

**Sanpete County  
Land Use Ordinance**

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**Title 14**  
**ZONING**  
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# PREFACE

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

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

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

## Chapter 14.04

### GENERAL PROVISIONS

#### Sections:

- 14.04.010 Title.
- 14.04.020 Purpose.
- 14.04.030 Declaration.
- 14.04.040 Interpretation and intent.
- 14.04.050 Conflict.
- 14.04.060 Severability.

#### 14.04.010 Title.

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

#### 14.04.020 Purpose.

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

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

- H) To stabilize and improve property values;
- I) To promote beauty along the highways and in the landscape; and
- J) To protect both urban and non-urban development.

**14.04.030 Declaration.**

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

**14.04.040 Interpretation and intent.**

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

**14.04.050 Conflict.**

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

**14.04.060 Severability.**

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

## Chapter 14.08

### ADMINISTRATION

#### Sections:

- 14.08.010 Amendments.**
- 14.08.020 Notice to nearby entities of pre-development activity.**
- 14.08.030 Public hearings required before amending - Notice.**
- 14.08.040 Permits, Licences - County Official Compliance.**
- 14.08.050 Permits, Licences - Citizens Compliance.**
- 14.08.060 Temporary Regulations.**
- 14.08.070 Effect and Duration of Temporary Regulations**

#### **14.08.010 Amendments.**

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

#### **14.08.020 Notice to nearby entities of pre-development activity.**

- A) As used in this section, "pre-development activity" means a public hearing concerning or consideration by the county planning commission or the board of county commissioners of:
  - 1) a proposed change in zoning designation;
  - 2) a preliminary or final plat describing a multiple-unit residential development or a commercial or industrial development; or
  - 3) a proposed modification of the county's general plan whereby the vehicular capacity of a county road is proposed to be increased.
- B) The planning commission or legislative body, as the case may be, shall provide notice of pre-development activity occurring in the unincorporated county to the legislative body of:
  - 1) each municipality whose boundaries are within ½ mile of the property that is the

- subject of the pre-development activity; and
- 2) that has unincorporated territory within one mile of the property that is the subject of the pre-development activity.
- C) The notice required by **Subsection 14.08.020 (B)** shall be provided at least seven days before the pre-development activity occurs.
  - D) The county planning commission or board of county commissioners meets the notice requirements of **Subsection 14.08.020 (B)** by mailing to each appropriate legislative body, at least seven days before the pre-development activity occurs, a copy of the planning commission or board of county commissioners meeting agenda that contains information sufficient to enable a reasonable reader to understand that pre-development activity is expected to occur in the county and the location of the property that is the subject of the pre-development activity.
  - E) If notice given under this section is not challenged under **Section 14.90.100** within 30 days after the action for which notice is given, the notice is considered adequate and proper.
  - F) Challenges under this section shall follow procedures outlined in **Chapter 14.90. (Utah Code Annotated Section 17-27-103.5)**

#### **14.08.030 Public hearings required before amending - Notice.**

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

#### **14.08.040 Permits, Licences - County Official Compliance.**

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

#### **14.08.050 Permits, Licences - Citizen Compliance.**

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

**14.08.060 Temporary Regulations.**

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

**14.08.070 Effect and Duration of Temporary Regulations.**

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

**Chapter 14.12**

**DEFINITIONS**

**Sections:**

- 14.12.010 Generally.**
- 14.12.020 Definitions.**

**14.12.010 Generally.**

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

**14.12.020 Definitions. (See Appendix B)**

## Chapter 14.16

### PLANNING COMMISSION

#### Sections:

- 14.16.010 Created - Appointment - Terms.**
- 14.16.020 Vacancies - Removal.**
- 14.16.030 Chairman - Rules - Technical advice.**
- 14.16.040 Powers - Duties.**
- 14.16.050 Office of zoning administrator created.**
- 14.16.060 General plan - Method of Adopting.**
- 14.16.070 General plan - Method of Amending and Re-Zoning**
- 14.16.080 General plan - Effect on public uses.**
- 14.16.090 Land Use Ordinance preparation.**

#### **14.16.010 Created - Appointment - Terms.**

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

#### **14.16.020 Vacancies - Removal.**

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

#### **14.16.030 Chairman - Rules - Technical Advice.**

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

#### **14.16.040 Powers - Duties.**

The planning commission shall have the following powers and duties:

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

**14.16.050 Office of zoning administrator created.**

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

**14.16.060 General plan - Method of Adopting.**

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

**14.16.070 General plan - Method of Amending and Re-Zoning**

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

**14.16.080 General Plan - Effect on public uses.**

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

**14.16.090 Land Use Ordinance preparation.**

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

**Chapter 14.20**

**BOARD OF ADJUSTMENT**

**Sections:**

- 14.20.010 Created - Regulations - Meetings.**
- 14.20.020 Organization - Procedure.**
- 14.20.030 Appeals - Powers of board.**
- 14.20.040 Routine and uncontested matters**
- 14.20.050 Variances.**
- 14.20.060 Appeal form.**
- 14.20.070 Notice of hearing.**
- 14.20.080 Decision.**
- 14.20.090 Authority limited.**
- 14.20.100 Failure to comply with conditions a violation.**
- 14.20.110 Appeal.**

**14.20.010 Created - Regulations - Meetings.**

- A) There is created a board of adjustment of five members, to be known as the county board of adjustment. Each of the five members of the board shall be a resident of the county. Not more than half of the members of such board of adjustment shall at any time be members of the planning commission. The members of the board of adjustment shall serve as such without compensation, except that the board of county commissioners shall provide for reimbursement of the members of the board of adjustment for

actual expenses incurred, upon presentation of proper receipts and vouchers. Terms for the members of such board of adjustment, which terms shall be of such length and so arranged that the term of at least one member will expire each year. Any member of the board of adjustment may be removed for cause by the board of county commissioners upon written charges and after a public hearing.

- B) Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments. The board of county commissioners may appoint alternate members of such board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the board or any other cause, there place may be taken during such temporary disability by an alternate member designated for the purpose.
- C) Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be a public record.

#### **14.20.020 Organization - Procedure.**

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

#### **14.20.030 Appeals - Powers of board.**

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

- 2) Variances from the terms of the Land Use Ordinance;
- 3) An interpretation of the Zoning map.

#### **14.20.040 Routine and uncontested matters.**

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

#### **14.20.050 Variances.**

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

**14.20.060 Appeal form. (See Appendix D)**

**14.20.070 Notice of hearing.**

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

**14.20.080 Decision.**

The concurring vote of four members of the five-member board, shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant. In the exercise of its duties and powers as herein set forth, the board of adjustment may reverse or affirm wholly or partly, or may modify the requirements or decisions of the zoning administrator and may make such determination or requirement as ought to be made. The board may attach reasonable conditions or requirements which the petitioner must comply with as a condition of the grant or approval and may attach a time limit on the exercise or lack of exercise of a grant.

**14.20.090 Authority limited.**

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

**14.20.100 Failure to comply with conditions a violation.**

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

**14.20.110 Appeal.**

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

## Chapter 14.24

### ZONING DISTRICTS ESTABLISHED

#### Sections:

- 14.24.010**      **Zones designated.**
- 14.24.020**      **Map.**
- 14.24.030**      **Regulations.**
- 14.24.040**      **Boundaries of zones.**

#### **14.24.010**      **Zones designated.**

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

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

#### **14.24.020**      **Map.**

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

#### **14.24.030**      **Regulations.**

Within each of the zones, the use, location, height and size of buildings and structures, the percentage of the lot which may be occupied, the use of the land, maintenance of premises, and size of lots, yards, courts and other open spaces are regulated as set forth in this title. The Sanpete County Commission shall defer proposed land uses located within ½ mile of an incorporated municipality to that municipality. This policy applies to all Zones within the county and to all land use proposals. It shall be the responsibility of any developer to have the appropriate municipality fill out the “Municipal Annexation / Service Request Form” in order to proceed in the development process. All expenses incurred to develop any land within Sanpete County shall be paid by the developer. Any expense incurred to fully understand, study, examine, or to receive technical information required by any impacts of any development within Sanpete County shall be paid by the developer.

