twenty-one (21) years of age;
2. The applicant is overdue in payment to the city of taxes, fees, fines, or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business;
3. The applicant has falsely answered a material question or request for information as authorized by this chapter;
4. The applicant has violated a provision of this chapter or similar provisions found in statutes or ordinances from any jurisdiction within two years immediately preceding the application; a criminal conviction for a violation or a provision of this chapter or similar provisions from any jurisdiction, whether or not being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation;

5. The premises to be used for the business have been disapproved by the Tri-County health department, the fire department, the sheriff's department, the building officials, or the zoning officials as not being in compliance with applicable laws and ordinance of the county. If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain an extension of time of no more than fifteen (15) days for their review. The total time for the county to approve or deny a license shall not exceed forty-five (45) days from the receipt of a completed application and payment of all fees;
6. The required license fees have not been paid;
7. All applicable sales and use taxes have not been paid;
8. An applicant for the proposed business is in violation of or not in compliance with this chapter or similar provisions found in state statutes or ordinances from any jurisdiction;
9. An applicant has been convicted or pled nolo contendere to a crime involving: prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of exploitation prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt; conspiracy; or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:
 - a. Less than two years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five years if the convictions are of two or more misdemeanors within the five years, or
 - b. Less than five years have elapsed from the date of conviction if the offense is a felony;
10. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this chapter.

Sexually oriented facilities and businesses are conditional uses in existing "I-2" industrial zones and must be approved in accordance with the provisions of this chapter. In all cases a design and site plan diagramming the premises shall be provided as part of the application process. A public hearing shall be required in all cases prior to the issuance of a conditional use permit. The procedures for issuance of conditional use permits, as found in the appropriate development code(s), shall be followed in all cases. A final decision by the county as to the issuance of a conditional use permit for a sexually oriented facility or business shall be made within ninety (90) days of receipt of a completed application by the county department unless a delay is requested or agreed upon by the applicant or where the applicant is causing the delay by not providing needed information.

17.23.14- Changes in Information

Any change in the information required to be submitted under this chapter for a sexually oriented business license shall be given, in writing, to the sheriff's department, within fourteen (14) days after such change.

17.23.14- Transfer Limitations

Sexually oriented business licenses granted under this chapter are not transferable. It is unlawful for an individual to transfer a sexually oriented business license. It is unlawful for a sexually oriented business license held by a corporation, partnership or other noncorporate entity to transfer any part in excess of ten (10) percent thereof, without filing a new application and obtaining prior county approval. If any transfer of the controlling interest in a sexually oriented business licensee occurs, the license is immediately null and void and the sexually oriented business shall not operate until a separate new license has been properly issued by the county as herein provided.

17.23.15- Regulations

It is unlawful for any sexually oriented business to:

1. Allow persons under the age of eighteen (18) years on the licensed premises, except that in adult business which exclude minors from less than all the business premises, minors shall not be permitted in excluded areas;
2. Allow, offer or agree to allow any alcohol being stored, used or consumed on or in the licensed premises;
3. Allow the outside door to premises to be locked while any customer is in the premises;
4. Allow, offer or agree to gambling on the licensed premises;
5. Allow, offer or agree to any employee of a sexually oriented business touching any patron or customer;
6. Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed premises;

7. Allow sexually oriented business employees to possess, use, sell or distribute controlled substances, while engaged in the activities of the business;
8. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the licensed premises;
9. Allow, offer, commit or agree to any specified sexual activity as validly defined by Morgan County ordinances or state statute in the presence of any customer or patron;
10. Allow, offer or agree to allow a patron or customer to masturbate in the presence of an employee or on the premises of a sexually oriented business;
11. Allow, offer, or agree to commit an act of lewdness as defined in Section 16.29.030 of this chapter;
12. Not permit the sheriff's department or other county official to have access at all times to all premises licensed or applying for a license under this chapter, or to make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

17.23.16- Adult Business- Design of Premises

1. In addition to the general requirements of disclosure for a sexually oriented business, any applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business shall conform to the following:
 - a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;
 - b. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person be allowed in the restroom per stall and only one person in any stall at a time and requiring that patrons shall not be allowed access to manager's station areas;
 - c. For businesses which exclude minors from the entire premises all window, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded;
 - d. The diagram required shall not necessarily be a professional engineer's or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.
2. It shall be the duty of licensee and licensee's employees to insure that the views from the manager's station of all areas specified in subsection (A)(1) of this section remain unobstructed by any materials, at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designed as an area in which patrons will not be permitted.
3. The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than two footcandles measured at floor level. It shall be the duty of licensee and licensee's employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises.

17.23.17- Semi-Nude Entertainment Business- Interior Design

Adult theaters shall require that the performance area shall be separated from the patrons by a minimum of three feet, which separation shall be delineated by a physical barrier at least three feet high. It is unlawful for business premises licensed for semi-nude entertainment to:

1. Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in an office to which patrons are not admitted, and except that in an adult theater such items may be on the stage as part of a performance;
2. Allow any door in any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors and restroom doors to be lockable from the inside;
3. Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet high and six inches wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.

17.23.18- Alcohol Prohibited

It is unlawful for any business licensed pursuant to this chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the premises. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any sexually oriented business.

17.23.19- Semi-Nude Dancing Agency

1. It is unlawful for any individual or entity to furnish, book or otherwise engage the services of a professional dancer, model or performer to appear in a state of semi-nudity for pecuniary compensation in, or for, any semi-nude entertainment business or adult theater licensed pursuant to this chapter unless such agency is licensed pursuant to this chapter.
2. It is unlawful for any individual or entity to furnish, book or otherwise engage or permit any person to perform as a professional dancer, model or performer in a state of semi-nudity either gratuitously or for compensation, in, or for, any business licensed pursuant to this chapter unless such person is employed by a semi-nude dancing agency licensed pursuant to this chapter.

17.23.20- Nudity- Defense to Prosecution

It is a defense to prosecution or violation under this chapter that a person appearing in a state of nudity did so in modeling class operated:

1. By a proprietary school licensed by the state of Utah or a college, junior college or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Chapter 17.24- Ashley Springs Protection Zone

17.24.01- Objectives and Characteristics of the Zone

The Ashley Springs Protection Zone has been established to protect the geologically and environmentally sensitive area located within the zone, to avoid pollution or disruption of water sources, and to protect other health and welfare factors.

Ashley Springs is essentially the sole source of drinking water for the more than 20,000 residents of Ashley Valley (except for limited use of water in Red Fleet Reservoir).

Uintah County, with the assistance of Utah Geologic Survey and the United States Geologic Survey, has proactively instigated various studies to better understand the Ashley Springs system. In the interim, Uintah County finds that it is necessary to adopt this chapter in its current form to insure the Ashley Springs system is sufficiently protected. Of course, as independent scientifically based studies are completed this chapter may be relaxed or strengthened.

Uintah County has been granted authority to exercise broad and expansive powers under Title 17 of the Utah State Code, including U.C.A. §17-50-302, and common law that are reasonably related to the safety, health, morals, and welfare of county inhabitants, except as limited or prohibited by statute. Further, Uintah County has adopted a comprehensive, long-range general plan that addresses in various chapters the need to protect and enhance water resources. Additionally, counties are also empowered to "provide for the development of the county's mineral, water, manpower, industrial, historical, cultural, and other resources" (U.C.A. §17-50-316). And, counties are allowed to protect historical areas and sites and the Ashley Springs system has served as a historical source of water for the settlers of Ashley Valley since the area was homesteaded.

The Legislative Body of Uintah County determines that protecting the public drinking water sources located in the Ashley Springs drainage area of Uintah County will promote the health, safety, and welfare of the general public.

This chapter is adopted pursuant to the county's general statutory and police powers, the Safe Drinking Water Act, and the County Land Use Management Act. This chapter applies to all lands within the Ashley Springs Protection Zone as designated on the Uintah County Zoning Map duly amended under Section 17.24.020, regardless of owner, except as expressly and strictly limited or prohibited by state or federal law.

17.24.02- Definitions

For the purpose of this chapter, certain terms, phrases, words, and their derivatives are defined as follows:

"Blasting" means the use of explosives and blasting agents to loosen, penetrate, move, or shatter masses of solid materials.

"Board" means the Drinking Water Board appointed under U.C.A. § 19-4-103 (as amended).

"Contaminant" means a physical, chemical, biological, or radiological substance or matter in water.

"Excavation and/or mining" includes, but is not limited to (i) any process or method of digging, excavating, mining, drilling for production blasting, production blasting, tunneling, dredging, stripping, or removing metals, minerals, or materials from the land surface or underground, (ii) the processing, washing, cleaning, screening, filtering, sorting, stockpiling, and storage of all excavated or mined metals, minerals and materials, and (iii) the removal of all excavated and mined metals, minerals, and materials. The terms excavation and mining apply to all activity occurring at excavation or mining sites, including sites identified as quarries, gravel, rock crushers and sand pits. The terms excavation and mining do not include exploratory activities as set forth below.

"Exploratory activities" includes Exploratory seismic operations; drilling to evaluate underground strata and/or groundwater; trenching to extract sampling materials; activities authorized by the Utah Division of Oil, Gas, and Mining under a permit to commence exploration activities; and other related exploratory activities.

"Exploratory blasting" means the use of explosives authorized by the Utah Division of Oil, Gas, and Mining for the limited purpose of proceeding under a duly authorized permit to commence exploration activities.

"Exploratory seismic operations" means exploratory blasting or other activities that cause similar seismic disturbance for the purpose of evaluating the underground strata including the location and integrity of underground water systems.

"Groundwater source" means an underground opening from or through which groundwater flows or is pumped from a subsurface water-bearing formation. This includes:

1. A well;
2. A spring;
3. A tunnel; or

4. An adit.

"Public water system"

1. Means a system providing water for human consumption and other domestic uses that:
 - a. Has at least fifteen (15) service connections; or
 - b. Serves an average of twenty-five (25) individuals daily for at least sixty (60) days of the year.
2. "Public water system" includes:
 - a. A collection, treatment, storage, or distribution facility under the control of the operator and used primarily in connection with the system; and
 - b. A collection, pretreatment, or storage facility used primarily in connection with the system but not under the operator's control.

"Retail water supplier" means a person or entity that supplies water for human consumption and other domestic uses to an end user and has more than five hundred (500) service connections.

"Supplier" means a person who owns or operates a public water system.

"Wholesale water supplier" means a person that provides most of that person's water to a retail water supplier.

17.24.03- Permitted Uses

The following buildings, structures, and uses of land are permitted within the Ashley Springs Protection Zone:

1. Agriculture and buildings incidental to the use of the land for agricultural purposes;
2. Water reservoirs with less than three acres of surface area and other water facilities incidental to the use of the land for agricultural purposes;
3. The raising and grazing of animals and fowl, including the supplementary or full feeding of such animals and fowl, as follows:
 - a. Not more than one animal unit per one-fourth acre are permitted;
 - b. No animal rights exist on parcels that contain less than one-half acre; and
 - c. All animals and facilities for their care and keeping shall be subject to the rules and regulations of the State of Utah Department of Environmental Quality and the Department of Agriculture and Food.
4. Barns, corrals, pens, coops, and feed storage buildings for the keeping of animals and fowl, provided such structures for the care and keeping of livestock and fowl are located at least one hundred (100) feet in distance from any adjoining existing dwelling, public, or semipublic building on an adjoining parcel of land;
5. One- and two-family dwellings and buildings accessory thereto;
6. Residential facilities for the elderly in accordance with Utah Code;
7. Residential facilities for persons with a disability in accordance with Utah Code Annotated, Titles 62A-2 and 26-21;
8. Guest home, as defined herein, and subject to the area, width, height, and location requirements for two-family dwellings in this zone. Additionally, a covenant running for fee simple guaranteeing that the guest home shall be used only for the housing of guests or servants; and not rented, leased, sold, or taxed separately from the rental, lease, or sale of the main residential structure, until such time as all private and/or access roads meet all Uintah County road standards and specifications, and all subdividing is done strictly in accordance with the Uintah County zoning and subdivision ordinances, shall be made of record in the Uintah County recorder's office.

17.24.04- Conditional Uses

The following are conditional uses, subject to **Chapter 17.76** of this code, in the Ashley Springs Protection Zone:

1. Kennels;
2. Commercial radio, television, and telephone transmitter facilities;
3. Public or private utility buildings and facilities;
4. Churches, parks and golf courses, plant nurseries, and veterinary hospitals;
5. Home occupations;
6. Planned unit developments;
7. Subject to Section 17.24.07 below, and in accordance with **Section 17.116.210**, natural resource extraction, including:
 - a. Oil and gas wells;
 - b. Excavation and/or mining;
 - c. Exploratory activities;
 - d. Exploratory blasting; and

- e. Exploratory seismic operations.
- 8. Forest product industries and building related thereto.
- 9. Water wells or other similar boring activities.

17.24.05- Prohibited Uses

Anything that is not expressly permitted or conditionally authorized by this chapter is prohibited in this zone.

17.24.06- Area, Width and Location Requirements

1. Planned Unit Developments. The overall density shall not exceed one dwelling unit per five acres. Dwelling units may be clustered, provided that each dwelling unit has at least two acres and is a minimum of two hundred feet (200) in width and has at least a fifty-foot front setback line.
2. Other Residential Dwellings. All residential dwellings other than planned unit developments shall have a minimum lot size of five acres, a minimum of two hundred fifty (250) feet of frontage on a public road, as measured at the fifty-foot front setback line.
3. Road Setbacks. Subsections A and B of this section notwithstanding, no building shall be located less than eighty (80) feet from the centerline of the road.
4. Side and Rear Setbacks. All dwellings and other buildings shall be set back from the side property line a distance of at least ten feet and from the rear property line at least thirty (30) feet. The minimum side setback for accessory buildings shall be the same as for main buildings, except that no side setback shall be required for accessory buildings located twelve (12) feet or more in back of the dwelling. Accessory buildings shall be set back at least one foot from the rear property line.
5. Corner lots shall have two thirty (30) feet front setbacks from each of the frontages and two ten (10) feet side setbacks opposite the frontages.

17.24.07- Special Provisions and Application

1. All dwellings shall be supplied with approved potable water in accordance with applicable health and building codes.
2. All lots shall be kept free of refuse and debris.
3. Thirty days' advance written notification for exploratory activities shall be provided to the Uintah County Commission, Ashley Valley Water Conservancy District, and Central Utah Water Conservancy District. Written notification shall contain the following information: (1) name of the proponent; (2) address of the proponent; (3) type of explosives or other geophysical methods (including depth and location) of exploration to be used, and the purposes therefore; (4) dates of proposed seismic operations; and (5) a copy of the permit or license under which the Exploratory activities will be conducted. Failure to comply with this chapter will be grounds to revoke a business license as provided under Title 5 Chapter 5.04 of this code.
4. Excavation and/or mining, oil and gas wells, water wells or other similar boring activities, and exploratory activities may be detrimental to the Ashley Springs system. The proponent of any such activity within this zone will have the burden to provide sufficient evidence to the satisfaction of the county legislative body that the proposed activity will not pollute, clog, alter, impair, or diminish water flow through the Ashley Springs system.
5. Drinking water source protection zone within the Ashley Springs Protection Zone.
 - a. This zone shall apply to all land within a one hundred-foot radius from the groundwater source and a 250-day groundwater time of travel to the groundwater source if the supplier calculates the time of travel in the public water system's drinking water source protection plan in accordance with board rules.
 - b. Hazardous or toxic substances and contaminant may not be stored, handled, used, or produced, or created in any manner where such substance can enter the drinking water source.
 - c. This chapter authorizes a retail water supplier or wholesale water supplier to seek enforcement of the chapter provision required by Section 17.24.07(5) in a district court located within the county or municipality if the county or municipality:
 - i. Notifies the retail water supplier or wholesale water supplier within ten days of receiving notice of a violation of the ordinance that the county or municipality will not seek enforcement of the ordinance [this chapter]; or
 - ii. Does not seek enforcement within two days of a notice of violation of the ordinance when the violation may cause irreparable harm to the groundwater source.

17.24.08- Warning and Disclaimer

The zone codified in this chapter represents the area currently known to the county as being reasonably associated with the Ashley Springs system, and should not be construed to include all possible areas associated with the Ashley Springs system. This chapter and associated maps may be amended pursuant to applicable laws as new information becomes available. The provisions of this chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of excavation and/or mining on the Ashley Springs system. This chapter shall not create liability on the part of the county, any officer or employee thereof for any damages from authorized uses that result from reliance on this chapter or any administrative requirement or decision lawfully made hereunder.

17.24.09- Conflicting Regulations

In cases of conflict between the provisions of existing zoning classifications, building codes, subdivision ordinances, or any other ordinance of the county and the Ashley Springs Protection Zone codified in this chapter, the most restrictive provision shall apply.

17.24.10- Severability and Interpretation

Should any section, clause, provision, or portion of this chapter be adjudged unconstitutional or invalid, unlawful, or unenforceable by a final order of a court of competent jurisdiction, including all applicable appeals, the remainder of this chapter shall remain in full force and effect.

17.24.11- Appeals

Any party aggrieved by a decision made in accordance with this chapter shall follow the procedure concerning appeals as outlined in Chapter 17.13 of this Title.

17.25- Agricultural and Industrial Protection Areas

17.25.01- Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them below:

"Advisory board" means the agriculture protection area advisory board created by this chapter.

"Agriculture production" means production for commercial purposes of crops, livestock, and livestock products.

"Agriculture production" includes the processing or retail marketing of any crops, livestock, and livestock products when more than fifty (50) percent of the processed or merchandised products are produced by the farm operator.

"Agriculture protection area" means a geographic area within the unincorporated part of Uintah County created under the authority of Chapter 41, Title 17, Utah Code Annotated, 1953 as amended, and of this chapter, that is granted the specific legal protection contained in Chapter 41, Title 17, Utah Code Annotated, 1953 as amended.

"Applicable legislative body" means:

1. The board of Uintah County commissioners if the land included in or proposed to be included in an agriculture protection area is within the unincorporated part of Uintah County; or
2. The legislative body of the city or town if the land included in or proposed to be included in an agriculture protection area is within the boundaries of a city or town.

"Crops, livestock, and livestock products" includes:

1. Land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
 - a. Forages and sod crops;
 - b. Grains and feed crops;
 - c. Livestock as defined in Subsection 59-2-102(19)(d), Utah Code Annotated, 1953, as amended;
 - d. Trees and fruits; or
 - e. Vegetables, nursery, floral and ornamental stock; or
2. Land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.

"Industrial protection area" means a geographic area within the unincorporated part of Uintah County created under the authority of Chapter 41, Title 17, Utah Code Annotated, 1953 as amended, and of this chapter, that is granted the specific legal protection contained in Chapter 41, Title 17, Utah Code Annotated, 1953 as amended.

"Planning commission" means the Uintah County planning commission, a township planning commission, or a planning commission of a city or town.

"Political subdivision" means a county, city, town, school district, or special district.

"Proposal sponsors" means the owners of land in agricultural production who are sponsoring the proposal for creating an agriculture protection area.

"State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

"Unincorporated" means not within a city or town.

17.25.02- Establishment of Agricultural or Industrial Protection Area Advisory Board

1. Designation. There is created an agriculture protection area advisory board consisting of five members appointed by the BOCC from the Uintah County Conservation District Board of Supervisors.
2. Designation. There is created an industrial protection area advisory board consisting of five members appointed by the BOCC from the Uintah County Conservation District Board of Supervisors.
3. The members shall serve without salary, but may be reimbursed for mileage or other actual expenses incurred.
4. Duties. Each advisory board shall:
 - a. Evaluate proposals for the establishment of agriculture or industrial protection areas and make recommendations to the applicable legislative body about whether or not the proposal should be accepted;
 - b. Provide expert advice to the PC and to the applicable legislative body about:
 - i. The desirability of the proposal;
 - ii. The nature of agricultural production or industrial use, as the case may be, within the proposed area;
 - iii. The relation of agricultural production or industrial use, as the case may be, in the area to Uintah County as a whole;

- iv. Which agriculture production or industrial use should be allowed within the agriculture protection area or industrial protection area, respectively; and
- v. The minimum number of continuous acres that must be included in an agriculture or industrial protection area; and
- c. Perform all other duties as required by this chapter.

17.25.03- Proposal for creation of agriculture or industrial protection areas.

1. A proposal to create an agriculture or industrial protection area or an amendment to an existing agriculture or industrial protection area within the unincorporated part of the county may be filed with the BOCC by completing the standard forms adopted by the county and by filing said forms in the Community Development Department.
2. To be accepted for processing, a proposal under subsection (1) of this section shall be signed by a majority in number of all owners of real property and the owners of a majority of the land area in agricultural production within the proposed agriculture protection area or used for industrial purposes within the proposed industrial protection area. For the purpose of this section, the owners of real property shall be determined by the records of the County Recorder.
3. The Community Development Department, or other person designated by the BOCC to receive and process proposals, shall accept and process such forms only if they are properly completed and accompanied by the filing fee in accordance with the Uintah County Fee Schedule.
4. The proposal shall contain the following information:
 - a. The boundaries of the land proposed to become part of an agriculture or industrial protection area;
 - b. Any limits on the types of agriculture production or industrial purpose to be allowed within the agriculture or industrial protection area; and
 - c. For each parcel of land:
 - i. The names of the owners of record of the land proposed to be included within the agriculture or industrial protection area,
 - ii. The tax parcel number or account number identifying each parcel, and
 - iii. The number of acres of each parcel.
5. An agriculture or industrial protection area may include within its boundaries land used for a roadway, dwelling site, park, or other nonagricultural or nonindustrial use, if that land constitutes a minority of the total acreage within the agriculture or industrial protection area.

17.25.04- Area Requirements

In accordance with [Section 17-41-301, Utah Code Annotated, 1953](#), as amended, the minimum number of continuous acres that must be included in an agriculture or industrial protection area within the unincorporated part of the county is established as twenty (20) acres. A variance to the minimum acreage requirement may be given for land which is used in intensive livestock operations, or in fruit production, or intensive industrial use. A variance may also be given if the acreage is contiguous to an existing agriculture or industrial protection area or contiguous to an existing or proposed agriculture or industrial protection area that is not within the unincorporated part of the county. A variance shall only be approved by the BOCC, upon recommendation from the advisory board and the PC. Creation of an agriculture protection area shall not impair the ability of land within the area to obtain the benefits of [Title 59, Chapter 2, Part 5, Farmland Assessment Act](#). The eligibility of land for the benefits of [Title 59, Chapter 2, Part 5, Farmland Assessment Act](#), shall be determined exclusively by the provisions of that act, notwithstanding the land's location within an agriculture protection area.

17.25.05- Notice Requirements

1. The County shall provide notice of the proposal for an agriculture or industrial protection area within the unincorporated part of the county by:
 - a. Publishing notice in a newspaper having general circulation within the proposed agriculture protection area;
 - b. Posting notice at five public places designated by the BOCC, within or near the proposed agriculture protection area; and
 - c. Mailing written notice to each owner of land within one thousand (1,000) feet of the land proposed for inclusion within an agricultural or industrial protection area.
2. The notice shall contain:

- a. A statement that a proposal for the creation of an agriculture or industrial protection area has been filed with the BOCC;
 - b. A statement that the proposal will be open to public inspection in the Community Development Department of the county;
 - c. A statement that any person or entity affected by establishment of the area may, within fifteen (15) days of the date of the notice, file with the BOCC written objections to the proposal or a written request to modify the proposal to exclude land from or add land to the proposed agriculture or industrial protection area as the case may be;
 - d. A statement that the BOCC will submit the proposal to the advisory board and to the PC for review and recommendations; and
 - e. A statement that the BOCC will hold a public hearing to discuss and hear public comment on:
 - i. The proposal to create the agriculture or industrial protection area,
 - ii. The recommendations of the advisory board and PC, and
 - iii. Any requests for modification of the proposal and any objections to the proposal.
 - f. A statement indicating the date, time, and place of the public hearing.
3. Any person wishing to modify the proposal for the creation of the agriculture or industrial protection area shall, within fifteen (15) days after the date of the notice, file a written request for modification of the proposal, which identifies specifically the land that should be added to or removed from the proposal.
 4. Any person wishing to object to the proposal for the creation of the agriculture or industrial protection area shall, within fifteen (15) days after the date of the notice, file a written objection to the creation of the agriculture or industrial protection area.

17.25.06- Review of Proposal

1. After fifteen (15) days from the date of the notice, the BOCC shall refer the proposal and any objections and proposed modifications to the proposal to the advisory board and PC for their review, comments, and recommendations.
2. Within forty-five (45) days after receipt of the proposal, the advisory board shall submit a written report to the BOCC that:
 - a. Recommends any modifications to the land to be included in the proposed agriculture or industrial protection area;
 - b. Analyzes and evaluates the proposal by applying the criteria contained in Subsection 17.25.08;
 - c. Analyzes and evaluates any objections to the proposal; and
 - d. Includes a recommendation to the BOCC to accept, accept and modify, or reject the proposal.
3. Within forty-five (45) days after receipt of the proposal, the PC shall submit a written report to the BOCC that:
 - a. Analyzes and evaluates the effect of the creation of the proposed area on the county's planning policies and objectives;
 - b. Analyzes and evaluates the proposal by applying the criteria contained in Subsection 17.25.08;
 - c. Recommends any modifications to the land to be included in the proposed agriculture or industrial protection area;
 - d. Analyzes and evaluates any objections to the proposal; and
 - e. Includes a recommendation to the BOCC to accept, accept and modify, or reject the proposal.
4. The BOCC shall consider a failure of the PC or advisory board to submit a written report within the forty-five (45) days under subsections (2) and (3) of this section as a recommendation of that committee to approve the proposal as submitted.

17.25.07- Public Hearing

1. After receipt of the written reports from the advisory board and PC, or after the forty-five (45) days has expired, whichever is earlier, the BOCC shall:
 - a. Schedule a public hearing;
 - b. Provide notice of the public hearing by:
 - i. Publishing notice in a newspaper having general circulation within the area proposed for inclusion within the agriculture or industrial protection area, and

- ii. Posting notice at five public places, designated by the county commission within or near the proposed agriculture or industrial protection area; and
 - iii. Mailing written notice to each owner of land within one thousand (1,000) feet of the land proposed for inclusion within an agricultural or industrial protection area.
- c. Ensure that the notice includes:
- 2. The BOCC shall:
 - a. Convene the public hearing at the time, date, and place specified in the notice; and
 - b. Take verbal or written testimony from interested persons.
- 3. Within one hundred twenty (120) days of the submission of the proposal, the BOCC shall approve, modify and approve, or reject the proposal.
- 4. The creation of an agriculture or industrial protection area is effective at the earlier of:
 - a. The BOCC's approval of a proposal or modified proposal; or
 - b. One hundred twenty (120) days after submission of a proposal complying with subsection 17.25.03(3) of this chapter, if the BOCC has failed to approve or reject the proposal within that time.
- 5. In order to give constructive notice of the existence of the agriculture or industrial protection area to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture or industrial protection area, within ten (10) days of the creation of an agriculture or industrial protection area, the BOCC shall file an executed document containing a legal description of the agriculture or industrial protection area with:
 - a. The county recorder; and
 - b. The PC.
- 6. Within ten (10) days of the recording of the agriculture protection area, the BOCC shall:
 - a. Send written notification to the commissioner of agriculture and food that the agriculture protection area has been created, and include in said notification the following:
 - i. The number of landowners owning land within the agriculture protection area;
 - ii. The total acreage of the area;
 - iii. The date of approval of the area; and
 - iv. The date of recording.
- 7. Failure by the BOCC to record the notice required under subsection (5) of this section does not invalidate the creation of an agriculture protection area.
- 8. The BOCC may consider the cost of recording notice under subsection (5) of this section and the cost of sending notification under subsection (6) of this section in establishing a fee under section 17.25.03 of this chapter.

17.25.08- Evaluation Criteria

- 1. In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture or industrial protection area, the advisory board, PC, and BOCC shall apply the following criteria:
 - a. Whether or not the land is currently being used for agriculture production or an industrial use, as the case may be;
 - b. Whether or not the land is zoned for agriculture use or industrial use, as the case may be;
 - c. Whether or not the land is viable for agricultural production or industrial use, as the case may be;
 - d. The extent and nature of existing or proposed farm improvements or the extent and nature of existing or proposed improvements to or expansion of the industrial use; and
 - e. In the case of an agricultural protection area, anticipated trends in agricultural and technological conditions. Or, in the case of an industrial protection area, anticipated trends in technological conditions applicable to the industrial use of the land in question.

17.25.09- Adding Land to an Agricultural or Industrial Protection Area

- 1. Any owner may add land to an existing agriculture protection area within the unincorporated part of the county by:
 - a. Filing a proposal with the BOCC; and
 - b. Obtaining the approval of the BOCC for the addition of the land to the area.
- 2. The BOCC shall comply with the provisions for creating an agriculture protection area or industrial protection area, as the case may be, in determining whether or not to accept the proposal.

17.25.10- Removing Land from an Agricultural or Industrial Protection Area

1. Any owner may remove land from an agriculture protection area or industrial protection area within the unincorporated part of the county by filing a petition for removal of the land from the agriculture protection area or industrial protection area, respectively, with the BOCC.
2. The BOCC shall:
 - a. Grant the petition for removal of land from an agriculture protection area or industrial protection area, as the case may be, even if removal of the land would result in an agriculture protection area or industrial protection area of less than the number of acres established by the BOCC as the minimum under section 17.25.04 of this chapter; and
 - b. In order to give constructive notice of the removal to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area or industrial protection area and the land removed from the agriculture protection area or industrial protection area, file a legal description of the revised boundaries of the agriculture protection area or industrial protection area with the County Recorder and the PC.
3. The remaining land in the agriculture protection area or industrial protection area is still an agriculture protection area or industrial protection area, respectively.
4. When a municipality annexes any land that is part of an agriculture protection area or industrial protection area the BOCC shall, within thirty (30) days after the land is annexed, review the feasibility of that land remaining in the agriculture protection area or industrial protection area according to the procedures and requirements of section 17.25.11 of this chapter.
 - a. If appropriate, the BOCC shall remove the annexed land from the agriculture protection area or industrial protection area.

17.25.11- Review of Agriculture and Industrial Protection Areas

1. The BOCC shall review any agriculture protection area or industrial protection area created under the authority of this chapter in the twentieth calendar year after it is created.
2. In the twentieth year, the BOCC shall:
 - a. Request the PC and advisory board to submit recommendations about whether the agriculture protection area or industrial protection area, as the case may be, should be continued, modified, or terminated;
 - b. At least one hundred twenty (120) days before the end of the calendar year, hold a public hearing to discuss whether the agriculture protection area or industrial protection area, as the case may be, should be continued, modified, or terminated;
 - c. Give notice of the hearing using the same procedure required by section 17.25.05 of this chapter; and
 - d. After the public hearing, continue, modify, or terminate the agriculture protection area.
3. If the BOCC modifies or terminates the agriculture protection area or industrial protection area, it shall file an executed document containing the legal description of the agriculture protection area or industrial protection area, respectively, with the County Recorder.
4. If the BOCC fails to affirmatively continue, modify, or terminate the agriculture protection area or industrial protection area, as the case may be, in the twentieth calendar year, the agriculture protection area is considered to be reauthorized for another twenty (20) years.

17.26- Floodplain Regulations

Article 1- Statutory Authority, Findings of Fact, Purpose and Methods

17.26.01- Statutory Authorization

The Legislature of the State of Utah has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, Uintah County Commission of Uintah County does ordain as follows.

17.26.02- Findings of Fact

1. The flood hazard areas of Uintah County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

17.26.03-Statement of Purpose

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

17.26.04- Methods of Reducing Flood Loses

1. In order to accomplish its purposes, this chapter uses the following methods;
2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
5. Control filling, grading, dredging and other development which may increase flood damage;
6. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Article 2- Definitions

17.26.05- Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

"Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Development" means any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

"Existing construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date.