#### **14.24.040**      **Boundaries of zones.**

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

## Chapter 14.28

### A Agricultural Zone

**Sections:**

**14.28.010 Purpose.**

**14.28.020 Table of standards.**

**14.28.010 Purpose.**

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

**14.28.020 Table of standards.**

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

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

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

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

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

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

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

## Chapter 14.30

### RA 1 Residential-Agricultural Zone

**Sections:**

**14.30.010 Purpose.**

**14.30.020 Table of standards.**

**14.30.010 Purpose.**

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

**14.30.020 Table of standards.**

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

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

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

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

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

## Chapter 14.40

### RA 2 Residential-Agricultural Zone

**Sections:**

**14.40.010 Purpose.**

**14.40.020 Table of standards.**

**14.40.010 Purpose.**

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

**14.40.020 Table of standards.**

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

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

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

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

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

## Chapter 14.44

### SL Sensitive Lands Zone

**Sections:**

**14.44.010 Purpose.**

**14.44.020 Table of standards.**

**14.44.010 Purpose.**

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

**14.44.020 Table of standards.**

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

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

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

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

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

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

## Chapter 14.48

### PF Public Facilities Zone

**Sections:**

**14.48.010 Purpose.**

**14.48.020 Table of standards.**

**14.48.010 Purpose.**

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

**14.48.020 Table of standards.**

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

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

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

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

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

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

## Chapter 14.50

### BC Business / Commercial Zone

**Sections:**

**14.50.010 Purpose.**

**14.50.020 Table of standards.**

**14.50.010 Purpose.**

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

**14.50.020 Table of standards.**

BC Standards	Requirements	Reference
Density (See example below)	1 Acre (or as approved by Planning Commission)	<i>Section 14.76.040</i>
Percent Built Area (PBA)	50%	<i>Section 14.76.050</i>
Lot Minimum	1/2 Acre	
Setbacks Front & Rear Side	75' As per IBC Fire Code	<i>Also Section 14.76.240 &amp; Section 14.76.250</i>
Frontage	200'	
Maximum Height	As per IBC Fire Code	
Animal Units	Personal food production or as approved by Planning Commission	<i>Appendix B</i>
Height of solid fences or other solid structures within front setback*	3' maximum height	<i>Appendix B</i>
Permitted/Conditional Uses	(See Land Use Matrix)	<i>Appendix A</i>

- \* **Note:** This applies to areas associated with the platted lot of a residential unit that has been approved and does not apply to areas where a greenbelt application and other agricultural related activities.
- \*\* **Note:** Any parcel recorded before October 6, 1981 and, for development purposes, meets each of the development conditions specified within this code, may be used for residential purposes.
- \*\*\*Additional Standards (See Chapter 14.76)\*\*\*

*Example: 50 Acres {Density - (50/5 = 10) 10 building lots}{PBA - (50 X 25% = 12.5) or 12.5 Acres}  
This means you may develop a maximum of 10 building lots on no more than 25% of 50 Acres (12.5 Acres).*

## Chapter 14.52

### PUD Planned Unit Development Overlay Zone

#### Sections:

- 14.52.010 Purpose.**
- 14.52.020 General requirements.**
- 14.52.030 PUD review process.**
- 14.52.040 Commercial and Industrial PUD requirements**
- 14.52.050 Criteria for PUD approval.**

#### **14.52.010 Purpose.**

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

#### **14.52.020 General requirements.**

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

#### **14.52.030 PUD review process.**

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

##### A) Concept Review.

- 1) Three (3) copies of all documents required for concept review shall be submitted to the Zoning Administrator at least fourteen (14) days prior to placement on the agenda of the county planning commission. Documents required for concept review shall be:
  - a) Signed documentation of closest municipality showing the municipalities' rejection of an annexation request, and upon recommendation of the planning commission other municipalities may be required to reject annexation request before acceptance of the application. **(Appendix E)** Each city should give a letter regarding annexation, whether there is a denial or a refusal; and also a form approving that the home can be built on the proposed annexation in RA1 and RA2 zones, and the location of the home fits their grid system. Compliance with the cities general plan must be addressed. Is the city willing to provide any services? Does this comply with the cities transportation plan?
  - b) Sketch plan of the proposed development showing the entire area to be developed and entire area to be left in open space.

- c) Geographic locational references such as but not limited to: section corners, surveyor markers, etc.
  - d) Name and address of subdivider, designer, engineer, and surveyor.
  - e) Statement of existing underlying zoning.
  - f) Notation on the plan of proposed site uses including but not limited to; dwelling units, open space, recreation area, commercial area, industrial area, parking, etc.
  - g) The plan shall show general lot, street, park, and open space layouts.
  - h) Location and source of required utilities including but not limited to: power, water, and wastewater disposal as required by **Section 14.76.070**.
  - i) A thorough statement documenting and identifying the specific policies and policy recommendations in the General Plan (**Sanpete County General Plan Chapter 12**) that the proposed plan encompasses and to what degree the proposed plan will accomplish those specific policies and policy recommendations.
  - j) Any other criteria the planning commission deems necessary to fulfill the objectives of the General Plan and this title.
- 2) Approval shall be based on criteria outlined in **Section 14.52.050**.
  - 3) If denied concept review approval the applicant must reapply within 6 months of the date of denial without additional fees or your PUD application fee (**Appendix C**) must be repaid.

B) Preliminary Review.

- 1) If concept review approval is granted, the applicant shall then submit a PUD Overlay application prior to preliminary review. Ten (10) copies of the PUD application shall be submitted to the Zoning Administrator and all fees paid outlined in the fee schedule (**Appendix C**) at least twenty-one (21) days prior to placement on the agenda of the next scheduled county planning commission. A public hearing shall then scheduled and noticed of the time and place of such hearing, and shall be posted at least three (3) public places and published in a newspaper of general circulation with the county at least fourteen (14) days before the date of the hearing. Included in this application shall be:
  - a) Engineered drawings including scaled dimensions of lot(s), street(s), park(s), storm water drainage, required utility easement(s), and open space layouts.
  - b) Approved location and source of required utilities including but not limited to: power, water, and wastewater disposal as required by **Section 14.76.070**.
  - c) Designation of major drainage ways and flood prone areas including but not limited to 100 year flood plain mapping.
  - d) Statement of maintenance proposals for common facilities.
  - e) Statement of approved access on all designated right of ways.
  - f) Time schedule for development.
  - g) Location and type of use designated for all areas in the PUD.
  - h) Proposed plan for ownership and maintenance of open areas.
  - i) A certified letter of notification sent by the applicant to all adjoining property owners stating what is proposed.
  - j) The applicant shall furnish the county with a performance bond or other acceptable surety approved by the County Attorney in order to cover any costs that may become necessary to complete necessary improvements in the PUD.

- k) Any additional information required as a result of planning commission concept review.
- l) Impact on emergency services, such as Police Protection and Fire Protection, should be evaluated and Impact fees assessed through contractual agreement with such services.
- 2) Approval shall be based on criteria outlined in **Section 14.52.050** and compliance with requested changes in the concept review.
- 3) If preliminary approval is granted or granted with conditions the applicant shall then submit ten (10) copies of your application in final form twenty-one (21) days in advance of the county planning commission meeting.
- 4) If denied preliminary approval the applicant shall have sixty (60) days from date of denial to resubmit without paying any further fees. If you do not resubmit within (60) days you will be required to reapply for concept review.

C) Final Approval - Planning Commission.

- 1) Following preliminary approval or approval with conditions the applicant must submit all documents required in the preliminary review in final form for consideration fourteen (14) days prior to the next planning commission meeting.
- 2) If the county planning commission recommends final approval, all documents shall be forwarded to the Board of County Commissioners for consideration.
- 3) If recommendation for final approval is denied the applicant shall have 90 days to resubmit to the county planning commission without paying additional fees.

D) Final Approval - Board of County Commissioners.

- 1) A public hearing following appropriate notice requirements shall be scheduled within forty-five (45) days of receipt of the recommendation by the county planning commission.
- 2) If approval is granted, or granted with conditions the developer must begin construction of the development as soon as practicable. If reasonable progress is not being made at the expiration of two years after final approval of the Board of County Commissioners. The Board of County Commissioners may vacate the PUD development plan. Decision of the Board of County Commissioners is final.

**14.52.040 Commercial and Industrial PUD requirements.**

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

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

**14.52.050 Criteria for PUD approval.**

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

## Chapter 14.60

### NONCONFORMING USES

#### Sections:

- 14.60.010 Nonconforming uses.**
- 14.60.020 Repairs.**
- 14.60.030 Discontinuance.**
- 14.60.040 Reclassification.**
- 14.60.050 Nonconforming lots of record.**
- 14.60.060 Nonconforming use defined.**

#### **14.60.010 Nonconforming uses.**

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

#### **14.60.020 Repairs.**

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

#### **14.60.030 Discontinuance.**

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

#### **14.60.040 Reclassification.**

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

#### **14.60.050 Nonconforming lots of record.**

In any zone any lot of record at the effective in this title or amendment of this title, even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. However, yard dimensions and other requirements not involving area width, or both, of the lot shall conform to the

regulations for the district in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action of the board of adjustment.