"Existing construction" may also be referred to as "existing structures."

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

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

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding).

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway (regulatory floodway)" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the secretary of the interior; or
 - b. Directly by the secretary of the interior in states without approved programs.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

"Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

"New construction" means, for the purpose of determining insurance rates, structures for which the **"start of construction"** commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a

floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

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

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348))" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" is a grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Article 3- General Provisions

17.26.06- Lands to Which This Chapter Applies

This chapter shall apply to all areas of special flood hazard within the jurisdiction of Uintah County.

17.26.07- Basis for Establishing the Areas of Special Flood Hazards

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Uintah County, dated October 6, 2010," with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

17.26.08- Establishment of Development Permit

A development permit shall be required to ensure conformance with the provisions of this chapter.

17.26.09- Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

17.26.10- Abrogation and Greater Restrictions

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

17.26.11- Interpretation

In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

17.26.12- Warning and Disclaimer or Liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Article 4- Administration**17.26.13- Designation of the Floodplain Administrator**

The floodplain manager is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

17.26.14- Duties and Responsibilities of the Floodplain Administrator

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this chapter.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the state coordinating agency which is Utah NFIP Coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Section 17.84.070 of this chapter, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of article V of this chapter.
9. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (conditional letter of map revision).

17.26.15- Permit Procedures

Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Subsection 17.84.180(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Subsection 17.84.140(1) of this chapter.

Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

17.26.16- Variance Procedures

1. The BOA as established by the County shall hear and render judgment on requests for variances from the requirements of this chapter.

2. The BOA shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.
3. Any person or persons aggrieved by the decision of the BOA may appeal such decision in the courts of competent jurisdiction.
4. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this chapter.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Subsection [17.84.150(2)] of this article has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this chapter, the BOA may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (Section 17.84.030).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 - i. Showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria outlined in Subsections 17.84.160(1)—(9) of this chapter are met, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Article 5- Provisions for Flood Hazard Reduction

17.26.17- General Standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

17.26.18- Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 17.84.070, (ii) Subsection 17.84.140(8), or (iii) Subsection 17.84.190(3), the following provisions are required:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated 1' above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in Subsection [17.84.150(1)a.], is satisfied.
2. Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated 1' above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Manufactured Homes.
 - a. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

- i. The lowest floor of the manufactured home is at or above the base flood elevation; or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
5. Recreational Vehicles. Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days,
 - b. Be fully licensed and ready for highway use, or
 - c. Meet the permit requirements of Subsection 17.84.150(1), and the elevation and anchoring requirements for "manufactured homes" in [this subsection]. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
 6. Automatic Adoption. Uintah County automatically adopts all effective FEMA flood insurance rate studies and all effective FEMA flood insurance rate maps.

17.26.19- Standards for Subdivisions

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 17.84.020, 17.84.030, and 17.84.040 of this chapter.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of Section 17.84.080; Section 17.84.150; and the provisions of this article.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and [subdivisions which] is greater than fifty (50) lots or five acres, whichever is lesser, if not otherwise provided pursuant to Section 17.84.070 or Section 17.84.140(8) of this chapter.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

17.26.20- Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Section 17.84.070, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
2. All new construction and substantial improvements of nonresidential structures;
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in Subsection [17.84.150(1)a.], are satisfied.
4. Require within zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

17.27- Supplementary Standards

17.27.01- Purpose

The ~~purpose-intent~~ of supplementary standards is to further the purposes of this title and to address the use, location, construction, and operation of particular uses and activities. Compliance with all supplementary standards, as applicable, as well as all other requirements of this title, and all other federal, state, and local requirements is required for the approval of all land use applications.

17.27.02- Manufactured Homes

As required by the act, and for the purposes of this section, a manufactured home is the same as defined in section 58-56-3, Utah Code Annotated, 1953, as amended, except that the manufactured home must be attached to a permanent perimeter foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. The foundation shall be constructed out of ~~ement-concrete~~ or ~~ement concrete~~ products or be covered with a ~~ement-concrete~~ product. All associated carports, garages, storage buildings, additions, or alterations must be built in compliance with the applicable building code.

17.27.03- Fences and walls

4. Residential

- a. No fence or wall shall be erected in any required front yard of a dwelling to a height in excess of four feet, unless the fence is ninety (90) percent see-through. Nor shall any fence or wall be erected to a height in excess of six feet, unless approved by the land use authority.

~~5. Where a fence or wall is erected upon a retaining wall, or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence or wall, the height of the fence or wall shall be measured from a point halfway between the top of the retaining wall and the land on either side of the fence, but nothing herein contained shall be construed to restrict a fence to less than four feet in height measured from the surface of the land on the side having the highest elevation.~~

~~6-5~~ Subdivisions

- a. Fences or walls will be required on the perimeter of each new development where the abutting property(ies) have a dissimilar use and along all streams, rivers, and open canals (adequate access must be left for the canal companies).
- b. Fences will be a six-foot-high non-climbable chain link fence or other non-climbable-type fence or wall approved by the land use authority.
- c. Slats and other types of plastic materials will not be permitted on the fence.

~~7-6~~ Multi-Family dwellings with more than 4 units, Commercial and Industrial Uses

- a. Fences or walls will be required on the perimeter of each new apartment complex, commercial, and industrial development where the abutting property(ies) have a dissimilar use and shall be approved by the land use authority.
- b. All commercial trash receptacles must be enclosed with a six-foot non-see-through fence or wall.
- c. No fence or wall shall be located within twenty-five (25) feet of the front property line or of any street right-of-way unless specifically approved by the land use authority.

17.27.04- Outdoor Lighting

3. No spotlight or floodlight shall be installed in any way which shall permit the direct rays of such light to glare into any residential zone, or onto any property used for residential purposes.
4. No light, sign or other advertising structure, as regulated by this title, shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or which makes use of the words, "stop", "look", "drive-in", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

17.27.05- Family Swimming Pools

A family swimming pool shall not be permitted in the front yard of a dwelling. The following requirements shall be met:

3. The location of such family swimming pool or accessory machinery shall not be less than thirty-five (35) feet from any dwelling on an adjoining lot, and not less than ten feet from any property line. On corner lots, the distance from the pool to the property line facing on a street shall not be less than the required side yard setback.
4. An outside family swimming pool shall be completely enclosed by a fence of not less than five feet in height and any lights used to illuminate the pool, or its accessories, shall comply with **section 17.17.04 of this Title**.

17.17.06 Temporary Uses and Structures

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

~~3. Permits. Application for a temporary use permit shall be made to the Building Official and shall contain the following information:~~

- ~~a. A description of the property to be used, rented or leased for the temporary use, including all information necessary to accurately portray the property;~~
- ~~b. A description of the proposed use;~~
- ~~c. Sufficient information to determine the yard requirements, sanitary facilities and availability of parking spaces to service the proposed use.~~
- ~~d. Must obtain a Uintah County Business License prior to the issuance of a temporary use permit.~~

~~4. Uses. The following are temporary uses and are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which the use is located:~~

- ~~a. Carnival or Circus. When authorized by the county commission, a temporary use permit for a carnival or circus may be issued in any zone for a period not longer than fifteen (15) days.~~
- ~~b. Christmas Tree Sales. A temporary use permit may be issued for the display and open lot sales of Christmas trees for a period not longer than forty five (45) days. A Uintah County Business License must be obtained prior to the beginning of operations. temporary business licenses for Christmas tree sales shall be valid for forty five (45) days All Utah State requirements must be followed.~~
- ~~c. Contractor's Office and Equipment Sheds. In any zone, a temporary office and/or equipment sheds incidental to a construction project may be approved. The office or shed shall not contain sleeping accommodations. The permit shall be valid for not more than one year, but is renewable. The office or shed shall be removed upon completion of the construction project.~~
- ~~d. Real Estate Sales Office. In any zone, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision, which has been approved in accordance with the subdivision ordinance. The permit shall be valid for not more than one year, but is renewable. The office shall be removed upon completion of the development of the subdivision. A model home may be used as a temporary sales office.~~
- ~~e. Temporary buildings and yards for the storage of construction materials and equipment incidental and necessary to construction of uses otherwise permitted in this zone. A permit therefore shall be valid for not more than one year, and shall not be renewable for more than two successive periods at the same location.~~

17.27.06- Off-site Improvements

In order to protect the safety and welfare of ~~children and other~~ individuals, the land use authority may require certain off-site improvements, such as sidewalks, fences and other such improvements, as a condition of approval for any development proposal. The developer may be required to install such off-site improvements at his own cost.

17.27.07- Travel Trailers and Mobile Homes Prohibited- Exceptions

3. It is unlawful to place any travel-trailer on any lot or parcel of land in the county and to use the same for permanent human habitation, except when located in an approved travel trailer court.
4. It is unlawful to place a mobile home on any lot or parcel of land in the county, and to use the same for human habitation, except in compliance with the following:
 - a. When placed in a licensed mobile home park where The mobile home is set on the lot in conformance with applicable building codes.

17.27.08- Effect of Street Plan

Whenever a front or side yard is required for a building, which building abuts a right-of-way for a proposed street which has not been constructed, but which has been designated by the county commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.

17.27.09- Moved Buildings, Mobile Homes and Manufactured Homes

4. Prior to moving any building, mobile home or manufactured home in Uintah County a building permit must be obtained from the Building Official and a moving permit must be obtained from the Assessor's Office. The use of the structure must be stated on the application for the moving permit.
5. The Building Official shall not issue a permit for the placing of such moved building, mobile home, or manufactured home, unless all ordinances and codes of the county are complied with.
6. No building, mobile home or manufactured home may be stored or placed on any property within Uintah County without first having the appropriate permits and approvals.

17.27.10- Sidewalk, Curb and Gutter

It is the intent of Uintah County that all commercial, industrial and institutional developments and multiple-family dwelling developments eventually have sidewalk, curb and gutter along the public road frontage.

4. Prior to the issuance of a building permit for any new development within Uintah County, one of the following requirements must be met:
 - a. Where sidewalk, curb and gutter are within twenty (20) feet of the property line or the engineering for the sidewalk, curb and gutter has been completed, the applicant shall install the sidewalk, curb and gutter prior to obtaining a certificate of occupancy.
 - b. Where sidewalk, curb and gutter are not within twenty (20) feet of the property line, the applicant shall sign a statement binding upon his successors agreeing to:
 - i. Install the sidewalk, curb and gutter at his cost when such is extended to his property line; or
 - ii. Not protest the creation of a special assessment area for the installation of sidewalk, curb and gutter should such district be deemed necessary.
 - c. Notwithstanding the requirements of subsection b, above, the failure to sign said statement does not preclude the county from establishing a Special Assessment Area.
5. All sidewalk, curb and gutter shall comply with Uintah County standards.
6. The preceding requirements shall not apply to minor additions to existing developments. For the purpose of this section "minor additions" means the addition (attached or detached) of less than thirty (30) percent of the existing use(s).

17.27.11- Flag Lots

Flag lots, or panhandle-shaped lots, shall be permitted in all zoning districts, subject to the exceptions listed in subsection 10 below, provided the following stipulations are met:

11. It has been demonstrated that because of topographical features or unique situations associated with the parcel proposed to be subdivided, that the property cannot be divided using the current subdivision ordinance or substantial use of the subject parcel cannot occur unless a panhandle-shaped lot is allowed to be created.
12. For access onto a dedicated public street the easement shall be a minimum of thirty-three (33) feet wide with the driving surface being twenty-six (26) feet wide when a fire hydrant is located along the access, and twenty (20) feet when there is no fire hydrant along the access, as required in Appendix D of the currently adopted International Fire Code. Required side yard setbacks shall not be counted as part of the access strip for the new or existing residence. The land use authority may require greater setbacks to accommodate reasonably anticipated future transportation corridors and access opportunities. The access strip shall be an all-weather driving surface with adequate drainage and properly maintained. "All weather surface" means asphalt, concrete, gravel, or road base. Shared access for up to two lots may be allowed with a recorded easement for all property owners.
13. The body of the interior lot meets the lot area and width requirements for the zone in which it is located. The access strip shall not count as part of the width requirement or as part of the land area needed to meet the lot area requirements.
14. All property boundaries of the body of the interior lot shall apply the side setback requirements for the zone in which they are located. The land use authority may require greater setbacks to accommodate reasonably anticipated future transportation corridors and access opportunities.
15. The applicant must show the required setbacks and the remaining buildable area on the survey and site plan.

16. A fire hydrant shall be located within two hundred fifty (250) feet of where any dwelling is located, or is proposed to be located on the property, unless it is demonstrated to the Uintah County Fire Marshal that a fire hydrant cannot be installed.
17. The address of all dwellings located on a flag lot shall be clearly visible from the public street that the flag lot accesses.
18. The flag lot plat shall show that the access from the dedicated public street to the property is not a Uintah County roadway and will not be maintained by Uintah County, or, the owner of such property shall sign and record an affidavit stating the same.
19. The flag lot and/or structures do not interfere with the county's future transportation plan.
20. Flag lots shall be a conditional use in all zoning districts when any part of the required access is a public right-of-way, or when there is a question, by the land use authority, as to if the flag lot meets the requirements of subsection 1, above.

17.27.12- Additional Use Regulations

The requirements of this title as to minimum site development standards shall not be construed to prevent a use as permitted in a respective zone, or any parcel of land in the event such parcel was held in separate ownership prior to the initial enactment of the ordinance codified in this title (July 18, 2005). Each such parcel to be developed must have not less than sixteen (16) feet of frontage on an approved private or public street.

17.27.13- Accessory Building Prohibited as Living Quarters

Living and sleeping quarters in any building other than the main residential building is prohibited, except as permitted by this Title.

17.27.14- Improvements—Performance bonds.

1. Any on- or off-site improvements required by this land use ordinance or by the planning commission, including grading, curb, gutter, sidewalk, fences, landscaping, streets, storm water retention, fire hydrants, and parking, shall be satisfactorily installed prior to the issuance of any occupancy permit for the land or structure being developed or constructed.
2. In lieu of actual completion of such improvements prior to electrical service being provided or the issuance of an occupancy permit, a developer, contractor or land owner may file with the county commission a cash bond, escrow agreement, or other approved form of financial assurance, in an amount equal to one hundred ten (110) percent of the cost of construction as determined by the Zoning Administrator, to ensure completion of improvements within one year. Ten (10) percent of the bond amount for public improvements such as curb, gutter, sidewalk, road surfacing and fire hydrants, shall extend for a two winter season period beyond the date the improvements are completed, to guarantee replacement if such improvements become defective. Upon completion of the improvements for which a cash bond or escrow agreement has been filed, the developer, contractor or land owner shall call for inspections of the improvements by the Zoning Administrator.
3. To protect the health, safety and welfare of persons from traffic, flood, drainage or other hazards, the planning commission or county commission may determine that the required improvements should be completed in a specific sequence and/or in less than a one year period. The county commission may require in approving the cash bond or escrow agreement that the improvements be installed in a specified sequence and period which may be less than one year and shall incorporate such requirements in the bond.
4. When the developer, contractor or land owner is a school district, municipality, service area, special-purpose district or other political subdivision of the state, the county commission may waive the cash bond or escrow agreement and accept a letter from the governing body thereof, guaranteeing installation of the improvements.

17.28- Off Street Parking and Loading Standards

17.28.01- Purpose

The purpose of off street parking requirements is to promote traffic safety, convenience and efficiency and to minimize hard surfaced areas to reduce storm water runoff and visual impacts while providing adequate parking sufficient to support the associated use or activity.

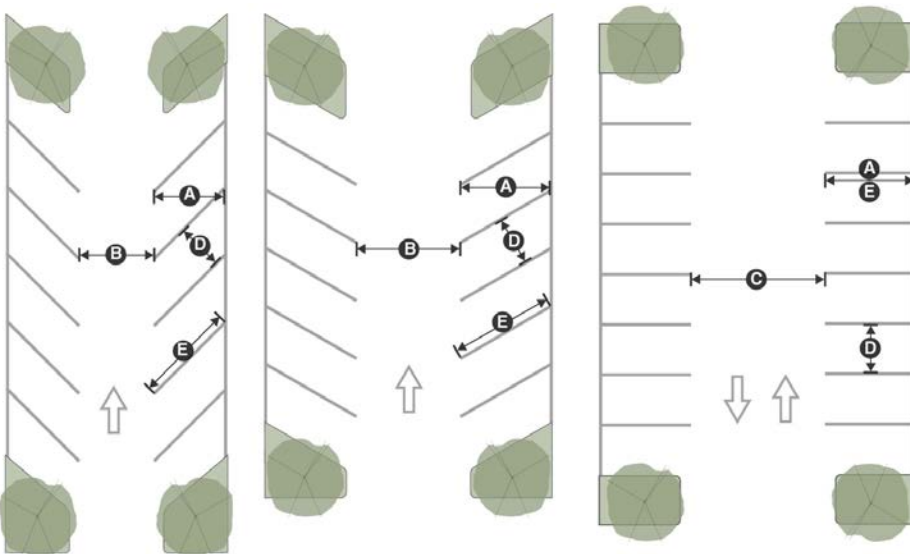
17.28.02- General Provisions

1. Off street parking spaces shall be provided, meeting the requirements of this title, for all new buildings, all additions, or enlargements to an existing building, the establishment of any new use, or the expansion of any existing use.
2. If an existing, legally established use or building is expanded by more than thirty percent (30%) of the existing site or gross floor area, all off street parking spaces and areas shall comply with the requirements of this title, as applicable.
3. Required off street parking spaces shall not be used for the repair of motor vehicles, or the display or sale of goods and services of any kind, unless authorized by a land use application approval.
4. Oil separators and other pollution control devices may be required as part of land use application approval, ~~as may be required by a land use authority, as applicable.~~
5. Off street parking is prohibited in all access ways, fire lanes or similar areas not designated for parking purposes. These areas shall be posted with "No Parking" signs and/or other means as required.
6. No off street parking area shall be used for the overnight occupancy of any vehicle including motor homes, campers, or trailers, unless authorized by a land use application approval.
7. The required off-street parking facilities shall be a continuing obligation of the property owner, so long as the use requiring vehicle parking or vehicle loading facilities continues. It is unlawful for any owner of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area which meets the requirements of this chapter.

17.28.03- Size and Layout of Off Street Parking

The following **table ____** and diagram provide the minimum dimensions for parking spaces. All parking areas shall be designed to allow vehicles to enter, exit, and travel the aisles in a forward motion. Dead end parking isles must have a hammerhead type turn-around to allow vehicles to back out of the parking space and travel the aisle in a forward motion. The layout and parking and aisles shall be subject to approval from the land use authority. Backing space from parking stalls shall be provided so that cars need not back onto a public street, alley, or right of way.

Tandem parking (front to rear) shall not be permitted, except for dwelling units when both the front and back spaces are both designated to serve the same dwelling unit.



MINIMUM DIMENSIONAL REQUIREMENTS					
Angle	A Depth	B One-Way Aisle	C Two-Way Aisle	D Space Width	E Space Length
Parallel	8.5'	12'	20'	9'	20'
45°	20'	13'	24'	9'	20'
60°	21'	18'	24'	9'	18'
90°	18'	24'	24'	9'	18'

17.28.05- Access Requirements

- 1. All ingress and egress locations from an adjacent road or street to any off street parking areas, including curb cuts, drive approaches, or other accesses, shall be approved by the county or the Utah Department of Transportation, as applicable.
- 2. The minimum size of the access strip to any parking area shall be twenty-four (24) feet wide for a two way access or two fourteen (14) foot wide one-way accesses. A greater size access strip may be required by the land use authority.

17.28.06- Location of Off Street Parking

All required off street parking spaces shall be located on the same lot as the use or building it serves unless otherwise approved by the land use authority. If the required parking for a building, structure, improvement or use is located upon a separately recorded lot from that upon which the required parking is provided, whether in the same or separate ownership, there shall be recorded in the office of the County Recorder a covenant by such owner(s) for the benefit of the county that such owner(s) will continue to maintain such parking space as long as the building, structure, improvement or use is maintained.

Parking facilities shall be located not less than three hundred (300) feet from the building they are required to serve.

In any residential zone, not more than twenty-five (25) percent of the required front or side yard shall be devoted to driveways and off-street parking.

Comment [RB4]: Currently in the code, but perhaps not feasible.

17.28.07- Maintenance of Parking Areas and Spaces

Every parcel of land used as a public or private off street parking area shall be constructed and maintained in compliance with the following requirements:

- 1. All off street parking areas shall have appropriate bumper guards or curbs where needed, as determined by the Land Use Authority, to protect adjacent property owners or persons using a sidewalk.
- 2. Traffic Control: Traffic control signs and/or striping shall be provided, as adopted by the county and required by the land use authority necessary to minimize any vehicular and pedestrian conflicts.

17.18.08- Number of Required Off Street Parking Spaces

The number of required off street parking spaces shall be provided as required by table 10-19-1, "Minimum Off Street Parking Requirements", of this section and complying with the following:

- 1. Fractional Amount: In calculating the total number of required off street parking spaces, fractional amounts shall be rounded to the nearest whole number.
- 2. Unspecified Uses: The land use authority shall determine the off street parking requirements for any use not specifically listed in table 17.18.01 of this section, but identified as an allowed use in this title including the table of uses Reference location of this table.

Table 17.18.01- Minimum Off Street Parking Requirements

Use	Required Parking
Banks, business or professional offices	1 space for each 300 square feet of gross floor space
Bowling alleys	2 spaces for each bowling lane plus 1 for each 2 employees

Use	Required Parking
Churches and accessory uses	1 space for each 4 seats in the chapel or main assembly area, or if there no fixed seats, the 1 space for each 100 sq. ft. of floor space used for assembly purposes
Dwellings, Apartments, etc	2 spaces per dwelling unit
Hospitals	1.5 spaces for each bed
Hotel/Motel	1 space for each sleeping or dwelling unit
Libraries	1 space for each 300 sq. ft. of gross floor space
Museums and similar non-assembly cultural facilities	1 space for each 500 sq. ft. of gross floor area
Manufacturing uses, research and testing laboratories	Not less than 1 space for each 800 sq. ft. of gross floor area
Mortuaries	1 space for each 100 sq. ft. of floor area of assembly rooms used for services
Motor vehicle repair	1 space for each 600 sq. ft. of gross floor area
Motor vehicle sales	As approved by the land use authority
Nursing home	1 space for each 2 beds
Restaurants	1 space for each 4 seats, including stools, benches, booths; or 1 for each 500 sq. ft. of gross floor area when number of seats is unknown but in no case shall there be less than 5 spaces
Retail stores	1 space for each 350 sq. ft. of gross floor area on the ground floor, and 1 space for each 500 sq. ft. of floor area on all floors above or below the ground floor
Schools, private, vocational, etc	1 space for each employee and 1 space for each 3 students of driving age
Stadiums, sports arenas, auditoriums (including school auditoriums) and other places of public assembly and clubs and lodges having no sleeping quarters	1 space for each 6 seats and/or 1 space for each 100 sq. ft. of gross floor area used for assembly and not containing fixed seats
Swimming pools, commercial and public	1 space for each 10 persons based on capacity load
Theaters	1 space for each 4 seats based on the design capacity of the structure
Warehouses and wholesale storage buildings	1 space for each employee on the maximum shift

17.28.09- Disabled Persons Parking

Designated parking for persons with a disability shall be provided for all uses, meeting the requirements and specifications of the Americans with Disabilities Act.

17.28.10- Reduction of Off Street Parking Requirements

Requests to reduce off street parking requirement(s) may be granted by the land use authority if the applicant shows, by the presentation of information and materials, that a reduced number of off street parking spaces will meet the demands of the proposed use without increasing traffic or on street parking problems in adjacent areas.

17.28.11- Parking Requirements for Uses Not Specified

The parking requirements for land uses which are not specified in this chapter shall be determined by the Land Use Authority. The determination shall be based upon the requirements for the most comparable use specified in this chapter.

17.28.12- Mixed Occupancies

In the case of mixed occupancies in a building or on a lot, the requirement for off street parking facilities shall be the sum of the requirements for the various uses computed separately. Off street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified in **Section 17.18.13 for joint use.**

17.28.13- Joint Uses

The Land Use Authority may approve up to fifty (50) percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use or vice versa; provided such reciprocal parking area are continuous, and the joint use of such facilities is assured by the recording of a written agreement by the property owner(s).

17.28.14- Submission of Plans

The plans for any proposed parking area shall be submitted to the Land Use Authority. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking area.

17.28.15- Exemptions from Parking Requirements

None of the requirements of this chapter for off-street parking spaces shall apply to a building in existence at the time of the effective date of the ordinance codified in this title. No building, as it exists at the time of said effective date, shall be deemed to be nonconforming solely by reason of the lack of off-street parking spaces, provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below existing parking levels or the requirements of this chapter.

17.28.16- Stacking and Loading

~~Look for language for this section~~ Stacking lanes shall be provided for drive-up services and loading spaces shall be provided for the loading and unloading of goods. The amount and dimensions of stacking and loading spaces shall be determined by the land use authority and shall be provided on site.

17.28.17- Off Street Loading Requirements

Every building or use receiving or distributing materials or merchandise by truck shall provide and maintain on the same lot as the building or use the following number of off street loading spaces:

1. One (1) off street loading space for buildings with less than 30,000 square feet of gross floor area.
2. Two (2) off street loading spaces for buildings with more than 30,000 square feet of gross floor area.

No loading space(s) shall be considered as meeting any of the off street parking requirements of this chapter.

17.28.18- Location of Loading Spaces

The location of off street loading spaces shall be approved by the Land Use Authority. The location of all loading areas shall not interfere with off street parking area circulation patterns.

17.29- Signs

17.29 .01- Purpose and Scope

The purpose of this chapter is to coordinate the type, placement, and physical dimensions of signs within the various zones established by this title. Such coordination is necessary: a) to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, and property; b) to preserve the beauty and the unique character of Uintah County; and c) to maintain a responsible communications system by setting requirements for the location, size, height, number, lighting, and type of signs that will be compatible with the landscape of Uintah County.

The primary intent of this chapter shall be to regulate signs of a commercial nature intended to be viewed from any vehicular right of way. The following signs are not regulated by this chapter:

1. Signs not exceeding 4 square feet normally associated with residential uses and that are not of a commercial nature, such as: 1) signs giving property identification names or numbers or names of occupants, 2) signs on mailboxes or newspaper tubes, and 3) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
2. On premises advertising signs that are attached to windows or walls and are clearly temporary, which promote specific sales.
3. Official traffic regulation and other government signs.
4. Flags, pennants, or insignia of any government or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
5. Signs which are associated with school or church events and functions, which are clearly of a temporary nature.
6. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
7. One non-illuminated real estate sign per lot or premises, not to exceed six (6) square feet in sign area. Such signs must be removed ten (10) days following sale, rent or lease.
8. Election signs which are erected prior to the election or referendum concerned. Such signs shall be removed not later than seven (7) days following said election or referendum. Election signs may be placed only on private property, with the permission of the property owner.
9. Yard/garage sale signs: Such signs which are erected must be removed within one week following the event.
10. Awning signs.

17.29.02- General Sign Provisions

1. Signs To Conform: It shall hereafter be unlawful for any person to erect, raise, move, reconstruct, enlarge, alter, place or maintain a sign in Uintah County except in accordance with the provisions of this chapter.
2. Signs Not To Constitute A Traffic Hazard: Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such a manner as to obstruct free and clear vision. This includes any location where by reason of the position, lights, shape or color of a sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign or signal device. Such signs shall not make use of the words "stop", "danger", or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead or confuse vehicle operators.
3. Clear Vision Of Intersecting Streets: No sign shall be erected in a manner that will interfere with vehicular or pedestrian traffic or any intersection, traffic and other public signs.
4. Signs On Public Property: No sign regulated by this chapter shall be located on publicly owned land or inside street rights of way except signs required and erected by an authorized public agency. This stipulation includes, but is not limited to, handbills, posters, advertisements, or notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamppost, utility pole, hydrant, bridge, tree, rock, sidewalk, or street.
5. Prohibited Signs: Signs not specifically allowed by this chapter are prohibited. In addition, the following signs are specifically prohibited:
 - A. Abandoned signs;
 - B. A-frame signs;
 - C. Snipe signs;
 - D. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign;
 - E. Signs containing statements, words, or pictures of an obscene, indecent or immoral character or nature.

6. Maintenance: All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. Signs relating to a product no longer available for purchase, or to a business which has moved, shall be removed or the advertising copy removed within thirty (30) days of such unavailability, closure or relocation.
7. Ownership: The imprint of the sign owner and sign erector of all signs shall be in plain and public view.
8. Lighting: No illuminated sign shall be installed which permits the direct or undiffused light to penetrate beyond the sign. Sign illumination shall be by internal illumination or by attached shielded lighting. Any such lights alleged to violate the above shall be subject to a determination by the Zoning Administrator.
9. Except for off-premise signs permitted herein, all signs shall display thereon only information pertaining primarily to products or services provided on the premises.
10. Indemnification: All persons involved in the maintenance, installation, alteration, or relocation of signs in Uintah County shall agree to hold harmless and indemnify Uintah County, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this chapter has not specifically directed the placement of a sign.

17.29.03- Temporary Signs

1. Temporary signs are permitted through a sign permit. The zoning administrator or designee may approve temporary signs. The following information is required on all sign permit applications:
 - A. A plot plan showing relationship of the signs to buildings, property lines, the setback from public rights-of-way, intersections, easements and driveways; and
 - B. The length of time for display and type of request;
 - C. Proof of current Uintah County business license;
 - D. Business address and phone number;
 - E. Address of property owner and phone number;
2. Business related temporary signs:
 - A. Temporary signs announcing the initial opening of a business or the relocation or change of ownership of an existing business may be allowed provided the event shall not continue for more than sixty (60) days and that the permit is issued within the first year of operation. There shall be no more than two such signs allowed per business. The signs must comply with general size and location standards in this chapter and must be removed at the end of the sixty (60) day period. A temporary sign permit is required. A banner, balloon sign or portable sign is allowed.
 - B. Signs advertising a business's special promotions require a permit. Such promotions shall not exceed 60 days in a calendar year. A temporary sign permit is required. A banner, balloon sign or portable sign is allowed.
 - C. Signs advertising the liquidation of inventory for a failing business require a permit, which shall not exceed 60 days. Such permit will be allowed only once for any business license. A banner, balloon sign or portable sign is allowed during this period.

17.29.04- Dangerous, Defective and Non-Maintained Signs

1. A property owner or occupant may not maintain or allow any sign which is dangerous or defective on any premises he owns, occupies or controls.
2. Any sign deemed to be dangerous or defective shall be torn down or repaired within 10 days of receiving notice.
3. Any sign that is not properly maintained shall be either repaired or torn down within fourteen (14) days of receiving notice.
4. No part of any sign shall interfere with the use of any fire escape, exit, required stairway, door ventilator, or window.
5. No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state of Utah or its agencies.
6. No sign shall be located on publicly-owned land or inside street rights-of-way, except signs owned and erected by permission of an authorized public agency or as specifically authorized in this chapter.
7. Every sign shall be maintained in complete operating condition. "Maintenance" includes the repair of facades where signs have been removed, the painting, cleaning and repairing of the sign. "Maintenance" does not include structural alterations, cosmetic or style changes or enlargements of face changes.