**14.60.060 Nonconforming Use Defined**

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

**Chapter 14.64**

**TEMPORARY USES**

**Sections:**

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

**14.64.010 Purpose.**

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

**14.64.020 Application.**

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

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

#### **14.64.030 Considerations.**

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

- A) Circulation: Location of access points to the property.
- B) Effect on Adjacent Property: Effects of the proposed use on nearby property, including but not limited to the effects of noise, glare, odor, and traffic.
- C) Refuse and service areas: Location of refuse and service areas.
- D) Utilities: Location and availability of utilities, if any are deemed necessary.
- E) Screening and Landscaping: Installation of screening and fencing where necessary to protect adjacent property.
- F) Compatibility: The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties.
- G) Any other review factors which the planning commission considers to be appropriate to the property in question.

#### **14.64.040 Conditions.**

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

#### **14.64.050 Resubmittals-Appeals.**

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

#### **14.64.060 Termination.**

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

stored on the property.

**14.64.070 Expiration - Extensions.**

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

**Chapter 14.68**

**CONDITIONAL USES**

**Sections:**

- 14.68.010 Purpose.**
- 14.68.020 Required permit.**
- 14.68.030 Application - Required documents.**
- 14.68.040 Application - Review process.**
- 14.68.050 Approval criteria.**
- 14.68.060 Modification - Revocation.**
- 14.68.070 Building permit.**
- 14.68.080 Appeals.**
- 14.68.090 Expiration - Extensions.**

**14.68.010 Purpose.**

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

**14.68.020 Required permit.**

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

**14.68.030 Application - Required documents.**

A) The conditional use permit application, shall include a site plan and written narrative including but not limited to:

- 1) Type of use proposed;
  - 2) Days and times of operation;
  - 3) Square footage of the building(s) proposed;
  - 4) Square footage used by the conditional use;
  - 5) Expected hardship on surrounding uses;
  - 6) Number of users or employees;
  - 7) Other information the planning commission deems necessary to fulfill the purpose of this title may be requested prior to approval.
- B) The applicant shall also pay the appropriate fee outlined in the fee schedule (**Appendix C**) before the planning commission may review the application.

**14.68.040 Application - Review process.**

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

**14.68.050 Approval criteria.**

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

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

**14.68.060 Modification - Revocation.**

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

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

**14.68.070 Building Permit.**

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

**14.68.080 Appeals.**

The decision of the planning commission may be appealed to the county commission by filing such appeal within fifteen (15) days after the date of the decision by the planning commission. The board of county commissioners may uphold or reverse the decision of the planning commission and impose any additional conditions that it may deem necessary in granting an appeal. The decision of the board of county commissioners is final.

**14.68.090 Expiration - Extensions.**

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

## Chapter 14.72

### FACTORY BUILT HOUSING UNITS and MODULAR DWELLING UNITS - RECREATION VEHICLE PARKS

#### Sections:

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

#### **14.72.010 Standards and Requirements for Factory Built Housing Units and Modular Dwelling Units.**

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

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

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

#### **14.72.030 Mobile Dwelling Parks.**

- A) A mobile dwelling park shall be:
  - 1) Located only in the Business - Commercial (BC) Zone;
  - 2) Located on a minimum of 5 acres;
  - 3) Approved only through the granting of a Conditional Use Permit;
  - 4) Subject to State Board of Health requirements (density no greater than 6 units per acre);and
  - 5) Subject to the site plan and development standards required in the BC Zone.
- B) Each Factory Built Housing unit shall meet HUD standards for electrical, plumbing, structural and

appearance standards before being located within an approved mobile dwelling park. Factory Built Housing units, new or used, that are damaged; are altered or modified at the discretion of an owner; that contain aluminum branch circuit wiring; or that fail to meet minimum code requirements, shall not be located in an existing or new mobile dwelling park in Sanpete County.

C) Mobile dwelling parks shall conform to the standards and requirements of this Ordinance.

**14.72.040 Permit Required.**

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

**14.72.050 Temporary Location and Use.**

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

**14.72.060 Recreation Vehicle Parks - Standards and Requirements.**

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

**14.72.070 License Required.**

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

**14.72.080 Enforcement.**

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

**Chapter 14.76**

**GENERAL MINIMUM DEVELOPMENT STANDARDS**

**Sections:**

- 14.76.010 Effect of chapter.**
- 14.76.020 Subdivision development plan.**
- 14.76.030 Cluster development.**
- 14.76.040 Unit/Density calculation.**
- 14.76.050 Percent built area.**
- 14.76.060 Open space.**
- 14.76.070 Required Utilities.**
- 14.76.080 Parking.**
- 14.76.090 Commercial truck parking.**
- 14.76.100 Dwelling Size Requirements.**
- 14.76.110 Manufactured Homes.**
- 14.76.120 Accessory Dwelling Units.**
- 14.76.125 Accessory Buildings.**
- 14.76.130 Farm Labor Dwellings.**
- 14.76.140 Right-of-ways.**
- 14.76.150 Access to public lands.**
- 14.76.160 Structures over easements.**
- 14.76.170 Contiguous property.**
- 14.76.180 Yard space for one building only.**
- 14.76.190 Sale or lease of required culinary water.**
- 14.76.200 Sale or lease of required space.**
- 14.76.210 Sale of lots below minimum space requirements.**
- 14.76.220 Yards to be unobstructed - Exceptions.**
- 14.76.230 Clear view of intersecting streets.**
- 14.76.240 Dwelling sites shall abut upon public street.**
- 14.76.250 Concessions in public parks and playgrounds.**
- 14.76.260 Setbacks from state and federal highways.**

- 14.76.270 Railroad setbacks.
- 14.76.280 All excavations.
- 14.76.290 Adult uses.
- 14.76.300 Modification of regulations.
- 14.76.310 Prohibited uses.
- 14.76.320 Fences.
- 14.76.330 Limitations on the Keeping and Maintenance of Animals and Fowls.
- 14.76.340 Animals Kennels, Boarding, Breeding, Training and Grooming.
- 14.76.350 Review by Utah State Divisions of Water Rights and Water Quality.
- 14.76.360 Required Fire Protection.
- 14.76.370 Disclaimer.

**14.76.010 Effect of chapter.**

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

**14.76.020 Subdivision development plan.**

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

**14.76.030 Cluster development.**

The purpose of cluster development allowed is for maximum design flexibility, separate residential uses from agricultural uses, and serve to preserve the rural and agricultural character of the county to the maximum extent possible, while still permitting new residential uses.

A) Clustering of residential development **shall** be done in such a way that:

- 1) Unbuilt areas of the property are maintained by any one or combination of the following:
  - a) Creation of a Homeowners Association with approved covenants.
  - b) A deed restriction following procedures outlined in **Section 14.76.060**.
  - c) Alternate option approved by the county planning commission.
- 2) No building or structure **shall** be placed on greater than the percentage of built area for any zone; agricultural use is excluded.
- 3) Minimum setbacks are preserved.
- 4) Traditional accesses through the property to public lands **shall** be maintained in accordance with the General Plan.
- 5) The area surrounding and included in the development are not adversely affected by the design.
- 6) All lots in cluster subdivisions **shall** be served by an internal access road with limited accesses to existing county roads

B) Cluster subdivisions **shall** follow all procedures in the **Sanpete County Subdivision Ordinance**.

C) The following rules **should** apply in cluster subdivisions:

- 1) The density permitted in cluster subdivisions will be as specified in each individual zone.

- 2) All parcels in a cluster subdivision except the residual parcel should be grouped together and contiguous.
- 3) The open space that is created through clustering should allow for agricultural lands to continue to be farmed, storm water to be channelized or detained by grass swales and ponding areas, and preserve open spaces that provide natural habitat areas.
- 4) Where development exists adjacent to proposed development an attempt should be made to interconnect development and open space.
- 5) The location of buildings in clustering should follow the following criteria for site selection:
  - a) Buildings should be built on least fertile soils.
  - b) Buildings should not occur on wetlands, buffers, transition areas, flood plains, or areas with steep slopes.
  - c) Buildings should be clustered in the least visible portions of the site, such as the edges of fields

**14.76.040 Unit/Density calculation.**

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

**14.76.050 Percent built area.**

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

**14.76.060 Open space.**

- A) A deed restriction must be filed on the property remaining in open space stating use of the land will be limited to the uses permitted in **Subsection 14.76.060 (B)**, until such time as any of the following occur:
  - 1) Zoning classification change; or
  - 2) Annexation by a municipality; or
  - 3) Other jurisdictional transfer
- B) Areas or spaces designated as open space by **Section 14.76.030** shall not be developed or used except as follows, subject to the regulations of the zoning district in which the development is located:
  - 1) Agriculture, forestry, and fisheries;
  - 2) Game preserves, wildlife sanctuaries, and the like; and

- 3) Non-commercial recreational structures and uses.
- 4) Accessory buildings that maintain proper setbacks and are used for Agricultural purposes.