17.29.05- Construction Requirements

1. All signs must be constructed in accordance with all applicable building and electrical codes.
2. All sign devices must have site plan and design approval by the zoning administrator or designee prior to placement.
3. All sign applications require the following information:
 - A. A plot plan showing relationship of the sign to buildings, property lines, the setback from public rights-of-way, intersections, easements and driveways;
 - B. Two accurately dimensioned, scaled drawings showing height, color, square foot dimensions, landscaping, sign composition, type of illumination, and how the sign will appear from the street;
 - C. Details of the sign construction including the electrical plan, foundation scheme, and value of the sign;
 - D. Any other drawings the zoning administrator or designee deems necessary to evaluate the sign for compliance with this code and any other applicable law or code as well as architectural compatibility, color, style, size, scale, proportion and balance, location, landscaping and any other factor deemed important by the reviewer.
4. When new buildings or developments are presented for site plan review, signs proposed for the development shall be reviewed concurrently by staff. All planned centers and multi-tenant buildings must submit a sign theme for approval by the Land Use Authority. The center must have an approved sign theme before any sign permits will be issued. If a plan for a sign package is not submitted at site plan review, the developer shall submit plans, at a later date, that adhere to the applicable zoning district as stated in this chapter and the currently adopted building codes.

17.29.06- Administration and Enforcement

1. The Zoning Administrator shall be responsible for the enforcement and administration of this chapter.
2. All applications to permit a sign shall be made to the Community Development Department upon the standard building permit form or permitted use application form used by Uintah County. If it is determined that the proposed sign requires a conditional use permit under the provisions of this chapter, the applicant shall be directed to follow the procedures outlined in chapter 15, of this title.
3. Any hand-bill or sign found posted upon any public property contrary to the provisions of this section may be removed by the sheriff's department, the road division, or the zoning division. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof.

17.29.07- Regulations of Signs by Zone

Refer to the following table. Except as detailed otherwise in this section, no sign may exceed twenty five feet (25') in height.

ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
ALL ZONES	Construction	Up to 100sqft per lot	12' max	On private property	Sign must be removed 6 months from final building inspection that allows occupancy.
	Home Occupation				See Section 17. . .
	Subdivision	Up to 60sqft per subdivision entrance	6' max	Entrance to subdivision	Signs must be owned and maintained by a homeowners association.
C-1, C-2, I-1 & I-2	Off Premises Sign ¹	Up to 675sqft per side ²	25' max	1 per parcel with 30' setbacks ³	Off premises signs shall not cause to total area of signs on the parcel to exceed 1,200sqft. Off premises signs shall not be located closer than 500' from another sign of any kind, and/or closer than 1,500' to a residential zoning district boundary. There shall not more than 3 off premises signs within any ½ mile.
	Free Standing	Up to 60sqft plus 40sqft for each additional business sharing the sign	25' max	1 per business, planned center or complex with 5' setback from street right-of-way	
	Wall	Unrestricted	N/A	N/A	No wall sign including any light box or structural part shall project more than 18 inches from the face of the building to which it is attached. Wall signs with changeable copy, reader board, or electronic message capability are allowed so long as they comply with UDOT regulations.
	Monument	Up to 60sqft plus 40sqft for each additional business sharing the sign	10' max	1 per business, planned center or complex with 5' setback from street right-of-way	Reader boards, changeable copy areas and electronic message centers are allowed but must comply with UDOT regulations.
	Roof	Up to 60sqft	10' above roof max	N/A	Roof signs may substitute for a free standing sign.
MG-1, A-1, A-3, A-4 & RFM	Monument	Up to 60sqft	6' max	1 per business, planned center or complex with 5'	Monument signs can only be installed when a commercial or industrial business is allowed in these zones and a business license has been issued. Reader boards, changeable copy areas and

ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
				setback from street right-of-way	electronic signs are not allowed.
	Wall	Up to 60sqft	N/A	N/A	1 per business, planned center or complex. No wall sign including any light box or structural part shall project more than 18 inches from the face of the building to which it is attached.

The following regulation will apply to all signs:

1. Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign and no flashing or intermittent illumination shall be employed. Off Premises signs are a conditional use.
2. Reader boards, changeable copy areas and electronic message centers are allowed but must comply with UDOT regulations. Signs shall not extend over any pedestrian or vehicular access area unless specifically approved by the zoning administrator based on the recommendation of a traffic engineer.
3. Signs located along or adjacent to Highways, 40, 121, 88, 149 or 45 shall comply with UDOT regulations.

Chapter 17.30 - SITE PLAN REGULATIONS

17.30.01 - Objectives and characteristics of regulations

- A. This Chapter has been established for the primary purpose of ensuring that future commercial/industrial development enhances Uintah County. The regulations provide prospective developers with a clear statement of the development requirements for multi-family dwellings with more than 4 units, commercial and industrial developments, churches, schools, or other non-residential or non-agricultural uses..
- B. In order to accomplish the objectives and purposes of this title, and to stabilize and protect the essential characteristics of the commercial and industrial zones, the regulations set out in this chapter shall apply to all multi-family dwellings with more than 4 units, and commercial/industrial uses as well as expansions to existing developments where the proposal will expand the use by 30% from the most recently approved site plan.
- C. These guidelines address the visual image of all uses within commercial and industrial developments. Building envelopes that are well proportioned and aesthetically interesting on all visible sides are encouraged.

17.30.02 - Dumpsters and garbage collection systems

A dumpster or other garbage collection system is required. All garbage collection systems shall be in an enclosed, sight-obscuring, fenced area that is a minimum of six feet tall.

Comment [MC5]: Add to definitions.

17.30.03 - Parking areas

All accesses and required parking areas for any multi-family dwellings with more than 4 units and commercial\industrial uses shall be asphalt or concrete, and must be connected to both a public or approved private street and to the required parking area, unless the public street that provides access to the site is a dirt or gravel road.

17.30.04 – Storm Water

Storm water must be retained on-site and infrastructure must accommodate the 100-year storm event. The storm water system shall be design by a qualified engineer.

17.30.05 Outdoor Lighting

All applications shall include an exterior lighting plan. Lighting plans must comply with section 17.?? Of this Title. The lighting plan shall:

- 1. Show all outdoor lighting fixtures with model type, location, and height. The plan shall show ground lighting levels with either an isofootcandles plan or photometric grid. The maximum allowable footcandles (fc) at property lines abutting residential uses is 0.5fc. The maximum height of outdoor lighting shall be twenty five (25) feet.
- 3. Prevent glare onto adjacent properties and into the sky. All lighting shall be directed downward unless lighting a flag, sign or similar feature and is approved by the land use authority..

Comment [MC6]: Add to definition. Cannot see light source from adjacent property.

17.30.06 - Landscaping

- A. A land scape plan is required except in the I-1, I-2 and MG-1 Zones. Landscaping plans shall be approved by the land use authority.
- B. Ten percent (10%) of the area used for the use shall be landscaped. Sixty percent (60%) of the landscaped areas shall have vegetative cover when vegetation reaches maturity.
- C. Landscaping in accordance with the approved plan shall be installed or bonded for prior to obtaining a certificate of occupancy for the building. Erosion control must be undertaken when seasonal conditions do not permit immediate planting.
- D. Each owner shall maintain landscaped areas of their property, including the replacement of dead and unhealthy plant materials. The site shall be kept free of weeds, dead or unhealthy plants, and shall maintain conformance to the approved design.

17.30.07 - Fee Required

- A. Application Fee. A nonrefundable application fee as set forth in the County Fee Schedule must accompany each submittal.

17.30.08 - Design review requirements

The land use authority is responsible for reviewing plans for all development, including but not limited to construction of any type, outdoor storage, landscaping, lighting, signage and deed restrictions. All plans shall be reviewed by the land use authority to determine their compliance with county Land Use Ordinances and the Administrative Manual.

17.30.09 - Related ordinances

The following chapters of the Uintah County Code apply to all multi-family dwellings with more than 4 units, commercial/industrial uses. within Uintah County:

- A. Fencing and Screening. See Fence Regulation [Section 17.116.070](#).
- B. Signs. See Sign Regulation [Chapter 17.100](#).
- C. Parking. See Parking Regulations [Chapter 17.96](#).

17.30.10 - Additional requirements

When an **industrial use** is located on property that has frontage on a state or federal highway a screening plan must be approved by the land use authority. The screening must obstruct the view of the industrial use from the highway. Some examples of screening that could be used include:

- 1. Trees
- 2. Other types of tall vegetation
- 3. Landscaped berms, etc.
- 4. Fences/walls

17.30.11 - Uses located within the urban boundary

Comment [MC7]: Add to definitions. Uses that are in the industrial zone but not a permitted use in C-1.

A- When a multi-family dwellings with more than 4 units or commercial/industrial building is located along a State or Federal Highway, Main Street or Aggie Boulevard within the "Urban Boundary" (see map in Appendix A)

All building facades facing public or private streets or adjacent residences shall be constructed of one or more of the following materials:

1. Masonry, including stone, brick, terra cotta, architectural pre-cast concrete, cast stone, prefabricated brick panels and stucco, glass and glass block, and or wood products. Up to forty (40) percent of the facade may be of another type of material that is integrated into the architectural design;



Chapter 17.31- General Development Standards Applicable to All Property and Land Uses

17.31.01- Purpose

The purpose of general development standards is to further the purposes of the Uintah County General Plan and the County's Land Use Ordinances. Compliance with all general development standards, as well as all other requirements of this Title, and all other Federal, State and Local requirements, as applicable, are required for the approval of all Land Use Applications.

17.31.02- Consistency and Conformity to the General Plan Required

No Land Use Application approval and no Land Use Ordinance, or amendment thereto, no Map, or amendment thereto, and no Official Map, or amendment thereto shall be approved unless such Land Use Application approval, amendment, ordinance or map is found to be consistent and conform to the Uintah County General Plan, as adopted.

17.31.03- Public Uses to Conform to General Plan

As required by the Act, no publicly-owned road, street, way, place, space, building, structure, or facility, and no public utility line, infrastructure, or facility, whether publicly or privately owned, may be constructed unless:

4. It conforms to the County's General Plan, including consistency with the accompanying map(s), or;
5. It has been considered by the Commission and, after receiving the recommendation of the Commission, has been approved by the BOCC as an amendment to the County's General Plan.
6. Received necessary Land Use Application approval by the Land Use Authority, as applicable.

17.31.04- Effect of Official Maps

3. As provided by the Act, the County may adopt Official Maps, as defined herein.
4. An Official Map does not:
 - a. Require a landowner to dedicate and/or construct a road or street as a condition of development approval, except under circumstances provided by [Section 209](#).
 - b. Require the County to immediately acquire property.

17.31.05- Allowed Minimum Use of Legal Lots

Nothing in this Title shall be construed to prevent the establishment of one (1) Single Family Dwelling on any legal lot or parcel of land, as determined by the Zoning Administrator, and provided that such legal lot or parcel is located in a Zoning District that permits Single Family Dwellings, and any proposed construction can qualify for a Building Permit, as required by the Building Code, as adopted.

17.31.06- Illegal Lots, Uses, Buildings and Structures

Any lot, use, building or structure which was not authorized by a prior Land Use Ordinance, shall remain as an illegal lot, use, building, or structure, unless such lot, use, building, or structure is approved by a Land Use Authority, as applicable, as a lot, use, building or structure allowed by this Title.

17.31.07- Allowed Uses

All uses allowed by this Title in the unincorporated area of Uintah County, either as a Permitted Use or Conditional Use, are identified in [Appendix A, Table of Uses](#), or under certain individual zone chapters.

17.31.08- Prohibited Uses

Any use not specifically provided for in this Title is a Prohibited Use in the unincorporated area of Uintah County.

17.31.09- Use Approval and Building Permit Required Prior to any Construction

No use shall be established and no construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof shall be commenced until the approval of the required land use application, license, or permit.

17.31.10- Applications Required

All requests to establish a use, or construct, alter, enlarge, repair, or demolish any building, structure, or part thereof shall be initiated by the submission of necessary application(s), to the county, as required by the county's land use ordinances, including this title, the administrative manual, and building codes, as adopted.

17.31.12- Payment of Taxes, Fees and Charges Required

A land use application approval and any other permit or license approval may provide that the land use application approval, permit, or license is not valid and no building permit shall be issued until all delinquent taxes, fees and charges for the property have been paid to the date of approval.

17.31.13- Lands Purchased, Leased or Otherwise Acquired from Federal or State Government

Land purchased, leased, or otherwise acquired or obtained from any federal, state or local agency shall comply with all provisions and requirements of this title and the administrative manual.

17.31.14- Private Uses on Federal or State Owned Land

All private uses occurring on any federal or state owned lands shall comply with all provisions and requirements of this title and the administrative manual.

17.31.15- Compliance with Zoning District Requirements

Every use established, and all buildings or structures erected, reconstructed, altered, enlarged or moved shall be used, established, or constructed only as allowed by the requirements of this title, and the county's other land use ordinances, and the administrative manual.

17.31.16- Subdivision and Sale of Property

No person shall subdivide any lands, located wholly or partially within the unincorporated area of the county for any purpose, unless the required procedures for such subdivision have been followed, as required by the Act, county subdivision ordinance, and the administrative manual.

17.31.17- Legal Access to all Properties Required

To protect the property rights of all owners and to provide adequate and convenient legal access no person shall subdivide any lands, located wholly or partially within the unincorporated area of the county, without providing a legal access to all adjacent properties. No land use application approval, permit, or license shall be approved by the county that has the potential or effect of landlocking any property(ies).

17.31.18- Minimum Lot Frontage Required

Every lot or parcel created shall have frontage upon a dedicated or publicly approved road or street, or right of way providing direct access to a dedicated or publicly approved road or street. The required lot

frontage shall be not less than the minimum lot width requirement as measured at the minimum front yard setback, as required by the zoning district in which the lot is located.

17.31.19- Minimum Buildable Area

Every lot or parcel created after the effective date hereof shall have a minimum buildable area sufficient to establish a building or structure thereon that meets the minimum standards of the zoning district in which the lot or parcel is located. Any area located within an easement may not be included within any minimum buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the County Attorney.

17.31.20- Lot Standards; Creation of Noncomplying Lots Prohibited

Every lot or parcel created after the effective date hereof shall comply with the minimum lot size, frontage, width, depth, and all other requirements of this title.

17.31.21- All Buildings or Structures to Be on a Single Lot

All buildings or structures shall be located and maintained on a lot, as defined, such lot meeting all requirements of this title and the county's other land use ordinances.

17.31.22- Lots in Two or More Zoning Districts

Uses which are permitted on either portion of a lot, Where a lot is located in two (2) or more zoning districts uses which are permitted in any portion of the lot may be permitted to extend to the entire lot, but not more than one hundred (100) feet beyond the boundary line of such zone in which such use is permitted. Before a permit for such use may be granted, however, approval must be obtained from the Zoning Administrator.

17.31.23- Required Yard Areas for One Building Only

4. All required yard or setback areas shall be situated on the same lot as the primary building or structure to which it is required.
5. No required yard or setback area for any lot or building required for the purposes of complying with the county's land use ordinances, including this title, shall be considered as providing the required yard or setback for any other lot or building.
6. No area required to meet the lot width, area, setback, or other requirements of this title for a lot or building may be divided, sold, or leased separately from such lot or building.

17.31.24- Required Yards to Be Unobstructed; Exceptions

All required yard or setback areas shall be open to the sky and unobstructed and all buildings or parts thereof shall comply with the setback requirements of the zoning district, except for permitted and approved accessory buildings, or other protrusions that are twenty-four (24) inches or less and are not closer than five (5) feet to the closest property boundary.

17.31.25- Clear View Area Requirements

4. Corner Lot: In all required setback areas, no obstruction to view in excess of four (4) feet in height shall be placed on any corner lot within the triangle formed by the road right-of-way and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines.
5. Roads: The clear view area on roads shall be the triangle formed by the road right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the road right-of-way lines.

6. Modification of Clear View Area: The land use authority, as applicable, may make a modification of the clear view areas. The land use authority is authorized to increase or decrease the required clear view area if it is determined that there is a valid reason to increase or decrease the required clear view area.

17.31.26- Maximum Height of Buildings

The maximum height of all primary buildings shall be as identified in **section 10-25-2** of this title, **appendix B-1, table** of development standards, for the zoning district in which the primary building is located.

17.31.27- Exceptions to Maximum Height Limitations

The requirement for maximum building height shall not apply to the follow structures unless they are located within airport (FAA) height restricted areas:

3. Steeples, flagpoles, chimneys, wireless or television masts that are not used for human occupancy.
4. Agricultural buildings provided such buildings are not used for human occupancy.