**14.76.070 Required Utilities.**

The following are required in all zones:

A) Power

- 1) All development for human habitation requires a commercial or alternative source of power. An alternative source of power requires an approval of a conditional use permit.

B) Water

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

C) Wastewater

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

**14.76.080 Parking.**

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

- 1) A garage, carport or parking area for the Off-street parking of a least two cars per dwelling unit.
- 2) Churches and auditoriums shall have one space for each three seats in the primary meeting room.
- 3) Schools
  - a) All schools serving ages 15 and below require two (2) spaces per classroom.
  - b) All schools serving ages 16 and above require ten (10) spaces per classroom.
  - c) Auditoriums require one space per three seats.
- 4) Hospitals, nursing homes, sanitariums or convalescent homes require one space per every two beds, plus five (5) additional spaces for each 25 beds or fraction thereof over minimum of 25 beds.
- 5) Hotels, motels, boarding and rooming houses require one space per unit.

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

**14.76.090 Commercial Truck Parking.**

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

**14.76.100 Dwelling Size Requirements**

- 1) Manufactured Home - Permanent - (min. dimensions 24' x 36').
  - 2) Manufactured Home - Mobile Dwelling Park - (no min., H.U.D. required)
  - 3) Site Constructed Dwelling - (min. dimensions 24' x 36').
  - 4) Site Constructed Dwelling - Recreational - (min. dimensions 20' x 20').
- \* See Appendix B for definitions.

**14.76.110 Manufactured Homes.**

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

#### **14.76.120 Accessory Dwelling Units.**

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

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

#### **14.76.125 Accessory Buildings.**

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

#### **14.76.130 Farm Labor Dwellings.**

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

**14.76.140 Right-of-ways.**

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

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

**14.76.150 Access to public lands.**

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

**14.76.160 Structures over easements.**

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

**14.76.170 Contiguous property.**

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

**14.76.180 Yard space for one building only.**

No required yard or other open space around existing building, or which is hereafter provided around any building, for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established.

**14.76.190 Sale or lease of required culinary water.**

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

**14.76.200 Sale or lease of required space.**

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

**14.76.210 Sale of lots below minimum space requirements.**

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

**14.76.220 Yards to unobstructed - Exceptions.**

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

**14.76.230 Clear view of intersecting streets.**

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

**14.76.240 Dwelling sites shall abut upon approved street.**

At least one side of each lot used as a dwelling site shall abut upon an approved street, and the length of such abutting side shall be at least as great as the width required for dwelling sites in the zone in which such building site is located, except as may be approved by the board of adjustment.

**14.76.250 Concessions in public parks and playgrounds.**

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

**14.76.260 Setbacks from state and federal highways.**

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

**14.76.270 Railroad setbacks.**

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

**14.76.280 All excavations.**

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

**14.76.290 Adult uses.**

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

**14.76.300 Modification of regulations.**

- A) Whenever a subdivision shall be approved by the planning commission and by the board of county commissioners, the regulations and restrictions of the zone in which the subdivision is located as applied to the land covered by said subdivision shall be construed to be modified in accordance with the approved plan.
- B) The planning commission shall not approve a subdivision unless:
  - 1) In the opinion of the planning commission, existing and future needs and requirements for traffic circulation, health, sanitation, drainage, utilities, water supply, fire prevention and other public requirements shall be met; and
  - 2) Requirements of the subdivision regulations for Sanpete County shall be complied with.
- C) The planning commission may require that changes be made in the plans. It may also require that other conditions shall be complied with which are reasonable and necessary in order to carry out the purposes of this title.

**14.76.310 Prohibited uses.**

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

#### **14.76.320 Fences.**

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

#### **14.76.330 Limitations On The Keeping and Maintenance of Animals and Fowls.**

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

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

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

#### **14.76.340 Animals Kennels, Boarding, Breeding, Training, and Grooming.**

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

#### **14.76.350 Review by Utah State Divisions of Water Rights and Water Quality.**

A building permit shall not be issued and no dwelling unit may be erected in Sanpete County until the applicant / owner(s) have obtained and presented to the Sanpete County Zoning Administrator, a letter of authorization from the Utah Division of Water Rights. This requirement shall include providing to the Sanpete County Zoning Administrator legal documentation of water right, ownership, and intended use. **Sanpete County's policy requires culinary water to be present on the site prior to the issuance of a building permit.** No subdivision shall be approved until Water Rights Change Applications are filed with

the State Engineer and are approved for the said development. All water applications / change applications, shall comply with all state regulations for year around (full-time) usage for both inside & outside use.

**14.76.360 Required Fire Protection.**

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

**14.76.370 Disclaimer.**

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

**Chapter 14.77**

**SPECIAL PROVISIONS**

**Sections:**

**14.77.010 Central Utah Public Health Department Review and Approval.**

**14.77.020 Geotechnical Analysis and Recommendations.**

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

**14.77.040 Planned Unit Developments; Timeshare Developments; Cooperative Ownership Projects.**

**14.77.050 Purchase or Transfer of Development Rights.**

**14.77.060 Sign Regulations.**

**14.77.010 Central Utah Public Health Department Review and Approval.**

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

**14.77.020 Geotechnical Analysis and Recommendation(s).**

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

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

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

**14.77.040 Planned Unit Developments; Timeshare Developments; Cooperative Ownership Projects.**

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

**14.77.050 Purchase or Transfer of Development Rights.**

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

**14.77.060 Sign Regulations.**

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

**Chapter 14.78**

**UTAH AND UNIFORM CODES TO GOVERN**

**Sections:**

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

**14.78.010 Uniform Building Code.**

- A) The Uniform Building Code (U.B.C.) including appendices, most recent edition as adopted under the Utah Uniform Building Standards Act, is hereby adopted within this Land Use Ordinance and said Code Standards by reference, are incorporated herein.
- B) A copy of the code, most recent edition shall be filed in the office of the Sanpete County Building Inspection Department and be available for examination and reference by interested persons.
- C) Provisions of said Code establish rules and regulations for the erection, repair, construction, enlargement, alteration, equipment, use, height, area and maintenance of buildings and structures within

Sanpete County.

D) Said Code provides:

- 1) for the issuance of building permits and collection of fees for the activities specified herein; and
- 2) penalties for violation of the provisions thereof.

E) Any person who violates any provision of this Chapter shall be subject to the penalties specified in Chapter 14.90 of this Ordinance.

**14.78.020 National Electrical Code.**

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

**14.78.030 International Mechanical Code.**

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

**14.78.040 International Plumbing Code.**

- A) The International Plumbing Code (I.P.C) including appendices, most recent edition, is hereby adopted within this Ordinance and said Code Standards, by reference, are incorporated herein.
- B) A copy of the Code, most recent edition, shall be filed in the office of the Sanpete County Building Inspection Department and be available for examination and reference by interested persons.

- C) Provisions of said Code establish rules and regulations for the construction installation, and repair of plumbing devices, equipment, and facilities used in the construction, maintenance, and operation of buildings and structures in Sanpete County.
- D) Said Code provides:
  - 1) for the issuance of permits and the collection of fees therefor; and
  - 2) penalties for the violation of the provisions thereof.
- E) Any person who violates any provision of this Chapter shall be subject to the penalties specified in Chapter 14.90 of this Ordinance.

**14.78.050 Uniform Fire Code.**

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

**14.78.060 Uniform Code for Abatement of Dangerous Buildings.**

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

**14.78.070 Uniform Code for Building Conservation (Historic Structures).**

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

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

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

County as determined to be applicable by the Sanpete County Building Official.

**14.78.090 Uniform Housing Code.**

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

**Chapter 14.80**

**YOUTH HOMES**

**Sections:**

**14.80.010 Youth home defined.**

**14.80.020 Authorization.**

**14.80.030 Application - Contents.**

**14.80.040 Application - Fee.**

**14.80.050 Application - Planning commission review - Recommendation.**

**14.80.060 Public hearing.**

**14.80.070 Use permit.**

**14.80.080 Conditions.**

**14.80.090 Continuation of use.**

**14.80.100 Violations - Penalty.**

**14.80.010 Youth home defined.**

“Youth home” is defined as any residence, dwelling or other structure utilized for the domicile, residence or sleeping accommodation of more than three children of the age of eighteen (18) years or less for more than one week where such children are not related within three degrees of consanguinity to the adult persons occupying the same residence or premises.