17.31.28- Adequate Public Facilities Required

Land shall be developed only to the extent that adequate infrastructure and services are available, or will be available concurrent with the development activity, and at capacities sufficient to meet the needs of the proposed development. A land use authority may require an analysis to be completed and provided to determine if adequate public facilities and services are available to serve the proposed development and if such development will change the existing levels of service, or will create a demand for services that exceeds available capacities.

Public facilities that may be required by a land use authority to be included in a public facilities analysis include, but are not limited to, road and street facilities, intersection and bridge capacities, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, culinary water pressure, fire and emergency services response times, sheriff's services, and other required public facilities and services. A land use authority may deny or modify a proposed development activity if the demand for public facilities and services exceeds available capacities or require an applicant for a land use application approval, license, or permit to provide the required facilities and services, at the capacities required, and concurrent with the demand created by the development activity, consistent with all applicable legal authorities.

17.31.29- Culinary Water, Sanitary Sewer and Fire Protection Requirements

3. All uses and primary buildings requiring culinary water and sanitary sewer services shall comply with the requirements of the culinary water authority and sanitary sewer authority, as applicable.
4. All uses and primary buildings shall comply with the requirements of the fire authority, as applicable.

17.31.30- Required Roads, Streets, Fire Protection and Other Facilities

The installation of necessary roads and streets, road and street widening and improvement(s), fire protection facilities, and other improvements and facilities required by the county's land use ordinances shall be required as a condition of any required land use application approval, permit, or license.

17.31.31- Guarantee of Installation of Improvements

A land use authority with responsibility to approve a required land use application, license or permit, shall guarantee the installation of any required facilities and services by one of the methods specified as follows:

4. The applicant(s) may furnish and file with the county clerk a bond with corporate surety in an amount equal to the cost of the improvements as approved by the Community Development Director and filed with the county clerk.
5. The applicant(s) may deposit in escrow with the County Clerk/Auditor or an escrow holder approved by the Community Development Director an amount of money equal to the cost of the improvements as approved by the Community Development Director and filed with the County Clerk/Auditor.
6. Other guarantee as approved by a Land Use Authority with responsibility to approve a required land use application.

17.31.32- Certificate of Occupancy Required

4. Unless exempted by the building code(s), as adopted, no building or structure shall be occupied, or used, until the building official has issued a certificate of occupancy.
5. It is unlawful to occupy or use a building or structure until a certificate of occupancy has been issued for such building or structure.
6. Failure to obtain a certificate of occupancy shall be a violation of this title and the building code(s), as adopted.

17.31.33- Business License Required; Continuing Obligations

All activities requiring a business license, as required by the business license requirements of the county, including all home occupations shall be operated in compliance with all requirements of the land use application, as approved, and all business license requirements.

17.31.34- Off Street Parking Requirements

All uses shall meet the required off street parking requirements identified by **chapter 19** of this title.

17.31.35- Construction Subject to Geologic, Flood or Other Natural Hazards

To protect the public health, welfare and safety from geologic, flood, or other natural hazards all land use applications for any approval, license, or permit shall comply with the requirements of the **sensitive lands overlay district (SL)**, as applicable, and as provided by **chapter 20** of this title.

17.31.36 Noxious Weeds

All property owners shall comply with the requirements of the "Utah noxious weeds act", Utah Code Annotated, 1953, as amended.

Area Requirements and Setbacks

	Single Family	Multi-Family							Accessory Buildings ⁶		
	Area Requirement	Area Requirement	Width Requirement ¹	Setback Major Collector/ State Hwy	Front Setback	Side Setback	Side Corner Setback	Rear Setback	Side Setback	Rear Setback	Max Height ²
A-1	16,000sqft	2-24,000sqft	100'	83' COR	35' BOC 56' COR	10'	30' BOC 51' COR	10'	3'	3'	35'
A-3	16,000sqft	2-24,000sqft	100'	83' COR	35' BOC 56' COR	10'	30' BOC 51' COR	10'	3'	3'	35'
A-4	16,000sqft	2-24,000sqft	100'	83' COR	35' BOC 56' COR	10'	30' BOC 51' COR	10'	3'	3'	35'
A-1D	5ac	5ac	150'	83' COR	35' BOC 56' COR	10'	30' COR	10'	3'	3'	35'
RA-1	16,000sqft Septic 12,000sqft Sewer	2-24,000sqft Septic 2-14,000sqft Sewer	90'	83' COR	35' BOC 56' COR	10'	30' COR 51' BOC	10'	3'	3'	35'
R-1	8,000sqft	2-12,000sqft	80' Detached 70' Attached	83' COR	30' BOC 51' COR	8'	25' BOC 46' COR	8'	3'	3'	35'
R-2	7,000sqft	2-12,000sqft 3-16,000sqft 4-18,000sqft	1-70' two or more – 120'	83' COR	30' BOC 51' COR	8'	20' BOC 40' COR	8'	3'	3'	35'
R-3	6,000sqft	6,000sqft plus 1,000sqft for each additional dwelling unit	1-60' Two or more – 100'	83' COR	30' BOC 51' COR	5'	15' BOC 35' COR	5'	3'	3'	35'
MH	8,000sqft	n/a	80'	83'	30' BOC 51' COR ⁴	5' but not closer than 12' to another	25' BOC 46' COR	10'	3'	3'	35'

	Single Family	Multi-Family							Accessory Buildings ⁶		
	Area Requirement	Area Requirement	Width Requirement ¹	Setback Major Collector/ State Hwy	Front Setback	Side Setback	Side Corner Setback	Rear Setback	Side Setback	Rear Setback	Max Height ²
						home					
C-1	n/a	n/a	n/a	n/a	n/a	0' ³	25' BOC 46' COR	0' ³	0' ³	0' ³	n/a
C-2	n/a	n/a	n/a	n/a	35' BOC 56' COR	0' ³	25' BOC 46' COR	0' ³	0' ³	0' ³	n/a
I-1	n/a	n/a	n/a	n/a	30' Road ROW	0' ^{3,5}	30' Road ROW	0' ^{3,5}	0' ^{3,5}	0' ^{3,5}	n/a
I-2	n/a	n/a	n/a	n/a	30' Road ROW	0' ^{3,5}	30' Road ROW	0' ^{3,5}	0' ^{3,5}	0' ^{3,5}	n/a
MG-1	5ac	n/a	150'	83' COR	35' BOC 56' COR	10'	30' COR 51' BOC	10'	3'	3'	35'
RFM	5ac	n/a	150'*	83' COR	30' Road ROW	10'	30' Road ROW*	10'	3'	3'	n/a
ASP	5ac	5ac	150'	83' COR	35' BOC 56' COR	10'	30' COR	10'	3'	3'	35'

COR – Center of Road

BOC – Back of Curb

Smaller area requirements are available in all zones when part of an approved Planned Unit Development.

1 – Lot width shall be measured at the front setback. Where sufficient property is reasonably available the required lot width shall be maintained throughout the lot.

2 – Height is measured from the finished building grade to the highest point of the roof surface. Any structure that is within the Vernal Airport Zone A, B or C must follow the Uintah County Airport Area Regulations, Chapter _____ of this title and the current Airport Layout Plan.

Exceptions to the maximum height requirements may be granted by Planning Commission. Planning Commission will take into account considerations such as safety, aesthetics, views, shadows, and other impacts to neighboring properties.

3 – When located adjacent to an existing dwelling, the minimum setback shall be ten (10) feet. Structures over thirty five (35) feet shall be setback an additional one (1) foot for each one (1) foot of height above thirty five (35) feet.

4 – Lesser setbacks may be approved as part of a Manufactured Home Subdivision or Manufactured Home Park.

5 – All buildings, structures, and industrial uses shall be set back at least thirty (30) feet from the right-of-way line of any public street, and from all other zone boundaries.

6 – Accessory buildings may apply the lesser setback shown only when the accessory building is located entirely behind the main building on the property.

Section _____

PERMITTED	CONDITIONAL	USE TABLE															
USE	A-1	A-3	A-4	RA-1	R-1	R-2	R-3	C-1	C-2	I-1	I-2	MG-1	RFM	A-1D	ASP	MH	
Accessory Structure/Building																	
Agriculture	5	5	5	5								5	5	5	5		
Airport, Private																	
Animal By-Product Plant											21	21					
Archery/Gun Range, Indoor																	
Archery/Gun Range, outdoor																	
Asphalt Mixing Plant		22	22							22	22	22					
Athletic Club/Gym																	
Auction Establishment																	
Automobile Dealership																	
Automobile Impound Facility																	
Automobile Repair (Auto Body Shop)																	
Automobile Repair Shop (Mechanical)																	
Automobile Service Station																	
Bank/Financial Institution																	
Bar																	
Barns Corrals, Pens, Coops, and Feed Storage				4													
Bed and Breakfast																	
Brewery																	
Building Materials/Lumber Yard (enclosed)																	
Bus Station (Passenger Transfer)																	
Campground																	
Carpenter/Cabinet Shop																	
Carwash																	
Christmas Tree Sales																	

Comment [RB8]: Define

PERMITTED	CONDITIONAL	USE TABLE															
USE	A-1	A-3	A-4	RA-1	R-1	R-2	R-3	C-1	C-2	I-1	I-2	MG-1	RFM	A-1D	ASP	MH	
Churches																	
Commercial Raceway																	
Commercial Repair of Farming Equipment		15	15									15					
Commercial Storage and distribution of liquefied Petroleum Products (Gas Station)																	
Construction Camps		19	19							19	19	19					
Convenience Store																	
Crematories	16	16	16	16								16	16	16	16		
Daycare (Commercial)																	
Daycare in Home	7	7	7	7	7	7	7	7	7			7	7	7	7	7	
Drive-it-Yourself Business (Moving Van Rentals)																	
Educational Facilities in Home	8	8	8	8	8	8	8	8	8			8	8	8	8	8	
Employee Housing		12	12									12	12				
Entertainment/Amusement																	
Government Buildings/Uses																	
Guest Homes																	
Heliport																	
Hide, Pelt Processing/Curing																	
Hog Farms		13	13									13	13				
Home Occupations/Business	6	6	6	6	6	6	6	6	6			6	6	6	6	6	
Hospitals/Clinics																	
Hotel/Motel																	
In Home Professional Services	9	9	9	9	9	9	9	9	9			9	9	9	9	9	
Kennels Commercial	14	14	14					14	14			14	14	14	14		
Kennels Private	14	14	14	14								14	14	14	14		
Landfills, Private											23	23					
Laundromat																	
Linen Supply Service																	

Comment [RB9]: Added to A-3 and A-4 from comment. Please consider.

Comment [RB10]: Consider a distance requirement. Comment from Jim to consider adding to agricultural zones

PERMITTED	CONDITIONAL	USE TABLE															
USE	A-1	A-3	A-4	RA-1	R-1	R-2	R-3	C-1	C-2	I-1	I-2	MG-1	RFM	A-1D	ASP	MH	
Liquor Store																	
Livestock Feed Yard																	
Manufactured Home Park																	
Manufactured Home Subdivision																	
Manufactured/Modular Home Sales																	
Manufacturing, Heavy																	
Manufacturing, Light		20	20									20					
Meat Processing Plants	20	20	20									20					
Mortuaries																	
Multi-Family Dwellings (2)																	
Multi-Family Dwellings (3)																	
Multi-Family (4)																	
Multi-Family Dwellings (30+ units)																	
Multi-Family Dwellings (5-29 units)																	
Museum																	
Natural Resource Extraction and Excavation		3	3							3	3	3	3		3, 24		
Nightclub																	
Nursery	27	27	27					27	27	27							
Off-Premise Signs																	
Oil Refinery																	
Outdoor Storage (Commercial)			20									20					
Parcel Delivery Service																	
Parking Garage																	
Pest Control, with Storage of Chemicals																	
Planned Unit Developments	18	18	18	18	18	18	18	18	18	18	18	18	18	18	18	18	
Power Plants																	
Produce Stands	10	10	10	10													
Produced Water Disposal Facilities,											26	26					

PERMITTED	CONDITIONAL	USE TABLE															
USE	A-1	A-3	A-4	RA-1	R-1	R-2	R-3	C-1	C-2	I-1	I-2	MG-1	RFM	A-1D	ASP	MH	
Land Farms, and Evaporation Ponds																	
Professional Office			20									20					
Public Parking Lots																	
Public Utility Substations	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	
Radio Stations																	
Reception Centers																	
Recreation																	
Recreation Camp																	
Recreational Vehicle Storage																	
Recycle Center																	
Rest Homes																	
Retail								27	27	27	27						
Sawmill		20	20														
Schools																	
Sewage Treatment Facilities																	
Sexually Oriented Business (SOB)																	
Signage (we have several types of signs that are listed for different areas. Needs to be worked on)																	
Single-Family Dwellings																	
Ski Resort																	
Small Engine Repair																	
Social Clubs/Lodges																	
Sports Arena																	
Storage Units	28	28	28	28	28	28	28	28	28			28				28	
Storage/Parking of Commercial Vehicles	1, 25	1, 25	1, 25	1, 25				2	2			1, 25	1, 25	1, 25	1, 25		
Taxicab Office																	
Taxidermist/Seasonal Packing of Game																	
Temporary Uses and Structures	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	

Comment [RB11]: Consider Jim's comment to add sawmill to agricultural zones.

PERMITTED	CONDITIONAL	USE TABLE															
USE	A-1	A-3	A-4	RA-1	R-1	R-2	R-3	C-1	C-2	I-1	I-2	MG-1	RFM	A-1D	ASP	MH	
Tobacco Shop																	
Towers, Wind Turbines, and Other Structures	17	17	17	17	17	17	17	17	17	17	17	17	17	17	17	17	
Travel Trailer Court																	
Truck Stop																	
Urban Livestock	11	11	11	11	11	11	11	11	11							11	
Veterinary Hospitals																	
Warehouse Storage			20									20					
Water Reservoirs																	
Water Wells and other similar boring activities																	
Wholesaler Business																	
Wrecking/Salvage Yard										23	23						

Other uses not shown in the table, but ruled by the Planning Commission to be similar to uses mentioned above may be approved in the same manner and in the same zones as the similar use is permitted or conditional.

The following uses from the Use Table include, but are not limited to, the additional specific uses indicated below.