**14.80.020 Authorization.**

Youth homes will be permitted only on granting of a conditional use permit after application to the planning commission and approval of the board of commissioners. The board of commissioners, prior to acting on the application, will receive a recommendation from the planning commission and entertain public comment at a duly noticed public hearing.

**14.80.030 Application - Contents.**

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

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

**14.80.040 Application - Fee.**

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

**14.80.050 Application - Planning commission review - Recommendation.**

The planning commission will review the application and, if deemed appropriate, request comment from potentially impacted public and private agencies and parties. The planning commission will, within sixty (60) days of receipt of the application, submit a recommendation to the board of commissioners.

**14.80.060 Public hearing.**

- A) The board of commissioners shall hold a public hearing within forty-five (45) days of receipt of the recommendation of the planning commission.
- B) Notice of the time, place and purpose of such public hearing shall be given as follows:  
At least fourteen (14) days prior to the date set for the hearing, and not more than forty-five (45) days

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

#### **14.80.070 Use permit.**

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

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

#### **14.80.080 Conditions.**

In approving any application for a use permit, the board of commissioners may require specific standards of site development and may make approval contingent on the acceptance and observance by the applicant of specified conditions relating to, but not limited to, the following considerations:

- A) Conformity to plans and drawings submitted with the application;
- B) The provision of open spaces, buffer strips, screen walls, fences, hedges and landscaping;
- C) The volume of traffic generated, vehicular movements within the site, and points of vehicular ingress and egress;
- D) Performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements;
- E) Limits on time of day for the conduct of specified activities;
- F) Guarantees as to compliance with the terms of the approval.

#### **14.80.090 Continuation of use.**

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

## **14.80.100 Violations - Penalty.**

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

## **Chapter 14.84**

### **RESIDENTIAL FACILITIES FOR ELDERLY PERSONS**

#### **Sections:**

**14.84.010 General requirements**

**14.84.020 Permit process.**

**14.84.030 Termination of permit.**

#### **14.84.010 General requirements.**

- A) A residential facility for elderly persons may not operate as a business.
- B) A residential facility for elderly persons shall:
  - 1) be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
  - 2) be consistent with existing zoning of the desired location; and
  - 3) be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
- C) A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

#### **14.84.020 Permit process.**

- A) A residential facility for elderly persons shall be allowed as a conditional use following procedures outlined in **Chapter 14.68** under the following conditions:
  - 1) The facility meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;
  - 2) provide for adequate off-street parking;
  - 3) the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
  - 4) residential facilities for elderly persons be reasonably dispersed throughout the county;
  - 5) no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and
  - 6) placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- B) Decisions regarding the application for a conditional use permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.

**14.84.030 Termination of permit.**

The use granted and permitted by **Chapter 14.84** is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this part or if the structure fails to comply with applicable health, safety, and building codes.

**Chapter 14.86**

**RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY**

**Sections:**

**14.86.010 Definition.**

**14.86.020 General requirements.**

**14.86.010 Definition.**

- A) For the purposes of this Section "Disability" is as defined in **Section 57-21-2 of Utah Code.**
- B) "Residential facility for persons with a disability" means a residence:
  - 1) in which more than one person with a disability resides; and
  - 2) is licensed or certified by the Department of Human Services under **Utah Code Title 62A, Chapter 2, Licensure of Programs and Facilities** or is licensed or certified by the **Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.**

**14.86.020 General requirements.**

- A) Residential facilities for persons with a disability shall be reasonably dispersed throughout the county.
- B) A residential facility for persons with a disability is a permitted use in zones where residential dwellings are permitted or conditionally permitted and requires that the applicant verify compliance with the building, safety, zoning, and health regulations that are required in obtaining a building permit applicable to similar structures.
- C) The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with:
  - 1) programs or entities licensed or certified by the Department of Human Services as provided in Section 62A-2-114 and Title 62A, Chapter 5, Services to People with Disabilities; and
  - 2) programs or entities licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

## Chapter 14.90

### ENFORCEMENT

#### Sections:

- 14.90.010 Permits required.**
- 14.90.020 Powers and duties of enforcing officer.**
- 14.90.030 Civil enforcement.**
- 14.90.040 Stay order.**
- 14.90.050 Building permits required.**
- 14.90.060 Permit to comply with title.**
- 14.90.070 Reconsideration/Revocation of approvals, permits and licences.**
- 14.90.080 Violation - Penalty.**
- 14.90.090 Violation - Notice to correct.**
- 14.90.100 Appeals.**
- 14.90.110 Certificate of Occupancy.**
- 14.90.120 Bonding or Guarantees for Delayed Performance.**
- 14.90.130 Additional Fees.**
- 14.90.140 Penalties and Penalty Fee.**
- 14.90.150 Nuisance Abatement.**

#### **14.90.010 Permits required.**

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

#### **14.90.020 Powers and duties of enforcing officer.**

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

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

**14.90.030 Civil Enforcement.**

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

**14.90.040 Stay Order.**

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

**14.90.050 Building permits required.**

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

**14.90.060 Permit to comply with title.**

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

**14.90.070 Reconsideration/Revocation of Approvals, Permits and Licences.**

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

A) Duties of the Zoning Administrator.

If the Zoning Administrator determines, based on inspection by county staff, that there are reasonable grounds for revocation of a development permit or license authorized by this Ordinance, the Zoning Administrator shall set a public hearing before the approving body.

B) Notice and Public Hearing.

At least fourteen (14) days notice of a proceeding to reconsider or revoke the development permit or license shall be given to the applicant pursuant to notice requirements in the Utah Annotated Code.

C) Required Findings.

The approving body may revoke the development approval, permit or license upon making one or more of the following findings:

- 1) That the development permit was issued on the basis of erroneous or misleading information or misrepresentation provided by the applicant.
- 2) That the terms or conditions of approval of the permit relating to establishment or operation of the use, building or structure have been violated or that other laws or regulations of the County, State, Federal or Regional Agencies applicable to the development have been violated.

D) Decision and Notice.

Within ten (10) days of the conclusion of the hearing the approving body shall render a decision and shall notify the holder of the permit or license of the decision, and any other person who has filed a written

request for such notice.

E) Effect.

A decision to revoke a development permit or license shall become final five(5) days after the date notice of the decision was given. After the effective date, all activities pursuant to such permit shall be deemed in violation of this title.

**14.90.080 Violation - Penalty.**

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

**14.90.090 Violation - Notice to correct.**

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

**14.90.100 Appeals.**

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

**14.90.110 Certificate of Occupancy.**

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

**14.90.120 Bonding or Guarantees for Delayed Performance.**

- A) In situations where total compliance with this Ordinance may be delayed or made impossible as a result of factors such as extreme weather, inability to obtain certain materials, or other factors which

are not within the control of the builder or owner of the premises, and where this Ordinance has been reasonably complied with, and health and safety factors have reasonably been addressed, the Sanpete County Building Official may authorize the temporary occupancy or use of a premise.

- B) Such temporary occupancy or use shall be subject to conditions specified by the Building Official and shall include a written agreement or guarantee, *and* the posting of a Letter of Credit, or Performance Bond secured by real property, in an amount specified by the Sanpete County Commission.
- C) If the totality of compliance has not been achieved within the time period set in the written agreement or guarantee, the County shall, by this Ordinance and by the written agreement itself, be authorized to utilize the Letter of Credit or real property specified in the Performance Bond for the purpose of completing or abating the building, structure, land use, or project.

#### **14.90.130 Additional Fees.**

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

#### **14.90.140 Penalties and Penalty Fee.**

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

#### **14.90.150 Nuisance Abatement.**

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

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

**SANPETE COUNTY**  
**CONDITIONAL USE PERMIT APPLICATION ATTACHMENT**

PLEASE SUBMIT THE FOLLOWING INFORMATION:

**SUBMITTED**

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

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

Owner's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant's signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

# APPENDIX A

## LAND USE MATRIX

**Purpose.**

The purpose of the matrix is to assist the user of this ordinance in identifying the appropriate land use classification for a specific land use.

\* P = PERMITTED USE , C = CONDITIONAL USE

Land Use Classification Use	A - Agricultural Zone	RA1 - Residential - Agricultural Zone	RA2 - Residential - Agricultural Zone	SL - Sensitive Lands Zone	BC - Business / Commercial Zone	PF - Public Facilities Zone
Agriculture processing	P	C	C		C	
Agriculture packaging & warehousing	P	C	C		C	
Agriculture	P	P	P	P	C	
Airports / Airstrips / Heliports	C	C	C		P	P
Alternative source of power	C			C		
Animal Hospitals	C	C	C		C	
APA (must comply with UCA 17-41-101 through 406 et.al.)	P					
Asphalt mixing/batching plants/Borrow pits	C				C	
Auction Yards (Livestock)	P				C	
Auto Salvage/ Wrecking Yards and Allied Operations	C				C	
Auto/Truck Repair, Sales and Service	C				P	
Barns & Other Agricultural Related Structures	P	P	P	C	C	
Bed & Breakfast	C	C	C		C	
Boat Building/Storage	C				P	
Broadcast Studios	C			C	P	C
Car Wash		C	C		P	
Cemeteries/Crematoriums	C	C	C		C	P
Day Care Center (Non-Commercial)	C	C	C		C	P
Churches	C	C	C			P

Land Use Classification Use	A - Agricultural Zone	RA1 - Residential - Agricultural Zone	RA2 - Residential - Agricultural Zone	SL - Sensitive Lands Zone	BC - Business / Commercial Zone	PF - Public Facilities Zone
Coal Yards	C				C	
Community Building Public or Private	C	C	C			P
Commercial Feed Lot	P				C	
Commercial Poultry Raising	P		C	C		
Construction Equipment Yard	C	C	C		P	
Convenience Store / Service Station	C	C	C		P	
Corrals	P	P	P	C	C	
Cottage Industry	P	P	P	P	P	
Dairies	P					
Dams	C	C	C	C	C	C
Domestic Livestock (within AU limits)	P	P	P	P	C	
Entertainment Facilities	C	C	C	C	C	
Fabrication/Welding	C	C	C		P	
Farming & Ranching	P	P	P	P	C	
Forest Product Development	C	C	C	C	P	
Forest Industries	C	C	C	C		
Fruit & Vegetable Stands	P	P	P		P	
Funeral Homes & Chapels		C	C		P	C
Fur Farms	P		C		C	
Golf Courses/Country Clubs/Riding Clubs/ Hunting Clubs	C	C	C	C	C	C
Gravel Pits, Rock Crushers, Clay Pits, & Rock Quarries	C				C	
Home Occupation	C	C	C	C	C	
Hospitals		C	C		P	P
Junk Yard						
Mineral Exploration	C	C	C	C	C	C
Mining/Mineral Extraction	C	C	C	C	C	C

<div style="text-align: center;">Land Use Classification</div> <div style="text-align: left;">Use</div>	<div style="text-align: center;">A - Agricultural Zone</div>	<div style="text-align: center;">RA1 - Residential - Agricultural Zone</div>	<div style="text-align: center;">RA2 - Residential - Agricultural Zone</div>	<div style="text-align: center;">SL - Sensitive Lands Zone</div>	<div style="text-align: center;">BC - Business / Commercial Zone</div>	<div style="text-align: center;">PF - Public Facilities Zone</div>
Motel / Hotel					P	
Multi Family Housing A-Zone (up to 4 units in one structure) as per 14.28.010 & 14.76.030	C					
RA-1 Zone (4 units max in one structure)		C				
RA-2 Zone (4 units max in one structure)			C			
BC Zone (4 units max in one structure)					C	
Orphanages, Convents, Residential Elderly Facilities	C	C	C		P	P
Planned Unit Development	C	C	C	C	C	
Private Club	C	C	C	C	C	
Radio/Television/Cellular Towers	C	C	C	C	C	C
Raising & Keeping of Limited Animals (Those not defined in AU's)	C	C	C	C	C	
Reception Center					P	
Recycle Centers	C				C	C
Regional Camps/ Resorts / Dude Ranch	C	C	C	C		C
Restaurant / Fast Foods					P	
Retail Store / General					P	
RV Park Campground	C	C	C	C	C	
Schools (Private)	C	C	C	C	C	C
Signs					C	
Single Family Dwelling	P	P	P	P	C	
Stockyards/Slaughterhouses	C	C	C		C	
Storage Units	C		C		P	
Utility Distribution Facilities (Major) Water, Sewer, Electric	C	C	C	C	P	C
Utility Station (Minor)	C	C	C	C	P	C

<div style="text-align: center;">Land Use Classification</div> <div style="text-align: left;">Use</div>	<div style="text-align: center;">A - Agricultural Zone</div>	<div style="text-align: center;">RA1 - Residential - Agricultural Zone</div>	<div style="text-align: center;">RA2 - Residential - Agricultural Zone</div>	<div style="text-align: center;">SL - Sensitive Lands Zone</div>	<div style="text-align: center;">BC - Business / Commercial Zone</div>	<div style="text-align: center;">PF - Public Facilities Zone</div>
Veterinary Clinics/ Kennels	C	C	C		C	
Warehouse / General					P	
Woodworking / Cabinet Shop	C	C	C		P	
Youth Homes	C	C	C		C	

# APPENDIX B

## DEFINITIONS

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As used in this title:

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

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

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

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

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

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

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

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

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

		Example:
Cattle/Buffalo/Horse	1 animal unit	(1 Buffalo per 1 AU)
Horse (34 inches or less at withers)	.2 animal unit	(5 Horses per 1 AU)
Swine/Ostrich	.2 animal unit	(5 Swine per 1 AU)
Goat/Sheep/Llama	.2 animal unit	(5 Goats per 1 AU)
Poultry	.02 animal unit	(50 Chickens per AU)
Mink and similar furbearing animals	.02 animal unit	(50 Mink per AU)
Other Livestock	1 animal unit	(1 Elk per AU)

Young animals shall not be counted until they are weaned. Horses includes mules and donkeys.

**Alternative power** - Another source or means of supplying energy such as solar, wind, etc. that can be considered an equivalent substitute for conventional commercial power.