Agriculture:

Ag Structures, Animals, Wholesale Nursery (Grower)

Asphalt Mixing Plant:

Cement Batch Plant

Bar:

Beer Parlor, Brewpub

Entertainment/Amusement:

Amusement Enterprises, Bowling Alley, Roller Skating Rink, Theater (indoor), Theater (Outdoor)

Livestock Feed Yard:

Dairies

Manufacturing, Light:

Air Conditioning Repair, Food Products (Wholesale, Manufacturing), Printing/Lithographing, Bookbinding, Bottling/Distribution Plants, Breweries, Carpet, Rug and Floor Cleaning, Data Processing Service, Electrical/HVAC Repair, Frozen Food Lockers (Wholesale, Distribution), Furniture Repair, Knitting Mill, Upholstery Shop
Gun Manufacturing, Household Appliance Repair, Ice Cream Manufacture/Storage, Industrial Manufacturing, Machine Shop, Millinery, Monument Works, Stone Cutting/Carving, Ornamental Iron Manufacture/Repair, Sign Manufacturer, Tool Design, Repair and Manufacture, Welding Shop

Manufacturing, Heavy:

Manufacturing and Storage of Explosives, Manufacture of Explosives/Chemicals, Ore Smelting, Ore Refining

Meat Processing Plant:

Seasonal Packing of Game

Natural Resource Extraction and Excavation:

Forest Product Industries, Oil and Gas Wells, Mining and Processing of Minerals, Gravel and Rock Quarries, Rock Crushers, Coal Yard, Storage and Processing of Natural Resources, Oil Shale Retort,

Natural Resource By Products Storage and Shipping Facilities, Processing of Natural Resources, Open Pit/Underground Mines

Professional Office:

Dental Office, Detective Agency, Employment Agency, Insurance Agency, Interior Decorating, Laboratory, Dental/Medical, Legal Office, Office, Optometrist Office, Photo Studio, Physician/Surgeon Office, Real Estate Agency, Travel Agency

Public Utility Substation:

Power Substation, Public Water Treatment, Public Water Pump House, Phone and Internet Equipment, other similar facilities

Reception Centers:

Wedding Chapels

Recreation:

Parks, Golf Courses

Retail:

Altering, Pressing, Repairing Wearing Apparel, Antique/Souvenir Shop, Archery/Gun Shop, Art Supply Store, Sporting Goods Store, Automobile Parts/supply Retail, Bakery (Retail), Barbershop, Massage Establishment, Bicycle Sales/Service, Book Store, Building Material Sales, Café/Cafeteria, Confectionary Store, Catering Establishment, Clothing Store, Deli, Department Store, Electrical/HVAC Sales, Electronics Sales and Service, Fabric, Linen, Textile Sales, Florist Shop, Furniture Sales, Garden Supplies Store, Gift Store, Grocery Store, Hardware Store, Hobby/Craft Store, Hospital Supply Store, Household Appliance Sales, Ice Cream Parlor, Jewelry Store, Glass Sales/Service, Drycleaner, Luggage Store, Meat/Seafood Store, Music Store, Notions Store, Office Supply Store, Office Machines Sales/Service, Pawnshop, Pet/Pet Supply Store, Pharmacy, Restaurant, Secondhand Store, Sewing Machine Sales/Service, Shoe Repair/Shine Shop, Shoe Store, Super Market, Tailor Shop, Toy Store, Beauty Salon, Pet Grooming, Convenience Store

Schools:

Public, Charter, Private, Beauty/Culture School, Trade School

Storage/Parking of Commercial Vehicles:

Bus Yard, Commercial Vehicle Parking (Up to 4), Commercial Vehicle Parking (More Than 4), Commercial Vehicle Parking in Non-Commercial and Non-Industrial Zones

Towers:

Commercial Transmitter Facilities, Communication Towers, Wind Turbines, Incidental Equipment Building

Vehicle/Automobile, New or Used, Sales, Service and Rentals:

Farm Implement Sales, Boat Sales/Service, Motorcycle Sales/Service, Trailer Sales/Service

1 - Storage of commercial vehicles and trailers in non-commercial and non-industrial zones.

The storage and/or parking of commercial vehicles and/or trailers may be allowed by conditional use. After seven days mailed notice to property owners within one thousand (1,000) feet of the boundaries of the subject property, the Community Development Director or designee, at his or her discretion, may issue a conditional use permit administratively for the storage or parking of a commercial vehicle and/or equipment in the listed zones under the following conditions:

- A. The applicant only proposes to store one commercial vehicle and one commercial trailer (or two commercial vehicles and two trailers in the A-4, RFM and MG-1 zones).
- B. Commercial vehicles and/or commercial trailers utilized in construction and/or demolition shall be allowed so long as the building permit issued in conjunction with the construction and/or demolition is in force.
- C. Under no circumstances shall a conditional use permit be authorized that allows the continuous parking and/or storage of commercial vehicles and/or commercial trailers in the public right-of-way.
- D. All commercial vehicles and/or commercial trailers shall be kept out of the public right of way or easement.
- E. The storage of commercial vehicles and trailers in non-commercial and non-industrial zones shall not be permitted within recorded subdivisions (townsites exempted) where the average lot size is less than three (3) acres.
- F. The storage of commercial vehicles and trailers in non-commercial and non-industrial zones shall not be permitted where access to the property utilizes a road(s) within a recorded subdivision, unless the requirements of item E. are met.

Conditions may be placed on the permit, or the permit may be denied, if the ingress/egress for the commercial vehicle or trailer is deemed inadequate or unsafe. Conditions may be placed on the permit, or the permit may be denied, if the materials hauled by the commercial vehicle or trailer are considered flammable, hazardous, toxic, or unsafe to be parked or stored in a residential area.

The Community Development Director, or designee, reserves the right to refer any conditional use permit for the parking of a commercial vehicle or trailer to the county commission for a decision. In the case of denial of any application by the Community Development Director, or designee, the application shall be forwarded to the board of county commissioners for final decision. For appeals refer to Uintah County Code Section 17.12.200.

Comment [RB12]: Verify terminology

2 - Storage of up to four (4) commercial vehicles and trailers in commercial zones.

The storage or parking of up to four (4) commercial vehicles and trailers in conjunction with an allowed use may be approved by Conditional Use Permit.

3 - Natural resource extraction and excavation.

- A. A conditional use permit for natural resource extraction and excavation activities not within the Ashley Springs Protection Zone may be approved administratively by the Community Development Director or designee. The following are the general requirements for considering the use of land in the county for natural resource extraction and excavation. Additional regulations for natural resource extractions and excavation within the Ashley Springs Protection Zone can be found _____.
- 1. Approval from the designated land use authority shall be obtained prior to beginning any operations.

3. Development shall adhere to Uintah County Codes and Utah State regulations.
 4. Any fill to be used on the site will be clean fill, as defined in Chapter 17.08 of this title.
 5. All operations, access roads, and equipment shall be buffered, screened, or separated by distance from public buildings or dwellings to mitigate negative impacts.
- B. All applications for a natural resource extraction and excavation conditional use permit shall be accompanied by the following materials:
1. A completed application form.
 2. Evidence of ownership or control over the land and a legal description of the property where the extraction operation will be located.
 3. A site plan.
 4. An excavation operations plan.
 5. A written statement detailing how the proposed use complies with this Title.
 6. A reclamation plan as needed based on the location of the site.
 7. A dust control plan as needed based on the location of the site.
- C. In addition to the requirements outlined in subsections (B)(1)—(B)(7) of this section, an application for a gravel, sand, clay or topsoil pit or similar excavation must address and satisfy the following requirements:
1. All pits shall be reclaimed so as not to be hazardous or unsightly at the termination of operation or use.
 2. If an access road is located within one thousand (1,000) feet of any dwelling, the road must be maintained.
 3. Before a permit for a gravel, sand, clay or topsoil pit or similar excavation shall be issued, a cash bond, to be held by the County, must be furnished in the amount of five thousand dollars (\$5,000.00) as a guarantee that the reclamation will be done. Upon the completion of the reclamation, as approved by the land use authority, the bond shall be released to the permit holder. In the event the reclamation has not been completed within one year from the date of termination of operation or use of the pit, the board of county commissioners may declare the bond forfeited and may do the required reclamation with proceeds from said bonds or provide the money to the property owner are affected property owners for reclamation. It shall be deemed to be a violation of this title for any person, firm or corporation to fail to recondition a pit within one year from the date of the cessation of operations of the pit.
- D. A conditional use permit for an oil or gas well may be approved administratively by the Community Development Director or designee. The following conditions must be met for approval to be granted:
1. All gas and oil wells must meet the requirements outlined in subsections (B)(1)—(B)(7) of this section.
 2. Gas and oil wells shall not be located closer than one thousand (1,000) feet to any dwelling unit, unless written permission is given by the owner of such dwelling unit.
 3. The impact to existing irrigation systems by gas and oil wells shall be mitigated to the extent possible so as not to have a negative effect on the systems.
 4. The use of electric engines is encouraged by the county, however, in the event that an electric engine cannot be used the applicant must demonstrate how engine noise will be controlled so as not to have a harmful effect on neighboring property owners.

5. Location of any facilities for liquids, chemicals, explosives, flammable, hazardous or toxic materials shall be in compliance with all applicable federal and state laws, building codes, and fire codes.
- E. Natural resource extraction and excavation, in accordance with Chapter 17.76 of this title and this section, shall include, but not be limited to:
1. Gravel, sand and rock quarries (including rock crushers);
 2. Gas and oil wells (see subsection (D) of this section);
 3. Oil shale, tar sands, and other resources;
 4. The storage and processing of forestry products and other like resources;
 5. Gilsonite; and
 6. Coal and other minerals.
- F. This section applies to all lands within Uintah County whether privately owned or owned or managed by governmental agencies, except as outlined in subsection (G) of this section.
- G. Exemption. Any gas or oil wells that are on land that is owned or managed by a governmental agency will not require a conditional use permit.

4 - Barns, corrals, pens, coops, and feed storage buildings

Barns, corrals, pens, coops, and feed storage buildings for the keeping of animals and fowl, provided such structures for the care and keeping of livestock and fowl are located at least one hundred (100) feet in distance from any adjoining existing dwelling, public, or semipublic building on an adjoining parcel of land. This requirement shall not apply to Urban Livestock.

Comment [RB13]:

Comment [RB14]: Comment from Jim – Consider a different distance.

5 - The raising and grazing of animals and fowl, including the supplementary or full feeding of such animals and fowl, as follows:

- A. Not more than two animal units (as set forth in Chapter 17.08, definitions, of this Title) per one-half acre are permitted;
- B. No animal rights exist on parcels that contain less than one-half acre, except for urban livestock (as set forth in Section 17.116.280, urban livestock, of this title); and
- C. All animals and facilities for their care and keeping shall be subject to the rules and regulations of the State of Utah Department of Environmental Quality and the Department of Agriculture and Food;

6 - Home businesses/home occupations.

- A. "Home business/home occupations" are defined in Chapter 17.08 of this title. The purpose of the home business chapter is to allow the use of a portion of a home by one of its residents for business purposes, while establishing standards to ensure that the business use of the home will not adversely impact the residential character of the neighborhood in which the home business is located.
- B. "Home business/home occupation" shall not include the following business activities taking place at the home:
1. Motor vehicle, trailer or boat repair;
 2. Junkyards;
 3. Mortuaries or crematoriums;

4. Sexually oriented businesses;
5. Auto body and/or fender work;
6. Towing operations;
7. Vehicle sales or rentals;
8. Welding, iron works, foundries;
9. Major appliance repair (washers, dryers, refrigerators, etc.).

C.

- D. Any use involving the storage or sale of flammable, explosive, toxic, or hazardous materials must receive approval from the Uintah Fire Suppression Special Service District and Tri-county Health Department. No more than one hundred (100) pounds or twenty (20) gallons of any such material may be stored at the residential property.

Comment [MC15]: Review with FD and HD

E. The following activities are exempted from regulation under this chapter:

1. Garage or yard sales; provided the sale is held for not more than three consecutive days, and no more than two times per year at the same location, and no consignment goods are offered for sale;
2. Temporary social gathering sales that do not exceed one day, such as candle parties, book parties, etc. not to exceed four occurrences per year at the same location.
3. Any business that is operated only occasionally and by an individual who is under 18 years of age.

F. The following standards shall apply to home businesses/home occupations:

1. The primary use of the dwelling must be residential;
2. The person operating the business must reside in the dwelling on a full-time basis (at least nine months per year);
3. Only the business operator and his or her immediate family members who reside in the home and one additional nonresident employee shall be employed or do any work at the home, whether compensated or not, in conjunction with the business;
4. Customers shall be allowed at the residence only if scheduled on an appointment basis, and are only allowed between the hours of seven a.m. and nine p.m. Group appointments or sessions shall not exceed ten people at a time, and shall not exceed two per day;
5. No exterior remodeling shall take place that would change the residential appearance of the home;
6. Interior structural alterations made to the home are allowed only if they are consistent with its primary use as a dwelling;
7. All business activities must take place within the dwelling or in an outbuilding on the property. The business shall not occupy more than twenty-five (25) percent or more than five hundred (500) square feet (whichever is less) of the floor area of the home;
8. The storage or display of supplies, inventory, equipment or materials in any portion of the front yard is prohibited. Any storage must be approved by the land use authority and must be surrounded by a minimum six-foot high privacy fence;
9. Only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses are allowed to be used as part of the home business;

10. Home businesses must be conducted in such a manner as not to emit or create excessive odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations or interference with radio and/or television reception;
11. In addition to the parking spaces required for the residents of the dwelling, parking for customers and for an employee must be provided in the driveway or garage. No on street parking will be allowed;
12. Only a four-square-foot, non-illuminated sign is allowed.
13. Except as provided in **Section 17.116.090** of this chapter, no commercial vehicle or trailer is allowed to be brought to, parked on, or stored on the property in conjunction with a home business;
14. If the applicant for a home business is not the property owner, the applicant must obtain written authorization of the property owner or manager to apply;
15. The property address (house number) must be clearly posted on the home using letters at least four inches in height in a contrasting color to the building;

7 - Daycare facilities in noncommercial zones.

General Requirements.

- A. Daycare facilities located within a detached single-family dwelling or outbuilding may be allowed as a conditional use.
- B. Before approval of an application for a daycare facility by the land use authority, the following requirements must be met:
 1. All outdoor play areas must be enclosed by a fence as required by Utah State Child Care Rules;
 2. No more than eight children with one adult or sixteen (16) children with two adults as determined by Utah State License (including children under the age of eight who are members of the family housed at the facility permanently);
 3. Minimum size requirements are based on the following formula:
 - a. Outside. Minimum of forty (40) square feet of free space per child;
 - b. Inside. The inside area requirements must comply with the currently adopted fire code;
 4. The play areas shall not be located within the defined front or side yard setback requirement space;
 5. A site plan showing the dedicated play area and house layout will be required.
- C. Daycare facilities shall have one parking space for each employee, plus two loading, unloading spaces for every ten people, or portion thereof approved. For the purpose of this section, the homeowner shall be considered as an employee. No on street parking or loading will be allowed.
- D. Only one employee other than the owner shall be allowed.
- E. Background checks will be required as per state guidelines when new employees are hired and yearly on everyone over the age of twelve (12) years old living or working in the house. This may be a copy of the required Utah State background checks.
- F. Any facility subject to state licensing shall obtain such license(s) prior to the commencement of operation of the facility.

8 - Educational facilities and Preschools in noncommercial zones.

- A. Educational facilities including Preschools located within a detached single-family dwelling or accessory building.
- B. Before approval of an application for an educational facility by the land use authority, the following requirements must be met:
 - 1. All outdoor play areas must be enclosed by a fence of at least six feet in height;
 - 2. No more than ten children to each adult not to exceed twenty (20) children (including children under the age of eight who are members of the family housed at the facility);
 - 3. Minimum size requirements are based on the following formula:
 - a. Outside. Minimum of forty (40) square feet of free space per child;
 - b. Inside. Minimum of thirty (30) square feet of free space per child.
 - 4. The play areas shall not be located within the defined front or side yard setback requirement space;
 - 5. A site plan shall be required, showing the dedicated play area and house layout.
- C. Educational facilities shall have one parking space for each employee, plus three loading/unloading spaces for every ten people, or portion thereof approved. For the purpose of this section, the homeowner shall be considered as an employee. No on street parking or loading will be allowed.
- D. Only one employee other than the owner shall be allowed.
- E. Background checks will be done (as required by the state for daycares), including:
 - 1. When new employees are hired; and
 - 2. Annually on everyone over the age of twelve (12) years old living or working in the house. These may be copies of the required Utah State background checks.
- F. Preschools and any other facility subject to state licensing shall obtain such license(s) prior to the commencement of operation of the facility.
- G. When an accessory building, or more than 25% of the home, is used for educational facilities or preschools, the building may be subject to current commercial building regulations.

9 – In Home Professional Services

- A. Beauty salons, nail salons, dog groomers, massage therapists, and any similar use located within a detached single-family dwelling or outbuilding may be allowed as conditional uses.
- B. Before approval of any application by the land use authority, the following requirements shall be met:
 - 1. A separate entrance from the outside reserved for the use of customers must be provided; and the entire salon area must be separated from the living areas of the house;
 - 2. No fewer than two parking spaces shall be provided and reserved for customer use during business hours. No on street parking will be allowed;

3. All applicable state and county licenses must be obtained prior to commencement of the operation;
4. The requirements of **Section xx-xx** for Home Businesses/Home Occupations must be met.

10 - Produce stands.