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

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

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

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

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

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

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

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

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

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

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

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- 2 **Carport** - A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject
- 3 to all regulations described in this title for a private garage.
- 4 **Cemetery** - A burial place or grounds.
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- 6 **Clear Site Triangle** - That area of a property where the driveway or ingress point intersects an abutting street or
- 7 street corner.
- 8 **Clinic** - An establishment where patients are not lodged overnight but admitted for out-patient services.
- 9 **Club** - Building and facilities owner or operated by a corporation, association, person or persons for a social,
- 10 educational or recreational propose.
- 11 **Clustering** - The grouping of structures, courts, cul-de-sacs, or short streets--more closely than in
- 12 conventional residential plans--in order to preserve agriculture, natural site amenities, and open space.
- 13 **Commercial Feed Lot** - Any tract on which the principal use is the raising of, or the concentrated feeding of,
- 14 livestock, fowl, or any other edible animals for the sale of such animals or the sale of products derived from such
- 15 animals. Does not include dairies.
- 16 **Common Open Space** - The land area in planned unit development (PUD) reserved and set aside for agricultural or
- 17 recreational use, landscaping, open green areas, parking, and driveway areas for the common use and enjoyment
- 18 of the residents of the PUD.
- 19 **Conditional Use** - A use which is permitted by this ordinance provided that certain conditions specified in the
- 20 ordinance are met and that a permit for such use is granted by the county planning commission.
- 21 **Construction** - The act of breaking ground and erecting a building or structure as defined elsewhere in this section.
- 22 **Corral** - A space, other than a building, used for the confinement of animals.
- 23 **Cottage Industry** - A small, individual owned business or concern that functions without altering the residential
- 24 character of the neighborhood, and which does not create any negative impacts on the public health, safety, and
- 25 general welfare of the adjacent property owners.
- 26 **County Commission** - The elected Board of County Commissioners of Sanpete County.
- 27 **Dairy** - An area of land on which cows are kept for the purpose of manufacturing, processing or producing dairy
- 28 products in commercial quantities, as well as the related buildings and equipment.
- 29 **Day Care Center** - A building or structure where six or more children are regularly cared for during the day for
- 30 compensation.
- 31 **Density** - Acres per one primary dwelling unit.
- 32 **Development** - Any man-made change to improved or unimproved real estate including, but not limited to the
- 33 construction of buildings, structures or accessory structures; the construction of additions, or substantial
- 34 alterations to buildings, structures or accessory structures; roads, bridges, placement of mobile homes; ditching,
- 35 lagooning, dredging, filling, grading, paving, excavating or drilling operations, and the deposition or extraction of
- 36 earthen materials.
- 37 **Domestic livestock**- Those fowl, cattle, dairy animals, swine, sheep, goats, and other animals such as horses which
- 38 are kept or raised for use or for pleasure as part of the overall agricultural operation and which are not part of a
- 39 commercial feedlot.
- 40 **Drainage System** - One or more artificial ditches, tile drains, or similar devices which collect surface runoff or
- 41 groundwater and convey it to a point of discharge.
- 42 **Dry Cleaner** - An establishment which has as its sole purpose the cleaning of fabrics with substantially non-aqueous
- 43 organic solvents. Laundry establishments with self-service, coin-operated dry cleaning machines shall not be
- 44 classified as a dry cleaner.
- 45 **Dwelling, Single-Family** - A building with a heated area of at least eight hundred sixty-four (864) square feet, and
- 46 measuring at least thirty-six (36) feet by twenty-four (24) feet, arranged or designed to be occupied by one
- 47 family, the structure having only one dwelling unit.
- 48 **Easement** - Authorization by a property owner for the use by another, and for a specified purpose of any designated
- 49 part of his or her property.
- 50 **Educational Institution** - A public elementary or secondary school or a private educational institution having a
- 51 curriculum similar to that ordinarily given in public schools.
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- 1 **Essential Services** - Services provided by public and private utilities necessary for the exercise of the principal use or  
2 service of the principal structure. These services include surface, underground, or overhead gas, electrical, steam,  
3 water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles,  
4 towers, wires, mains, drains, vaults, culverts, laterals, sewer pipes, catch basins, water storage tanks, conduits, cables,  
5 fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- 6 **Farm labor dwelling** - A dwelling located on a farm for the purpose of housing an employee of that farm operation  
7 and his/her family.
- 8 **Family** - An individual or two or more persons related by blood, marriage or adoption living together in a dwelling  
9 unit. Guests in excess of two who pay for meals or room shall be considered as boarders.
- 10 **Fence** - A tangible barrier or obstruction of any material, with the purpose of intent, or having the effect of  
11 preventing passage or view across the fence line. It includes hedges and walls.
- 12 **Flood** - An overflow of water onto lands not normally covered by water. Floods have two essential characteristics:  
13 the inundation of land is temporary, and the land is adjacent to and inundated by overflow from a watercourse,  
14 lake, or other body of water.
- 15 **Floor Area** - The sum of the gross horizontal area of the several floors of a building and its accessory buildings on  
16 the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of  
17 roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.
- 18 **Frontage (Lot Width)** - The Width of the lot or parcel of land measured at the front setback line.
- 19 **Garage** - A building or portion thereof, other than a private storage garage, designed or used for equipping, servicing,  
20 repairing, hiring, selling, storing or parking motor driven vehicles. The term repairing shall not include an  
21 automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.
- 22 **Garage, Private** - An enclosed space or accessory building for the storage of one or more motor vehicles, provided  
23 that no business, occupation or service is conducted for profit therein nor space therein for more than one car is  
24 leased to a nonresident of the premises. A garage shall be considered part of a dwelling if the garage and  
25 dwelling have a roof or wall in common, or are connected structurally by a physical connection such as a wall,  
26 trellis or solid fence.
- 27 **General Plan** - A plan adopted by the Sanpete County Planning Commission which shows the most appropriate use  
28 of land within the county.
- 29 **Grade** - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the  
30 structure.
- 31 **Hospital** - Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium,  
32 preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis,  
33 treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or  
34 other care of human ailments.
- 35 **Hotel** - A building in which a lodging, or boarding and lodging are provided and offered to the public for  
36 compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office  
37 supervised by a person in charge at all times.
- 38 **Infrastructure** - construction such as but not limited to streets, curbs, gutters, sidewalks, fire hydrants, storm  
39 drainage facilities, and water, sewer and gas systems or parts thereof.
- 40 **Junk Yard** - Scrap building materials, scrap contractor's equipment, tank, cases, cans, barrels, boxes, drums, piping,  
41 bottles, glass, old iron, machinery, rags, paper excelsior, hair, mattresses, beds, or bedding or any other kind of  
42 scrap or waste material.
- 43 **Kenel** - A commercial establishment for the breeding, sale, grooming, or boarding of small animals and household  
44 pets.
- 45 **Laboratory** - A building or group of buildings in which are located facilities for scientific research, investigation,  
46 testing, or experimentation, but not including facilities for manufacture of products for sale.
- 47 **Landscaping** - The placement of living plants such as ground cover, shrubs and trees on developed lots. May  
48 include non-living materials such as gravel.
- 49 **Land use** - Any activity which is subject to the Regulation of this County which is conducted on, below and/or in the  
50 space above the surface of the earth to a height of 500 feet within the boundaries of the county excepting those  
51 areas subject to the zoning authority of the incorporated municipalities within the county.
- 52 **Land Use Ordinance or Ordinance** - the Land Use Ordinance of Sanpete County, Utah.
- 53 **Legal Description** - A metes and bounds description of a parcel of land filed in accordance with the requirements of

1 the State of Utah and the county.

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

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

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

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

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

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

15 **Manufactured Home, Permanent** - A single family dwelling with a heated area of at least eight hundred sixty-four  
16 (864) square feet, and measuring at least thirty-six (36) feet by twenty-four (24) feet, constructed in a factory to  
17 the standards of the United States Department of Housing and Urban Development (HUD), the National  
18 Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.) And the  
19 Housing and Urban Development Zone Code II or the Uniform Building Code (UBC), as amended to the date of  
20 the unit's construction.

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

26 **Map** - The zone map of Sanpete County, Utah.

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

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

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

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

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

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

53 **Natural Waterways** - Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are

1 natural drainage channels as determined by the chief building official and in which areas no buildings shall be  
2 constructed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 **Recreational Vehicle** - A vehicle such as a recreational trailer, camper trailer, truck camper, travel trailer, camp car  
41 or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare  
42 in accordance with the provisions of the Utah Vehicle Code, designed for the use of human habitation.

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

46 **Retail** - The sale of consumer goods directly to the user of the product; may include storage of goods sold in  
47 sufficient quantities to meet daily needs. May include sale in large size packages used as pricing incentives.  
48

49 **Salvageable Material** - Inoperable and/or unlicensed vehicles, machinery or equipment, scrap metal or other junk or  
50 scrap materials which are of further usefulness mainly as a raw material for reprocessing, or as imperfect stock  
51 from which replacement or spare parts can be extracted.  
52  
53

- 1 **Salvage Yard** - A solid waster disposal site or facility at which salvageable materials are stored or sold or at which  
2 wrecking, dismantling, or demolition of salvageable materials are conducted. Salvage yards do not include  
3 operations conducted by scrap metal, paper, fiber or plastic processors, or small storage areas for equipment such  
4 as are normally found adjacent to industrial and commercial establishments.
- 5 **Sanitary Landfills** - Locations where trash, garbage, organic materials are buried and maintained in accordance with  
6 local, state, and federal regulations.
- 7 **Seasonal** - A dwelling that is constructed un-insulated.
- 8 **Setback** - The shortest distance between the property line and the building or part thereof.
- 9 **Service Station** - Any land, building, structure, or premises used for the sale of fuel for motor vehicles or installing  
10 or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or painting of  
11 motor vehicles and excluding public parking garages.
- 12 **Shopping Center** - A multi-entity commercial complex under single ownership or control which leases space to  
13 various commercial establishments.
- 14 **Sign** - A sign is any structure or natural object or part thereof or device attached thereto or printed or represented  
15 thereon which is intended to attract attention to any object, product, place, activity, person, institution,  
16 organization, or business, or which shall display or include any letter, word, model, banner, flag, pennant,  
17 insignia, device, or representation used as or which is in the nature of an announcement, direction, or  
18 advertisement.
- 19 **Stable** - A building in which domestic animals, such as horses, ponies, and cattle, are sheltered and fed, having stalls  
20 or compartments.
- 21 **Street** - A public thoroughfare, or right-of-way, dedicated, deeded or condemned for public use and which affords the  
22 principal means of access to abutting property. The word street includes road, avenue, or land, but does not  
23 include alley.
- 24 **Structure** - All construction, including residences, commercial buildings, free standing walls, antennas, signs,  
25 towers, bridges, culverts, or similar uses which may require a building permit issued by the county.
- 26 **Structural Alterations** - Any change in supporting members of a building, such as bearing walls, columns, beams or  
27 girders.
- 28 **Subdivider** - Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or  
29 building development, any subdivision or part thereof as defined herein.
- 30 **Subdivision** - Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites,  
31 units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or  
32 development either on the installment plan or upon any and all other plans, terms, conditions.
- 33 **Tent** - A portable lodge of canvas or strong cloth stretched and supported by poles.
- 34 **Trailer** - A vehicle designed for or used for human habitation.
- 35 **Travel Trailer** - a portable vehicle less than 10 feet wide by 50 feet long designed and used for temporary living and  
36 housekeeping purposes.
- 37 **Truck, Commercial** - Any combination of vehicles over 26,000 lbs. GVWR(Gross Vehicle Weight Rating)
- 38 **Uniform Building Code (UBC)** - The current edition of the Uniform Building Code.
- 39 **Unnecessary Hardship** - That circumstance where special conditions, which were not self-created, affect a particular  
40 property and make strict conformity with the restrictions governing area, setbacks, frontage, height, or density  
41 unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
- 42 **Use** - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be  
43 occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any  
44 nonconforming use.
- 45 **Use, Permitted** - Any use lawfully occupying land or buildings as authorized in the zone regulations and for which  
46 no conditional use permit is required.
- 47 **Variance** - An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a  
48 manner that deviates from the dimensional standards of this ordinance.
- 49 **Veterinary Clinic** - A location for treatment of small or large animals. Animals may be kept overnight or for short  
50 periods of time for treatment.
- 51 **Wholesale** - The sale of goods to a person or company who may sell products to the ultimate consumer. Includes  
52 sale of products in bulk for further repackaging.
- 53 **Yard** - Any space on a lot other than a court, which is open and unobstructed from the ground to the sky.