- A. This section is to allow property owners to sell fresh produce from their property as long as the conditions and requirements of this section are met.
- B. An application for a produce stand must be submitted to the Community Development Department for review and approval prior to construction or operation.
- C. The following general standards shall apply to all produce stands regulated by this section:
 1. One produce stand per parcel is allowed, subject to approval as set forth in this section.
 2. The produce stand and parking shall meet the same setbacks as a main building in the respective zone. The front yard or setback area shall be kept clear to provide unobstructed visibility for motorists. There shall be safe ingress and egress from the site as determined by the Land Use Authority.
 3. Produce stands may also be subject to the laws and regulations administered by state or federal agencies.
 4. Driveway locations shall be approved by the appropriate jurisdiction. Access controls and driveway approaches may be required to insure safety.
 5. Tents, canvas/plastic covers, and other similar structures may be used for a produce stand, if they are not located on the property for more than one hundred eighty (180) days per year. The type and construction of the produce stand shall be approved by the Land Use Authority.
 6. A minimum of two parking spaces shall be required. Parking configuration shall be approved by the Land Use Authority.
 7. Produce stands not used for a period of two consecutive years shall be removed from the premises at the landowner's expense or used in accordance with the regulations for the zone in which it is located.
 8. The property on which a produce stand is located must be kept clear of pallets, boxes and other like materials that are not being used.
 9. Up to twenty (20) percent of the display area may be used for sales of items such as snack foods, craft items and promotional non-food items that advance the sale of agricultural products or educate the public about the agricultural industry, or pre-packaged, processed, non-potentially hazardous foods such as dried fruit, roasted and salted nuts, jams and jellies, and fruit pies. All processed foods are subject to any applicable retail food law and must be obtained from approved sources.
 10. Produce stands are not allowed within recorded subdivisions where the average lot size is less than three (3) acres.

11 - Urban livestock.

- A. A minimum parcel size of eight thousand (8,000) square feet shall be required in order to keep urban livestock.
- B. The maximum number of animals that may be kept per parcel shall be as follows:
 - 1. Rabbits: six.
 - 2. Ducks: six.
 - 3. Hen chickens: six.
 - 4. Goats: three.
 - 5. Bees: one hive with no more than one swarm per hive.
 - 6. Other similar animals as approved by the community development director.
- C. Additional requirements.
 - 1. Goats must be miniature, dwarf, or pygmy. Goats must also be dehorned and male goats must be neutered.
 - 2. All beehives must be set back a minimum of twenty-five (25) feet from any property line.
 - 3. Rooster chickens shall not be allowed.
 - 4. Should a beehive become populated with Africanized honeybees, it must be destroyed.
 - 5. Except for bees, all urban livestock shall be kept in a fashion so as to be contained and to prevent them from exiting the property at any time.
 - 6. Except for bees, a combination of no more than six total animals may be kept.
- D. Nuisance.
 - 1. In no case shall this section permit a nuisance, as defined in Uintah County Code, to be created or to exist.
 - 2. Urban livestock shall not be permitted to cause excessive odors, noises, or otherwise threaten the health, safety, and welfare of the surrounding community.

12 – Employee housing.

Employee housing shall comply with the following standards:

- A. Employee housing shall be accessory to the primary use.
- B. Use and occupancy of such housing shall be restricted to persons (and their immediate families) who primarily earn their livelihood from employment on site.
- C. All employee housing must have a building permit. Documentation showing the number of employees must be provided when application for the building permit is made.
- D. A covenant running for fee simple guaranteeing that the employee housing shall be used only for the housing of employees and their immediate families and not rented, leased, sold, or taxed

separately from the rental, lease or sale of the main residential structure shall be recorded with the county recorder.

- E. When all private and/or access roads have been approved by the land use authority and all subdividing is done strictly in accordance with county zoning and subdivision codes, and approval is recorded with the county recorder's office, the covenant running for fee simple may be removed from the property.
- F. The property must be at least five acres in size.
- G. New employee housing must meet the same setbacks as the main structure.

13 – Hog Farms.

- A. Not more than eight hogs and their suckling offspring up to sixteen (16) weeks of age, for each one acre of farmland.
- B. No hogs shall be kept, fed, or allowed to wander within three hundred (300) feet of any dwelling on neighboring property.

14 – Kennels.

- A. Comply with Title 6, Animals.
- B. Home based kennels shall have no more than eight dogs over the age of four months.
- C. All dogs in private kennels shall be owned by and licensed to the property owner.
- D. Dogs shall be kept one hundred (100) feet from all property boundaries.
- E. Dogs shall not be permitted to cause excessive odors, noises, or otherwise threaten the health, safety, and welfare of the surrounding community.

Comment [RB16]: Compare with other kennel ordinances.

15 – Commercial Repair of Agricultural Equipment.

- A. Total number of employees, not including the owner, not to exceed two.
- B. Total repair area not to exceed two thousand (2,000) square feet.
- C. Any equipment not owned by the property owner must be stored behind a sight obscuring fence.
- D. Commercial building codes will apply.

16 – Pet Crematories.

- A. Pet crematories as follows:
 - 1. May not be located in a recorded subdivision;
 - 3. Property shall be one-half acre in size or larger;
 - 4. Crematory shall be located at least two hundred (200) feet from any residence;
 - 5. Crematory cannot be located in front of the home;

6. Crematory facilities shall be odorless, have a zero emission chamber and meet the currently adopted building code as amended;
7. Facilities shall meet all setback requirements;
8. Crematory may only service small animals weighing less than two hundred fifty (250) pounds.

17 – Towers.

- A. Towers, Wind Turbines, and other structures that exceed the thirty five (35) feet shall be an administrative conditional use permit and shall be approved by the Community Development Director or designee. Conditions may be placed on the permit relating to height, location, safety, aesthetics and security. The Community Development Director may refer any application to the Board of County Commissioners for a decision.

18 – Planned Unit Developments.

- A. In accordance with Title 16 - Subdivisions

19 – Construction Camps.

- A. The land use authority may approve or deny or place conditions on the request for a construction camp depending upon the compatibility with surrounding land uses and compliance with this title. Conditions may relate to
- B. Where a travel-trailer court or mobilehome park is to be used in conjunction with a construction camp which is located more than twenty (20) road miles from the urbanized areas of Ballard, Jensen or Vernal, the mobilehome park and travel-trailer court regulations (Chapter 17.108) may be waived and the site plan and accompanying documents approved in accordance with this chapter shall constitute the requirements for the construction camp.
- C. A site plan with supporting documents must be submitted for review and approval to the land use authority. The plan shall be drawn to scale, and shall provide the following information:
 1. Dimensions, orientation and vicinity of the parcel;
 2. Location, size, number, construction and types of proposed housing;
 3. Traffic access to camp and parking;
 4. Location and types of recreational facilities;
 5. Approved culinary water system and sewage and solid waste disposal;
 6. Storm water runoff, and method for control of storm water;
 7. Location of fire protection and medical facilities;
 8. Such other data, as may be required.
- D. In addition to the site plan, the applicant must also provide information showing how and when the required services and facilities will be provided. All services and facilities will be provided at applicant's expense. Letters of approval for the culinary water and sewage facilities from the state of Utah Department of Environmental Quality and/or the local health department shall be required.

- E. A construction camp permit will be approved for no more than two years. An applicant may request a renewal of the CUP at the end of each two-year period. The following services and facilities must be provided in a construction camp:
 - 1. Culinary water and sewage and solid waste disposal facilities approved by the state of Utah Department of Environmental Quality and/or the local health department;
 - 2. Adequate access to the site and parking;
 - 3. Maintenance of the site;
 - 4. Emergency medical and fire facilities and security services;
 - 5. Not less than one hundred (100) square feet of living quarters per individual;
 - 6. Common dining areas and indoor recreation areas shall not be included in determining the square feet per individual;
 - 7. Electrical services;
 - 8. Recreational facilities.
- F. Applicant shall provide a written plan and agreement together with a bond, or other financial guarantee, setting forth how the construction camp will be dismantled, and the area restored to an unoccupied condition.
- G. In the event the applicant fails to provide the services and facilities required, the construction camp may be closed and ordered to vacate. These remedies are in addition to the remedies provided in this title for failure to comply with the zoning requirements.

20 – Warehouse Storage, Meat Processing Plant, Professional Office, Light Manufacturing, Outdoor Storage, and Sawmills in accordance with the following requirements.

- A. Follow Chapter 17.128 Commercial Industrial, and Apartment Building Design Regulations for all buildings.
- B. Uses listed in this subsection (20) shall not be located closer than one thousand (1,000) feet to any dwelling unit, unless written approval is obtained from the property owner.
- C. Maximum area to be used by any use or combination of uses listed in this subsection (20), is five acres. Outdoor storage shall not exceed one (1) acre.
- D. Not permitted within two thousand six hundred forty (2,640) feet of another use listed in this subsection (20), unless the use is on the same parcel.
- E. Noise, odor, and light shall be controlled to mitigate any nuisance. A noise, odor, and light mitigation plan shall be approved by the land use authority.

21 – Animal Byproducts Plant.

- A. When located at least one mile from any dwelling, except for the owner's dwelling and in accordance with regulations as set forth by the State of Utah Department of Environmental Quality and the local health department.

22 – Asphalt Mixing Plant.

- A. Must be located at least two thousand (2,000) feet from any public building or dwelling.

23 – Private Landfills and Salvage/Wrecking Yards.

- A. Surrounded by a sight obscuring fence.
- B. No storage of toxic or hazardous materials.

24 – Subject to Chapter 17.66, and in accordance with Section 17.116.210, natural resource extraction, including:

- A. Oil and Gas wells;
- B. Excavation and/or mining;
- C. Exploratory Activities;
- D. Exploratory blasting; and
- E. Exploratory seismic operations.

25 – Administrative Approval.

- A. Conditional Use Permits for Oil and Gas Wells, and the Parking of Commercial Vehicles and Trailers in the indicated zones shall be approved administratively through the Community Development Department.
- B. A conditional use permit may be approved administratively by the Community Development Director or designee. Such administrative decision may be made after seven days mailed notice to property owners within one thousand (1,000) feet of the boundaries of the subject property. The Community Development Director, or designee, reserves the right to refer any conditional use permit to the County Commission for a decision. In the case of denial of any application by the Community Development Director, or designee, the application shall be forwarded to the board of county commissioners for final decision. For appeals refer to Uintah County Code Section 17.12.200.

26 – Produced Water Disposal Facilities, Land Farms, and Evaporation Ponds

- A. Approval process.

Produced water disposal facilities and evaporation ponds (hereafter referred to as disposal facilities) may be approved by conditional use permit (CUP) pursuant to Section [17.76.020] conditional use permits. Approval of such facilities shall in all cases be subject to the annual review requirements of Section 17.76.090.

All facilities must comply with State of Utah Division of Oil, Gas and Mining (DOGM) General Rules. Final DOGM approval must be filed with Uintah County Community Development

Department prior to commencement of operations. An operations certificate shall be issued by the county prior to receiving any production water.

B. Locations.

Must be located a minimum of two miles from any state or federal highway (as determined by the Uintah County Transportation System Map), city, town, or residence (as determined by the Uintah County tax rolls). Exceptions to this rule must be approved by the county commission.

C. Operations.

If related operations are to occur on the same parcel a site plan must be approved. This can be done all at one time but, if additional operations are added after the site plan is approved an additional site plan would need to be applied for and approved.

Produced water disposal ponds shall be limited by number, on each conditional use permit to the number of ponds requested and approved on the CUP application. Sites cannot be enlarged or modifications done that are not part of the original site plan until the issue is re-presented to the land use authority for a new conditional use permit and the enlargement or modification is approved.

Signs providing emergency contact information shall be provided at the receiving areas and adjacent to ponds.

Odors shall be controlled in a manner to prevent nuisances.

Site inspections shall be allowed by any authorized government agency without prior notice. Company safety requirements and procedures, including a person to contact, shall be provided and on file with the county.

D. Operational status.

Uintah County shall be notified prior to any change of ownership/operator status at the facility and/or of any permit revisions or equipment upgrade/process change integral to the operation of the facility. If the disposal facility is sold to a different owner, the new owner assumes all the requirements of the conditional use permit.

E. Reclamation.

Reclamation shall be to DOGM standards.

F. Bonding.

A copy of the reclamation bond for DOGM shall be provided to Uintah County Community Development Office prior to receiving any production water.

27 – Retail (Outdoor Sales)

- A. Limited outdoor display of retail items may be permitted in conjunction with a retail business or nursery when approved on the site plan.

28 – Storage Units

- A. All parking, access, and alleyways shall be concrete or asphalt.
- B. A screening plan is required and shall include a six (6) site obscuring screen that may be a wall, fencing or landscaping along all road frontage and along property boundaries adjacent to dwellings as approved by the land use authority. Chain link fencing in any form shall not be approved as a site obscuring screen.

29 – Public Utility Substation

- A. Exempt from lot size, setbacks, and frontage requirements

30 – Temporary Uses and Structures

Temporary uses and structures shall be permitted in accordance with this section when located on private property. Such uses and structures located on public properties are exempted.

Temporary structures are structures that will be in place for no more than one hundred eighty (180) days or comply with item D below.

Temporary uses include carnivals, circuses, Christmas tree sales, fireworks sales, corn mazes, haunted houses, outdoor concerts, and other similar uses or activities. Temporary uses shall not exceed sixty (60) days within a calendar year for the use operator and for each parcel involved, counting the days from season opening to closing, including the days in between when the business may be closed. Exceptions for certain uses are outlined below.

The following regulations govern the operation of temporary uses and structures:

- A. Application for a temporary use permit shall be made to the Community Development Director and shall contain, at a minimum, the following information:
 - 1. A description of the property to be used and a site plan including all information necessary to accurately portray the property and proposed use.
 - 2. A description of the proposed use.
 - 3. Sufficient information to determine the yard requirements, sanitary facilities and availability of parking.
- B. Temporary uses shall obtain a temporary business license and approval from the Fire District, Sheriff's Office, Health Department, and Community Development Department.
- C. Temporary uses shall not create a nuisance. Impacts from noise, dust, lights, and odors shall be mitigated. Excessive nuisance shall be cause for revocation or denial of temporary use permits. The Community Development Director or designee shall place conditions on the permit, or deny the permit, to prevent or mitigate nuisances and negative impacts. Parking shall be provided on the property. On-street parking shall not be allowed.
- D. Contractor's offices, equipment sheds, temporary buildings, and storage yards incidental to a permitted construction project may be approved. Sleeping accommodations shall not be allowed. The permit shall be valid for not more than one year, but is renewable for one

additional year. All temporary buildings, offices, sheds, and materials shall be removed upon completion of the project.

- E. A temporary real estate office may be approved in a subdivision which has been approved in accordance with the subdivision ordinance and shall make sales and do business only in conjunction with the subdivision wherein the office lies. The permit shall be valid for not more than one year, but is renewable. A model home may be used as a temporary sales office. The office shall be removed upon completion of the development of the subdivision.
- F. Food Trucks may operate on a particular property for up to thirty (30) days in a calendar year. If the truck is located on a property for more than thirty (30) days it must be permitted as a permanent business. A temporary use permit is not required for a food truck alone. Food trucks based from Uintah County must obtain a permanent Uintah County business license.

31 – Mobile Home Parks

- A. All parking, access, and alleyways shall be concrete or asphalt.
- B. A screening plan is required and shall include a six (6) site obscuring screen that may be a wall, fencing or landscaping along all road frontage and along property boundaries adjacent to dwellings as approved by the land use authority. Chain link fencing in any form shall not be approved as a site obscuring screen.

28 – Mobile Home Subdivisions

- A. All parking, access, and alleyways shall be concrete or asphalt.
- B. A screening plan is required and shall include a six (6) site obscuring screen that may be a wall, fencing or landscaping along all road frontage and along property boundaries adjacent to dwellings as approved by the land use authority. Chain link fencing in any form shall not be approved as a site obscuring screen.

28 – Travel Trailer Courts

- A. All parking, access, and alleyways shall be concrete or asphalt.
- B. A screening plan is required and shall include a six (6) site obscuring screen that may be a wall, fencing or landscaping along all road frontage and along property boundaries adjacent to dwellings as approved by the land use authority. Chain link fencing in any form shall not be approved as a site obscuring screen.