- 1 **Yard, Front** - An open unoccupied space on the same lot with the building between the front line of the building and  
2 the front line of the lot and extending the full width of the lot.
- 3 **Yard, Rear** - An open unoccupied space on the same lot with the building between the rear line of the building and  
4 the rear line of the lot and extending the full width of the lot.
- 5 **Yard, Side** - An open unoccupied space on the same lot with the building situated between the building and the side  
6 line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall  
7 be deemed a side line.
- 8 **Zoning Administrator** - Designee of the Board of County Commissioners.

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# APPENDIX C

## FEE SCHEDULE

Business Licence Fee .....	County Clerk has fee schedule
Board of Adjustment Appeal Fee .....	\$200.00
Conditional Use Permit Fee .....	\$300.00
A. Alternative Power .....	\$200.00
Excavation Bond .....	Based on use (determined by the Board of County Commissioners)
PUD Application Fee .....	\$500.00 plus \$100.00 per lot
Major Subdivision Application Fee .....	\$500.00 plus \$100.00 per lot
Minor Subdivision Application Fee .....	\$200.00 plus \$100.00 per lot
Temporary Use Permit Fee .....	\$ 75.00
Youth Home Application Fee .....	\$200.00
Zone Change Application Fee .....	\$300.00
Code Amendment .....	\$300.00
Plat Amendment .....	\$300.00

# APPENDIX D

## Appeal Form Board of Adjustment

Appeal Number \_\_\_\_\_  
Date Submitted \_\_\_\_\_  
Address of Site \_\_\_\_\_

Applicant's Name \_\_\_\_\_  
Applicant's Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Type of Appeal Request:

- \_\_\_\_\_ A hearing to determine where it is alleged by the appellant that an error in any order, requirement, decision or refusal in enforcement of the Zoning Ordinance
- \_\_\_\_\_ A variance
- \_\_\_\_\_ An interpretation of the Zoning map and/or Zoning Ordinance
- \_\_\_\_\_ Other: (Please specify) \_\_\_\_\_

Please explain your appeal: (Attach additional sheets if necessary)

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Submitted with this appeal form are:

- \_\_\_\_\_ A plot plan showing:
  3. The location of all existing and proposed structures on the lot and adjoining lots.
  4. Proposed setbacks for the lot lines.
  5. The location and dimensions of street access.
  6. The location of any off-street parking.
  7. The location of natural features which create a hardship in meeting the Zoning Ordinance.
- \_\_\_\_\_ Envelopes, stamped and addressed to the owners of all adjoining property owners to the parcel in question
- \_\_\_\_\_ Documentation for lot of record (canceled checks(s), contracts, stamped documents, etc.)
- \_\_\_\_\_ Filing Fee as outlined in Fee Schedule

**ACTION BY THE BOARD OF ADJUSTMENT**  
(FOR STAFF USE ONLY)

Date of Advertisement: \_\_\_\_\_

Date of Appeal Hearing: \_\_\_\_\_

Board of Adjustment Decision:


VOTE:	YES	NO
	<u>1</u> _____	<u>1</u> _____
	<u>2</u> _____	<u>2</u> _____
	<u>3</u> _____	<u>3</u> _____
	<u>4</u> _____	<u>4</u> _____
	<u>5</u> _____	<u>5</u> _____
		(NAMES)

Absent: \_\_\_\_\_  
\_\_\_\_\_  
(NAMES)

\_\_\_\_\_  
Secretary                  Date

**Sanpete County  
PLANNING COMMISSION APPLICATION**

40 WEST 200 NORTH  
MANTI, UTAH 84642

PHONE 1-435-835-2113  
FAX 1-435-835-2114

**CITY NOTICE OF BUILDING PERMIT REQUEST IN RA-ZONES**

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Name of applicant \_\_\_\_\_ Date \_\_\_\_\_

Name of project \_\_\_\_\_

Project address or plat serial numbers \_\_\_\_\_  
\_\_\_\_\_

Project description \_\_\_\_\_

Municipality \_\_\_\_\_

Zoning \_\_\_\_\_

Acreage \_\_\_\_\_

Applicants address \_\_\_\_\_

Contact person \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

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**ACTION TAKEN**

- |  |     |    |
|--|-----|----|
| 1. Does the city want to annex this property into the city limits? | Yes | No |
| 2. Are the city roads that service this project adequate?          | Yes | No |
| 3. Is curb and gutter and hard surface road required?              | Yes | No |
| 4. Services provided by the city                                   |     |    |
| Water  | Yes | No |
| Power  | Yes | No |
| Sewer  | Yes | No |
| 5. Permission for county to issue permits                          | Yes | No |

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City Representative \_\_\_\_\_

Ordinance No. 01-07-03

**ORDINANCE ON DRY SUBDIVISIONS**

The County Legislative Body of Sanpete County ordains as follows:

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

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

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

- 1) Aspen Hills
- 2) Big Hollow
- 3) Holiday Oaks
- 4) Indian Ridge
- 5) Jap Valley
- 6) Mount Baldy
- 7) Sky Hi
- 8) Skyline Villas
- 9) South Valley Estates
- 10) Temple View Estates
- 11) Pine Creek
- 12) Spring City Rancheros
- 13) Whispering Pines
- 14) Panorama Woods
- 15) Sports Haven a.k.a. Skyline Mountain Resort

WHEREAS for single family dwellings on lots in these developments for

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

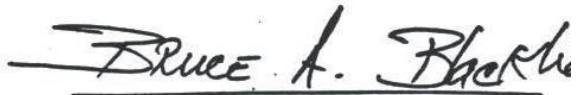
THEREFORE the Commissioners desire to update and redefine the water requirements for these enumerated dry subdivisions and developments recognizing the increasing building of recreational homes in the mountain subdivisions of Sanpete County and corresponding concern for the health, safety and welfare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

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

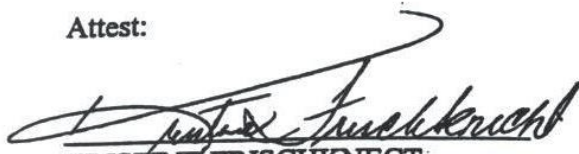
- 1) The recognized "dry" subdivisions in Sanpete County are the same as listed above except for Panorama Woods. Panorama Woods is no longer recognized as a dry subdivision or development because no plat was ever presented to the County for filing.
- 2) Single family dwelling building permits in these recognized dry Subdivisions will continue to be allowed under the following conditions:
  - a) The dwelling is a recreational summer home, meaning a dwelling lived in less than 181 days of the year. Dwellings lived in more than 181 days per year must have an approved source of on-site potable water from a well or water delivered from a central water system.
  - b) A water supply of 1,000 gallons per dwelling delivered/ piped into the dwelling at not less than 25 psi. Piping must be 2 inch or larger and also brought to within 15 feet of any accessible road or driveway and fitted with a shut off valve followed by a 2 ½" male fire thread adapter. This fire outlet must be cleared of vegetation and clearly marked in 1 ½" letters as "Fire Fitting, 1000 gals, suction only."
  - c) Metal roof construction.
  - d) 10 pound fire extinguisher at each outside entry door.
  - e) A site-specific defensible space area as approved by the Building Inspector and local Fire Warden. The size of the defensible space to be determined by the type of wild land vegetation near the dwelling and the steepness of the terrain.

3) This ordinance shall take effect 15 days after passage.

ADOPTED this 7 day of January ~~2002~~ <sup>2003</sup>

  
BRUCE BLACKHAM, Chairman  
Sanpete County Commission

Attest:

  
KRISTINE FRISCHKNECT  
Sanpete County Clerk

Voting for: Bruce Blackham  
~~Eddie Cox~~  
Greg Dettinger  
Claudia Jarratt

## ADDENDUM ON WATER REQUIREMENTS

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

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

\* State Water Rights requirements

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

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

3 acre-foot for each acre watered.

